1886

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133

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 2, 1886.

☞ Sparate 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 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

BANK OF BENGAL.

NOTICE.

Calcutta, the 22nd December 1885.

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

Mr. F. T. Lewis has been appointed to act as Cashier and to sign for the Bank, *vice* Mr. R. L. Biss, who has been granted leave to Europe.

By order of the Directors,

R. HARDIE,
Secy. & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 31st December 1885.

No. 11.—Mr. C. B. D. Marks, Superintendent, 4th Grade, is allowed furlough for twenty-four

months under Section 50 of the Civil Leave Code, with effect from the forenoon of the 4th December 1885.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 26th December 1885.

No. 4631.—Under orders conveyed in Foreign Department No. 247 C. G. of the 12th December 1885, Surgeon-Major R. Caldecott assumed medical charge of the Camp of the Agent to the Governor General for Central India, on the forenoon of the 10th November 1885.

By Order,

L. S. NEWMARCH,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

CHIEF COMMISSIONER OF AJMERE-MERWARA IN THE P. W. DEPT.

NOTIFICATION.

Camp Beawar, the 24th December 1885.

No. 3404 *S.*—Under Section 6 of Act XV of 1873, the Chief Commissioner is pleased to notify that Mr. T. Harris having been duly elected is appointed to be a Suburban Member of the Ajmere Municipal Committee, *vice* Lieutenant-Colonel Moberly, resigned.

Notification No. 1173 of the 27th of April last is herewith cancelled.

By Order,

WM. G. CUMMING, *Major, R.E.*,
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. Dept.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 28th December 1885.

No. 170.—In supersession of Director General's Notification No. 162, dated the 8th December 1885, Mr. W. Monies, Executive Engineer, 4th Grade, temporary rank, is posted to the North-Western Railway.

No. 171.—Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is transferred, in the interests of the public service, from the Bilaspur-Etawah State Railway to the Sind-Sagar State Railway.

H. F. HANCOCK, *Major-Genl., R.E.*,
Offg. Director General of Railways.

CALCUTTA MINT.

NOTIFICATION.

Calcutta, the 15th August 1885.

No. 684.—List of coins acquired under the Indian Treasure Trove Act and available for sale to numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884.)

Date.	Where struck.	Metal.	Obverse.	Reverse.	Value per coin.	REMARKS.
					R a. p.	
About 1192 A.D.	India.	Copper	Horseman with an indistinct Persian inscription, probably "*Muhammad.*"	Bull with a Hindi inscription "*Shri Muhammad Same.*"	0 1 0	There are 76 of these coins available for sale.

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

Statement of Silver Balance in the Calcutta Mint for the fortnight ending 30th December 1885.

		R
Value of silver held in the Mint on account of the Currency Department on the evening of the 16th December 1885 .	10,6,191	
Value of Government silver in the Mint on the same date .	15,6,726	
		26,32,917
Add—Silver received by the Mint during the fortnight on account of the Currency Department .	5,,049	
Ditto ditto Government	2,,319	
		7,68,368
		34,01,285
Deduct—New coin paid to Reserve Treasury during the fortnight	100,000	
Petty items issued for miscellaneous purposes	..	
		10,00,000
Balance on the evening of the 30th December 1885 . .	...	24,01,285
The Balance comprises—		
Silver held on account of the Currency Department .	07,782	
Ditto ditto Government	193,503	
		24,01,285
There is in addition, awaiting assay, Bullion belonging to private individuals . .	549,532	
Ditto ditto Government	...	
		20,49,532

R. V. RIDDELL, *Major, R.E.*,
Master of the Mint.

CALCUTTA MINT;
The 31st December 1885.

NOTICE

Blank Cheque Book No. 226 of the Public Works Department having been lost, Treasury Officers are requested not to cash any cheque bearing the number of the book.

T. G. W. CANNON,
Engineer-in-Chief, Benares-Cuttack & Tee Railway Surveys.

The 30th December 1885.

Statement of the Affairs of the Bank of Bengal for the week ending 29th December 1885.

LIABILITIES.	R	a.	p.	ASSETS.	R	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities . . .	67,55,360	4	0
Reserve Fund	41,57,264	15	0	Other authorized Investments .	49,96,095	0	0
Public Deposits at Head Office . 67,35,543 15 3				Loans on Government and other authorized Securities . .	75,2[illegible],582	2	10
Public Deposits at Branches . 73,09,941 13 8	1,40,45,485	12	11	Accounts of Credit on Government and other authorized Securities .	1,03,64,870	9	10
Other Deposits at Head Office and Branches	3,72,97,794	8	6	Bills discounted and purchased .	1,43,44,459	9	9
Bank Post Bills, &c. . . .	3,70,268	9	7	Balances with other Banks . .	4,79,701	3	8
Sundries	16,60,928	12	10	Bullion	4,955	6	8
				Dead Stock	11,51[illegible],204	8	10
				Stamps	7,701	6	0
				Sundries	7,34,207	5	3
					4,63,65,137	8	10
				Cash and Currency Notes at Head Office . 1,15,57,495 9 6			
				Cash and Currency Notes at Branch . 1,96,09,109 8 6	3,11,66,605	2	0
RUPEES .	7,75,31,742	10	10	RUPEES .	7,75,31,742	10	10

By order of the Directors,

BANK OF BENGAL,
Calcutta, 31st December 1885.

D. FRASER,
Offg. Chief Acctt.

R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 58·3.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value. R	Value. a.	Number available for sale.	REMARKS.
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper .	0	1 each	54	Found in the Fatehgarh District.
3	Old Hindu punched coins . .	Silver .	3	0 a set	4 sets of 12 coins each.	Found at Chaibassa in the Singbhoom District.
4	Ditto ditto . .	Silver .	0	4 each	278	

R. V. RIDDELL, *Major, R. E.*,
Master of the Mint.

CALCUTTA MINT,
The 31st December 1885.

[illegible]tus,
[illegible]t to Lem
A. J. Loftus,

Report of a Deserter from the 2nd Battalion, East Yorkshire Regiment of Foot, dated at Colaba, Bombay, this 22nd December 1885.

Number, Rank, and Name.—No. E. Y.—28, Private John Barry.
Age,—27 years 7 months.
Size,—5 feet 7 inches.
Colour of—Complexion, dark; Hair, brown; Eyes, hazel.
Date of Desertion,—16th December 1885.
Place of Desertion,—Colaba.
Date of Enlistment,—15th September 1881.
At what Place Enlisted,—Beverley.
Parish and County in which Born,—Aldborough, Suffolk.
Marks,—Vaccination 1 mark, left arm; anchor, leaf, flower, star, on left forearm and hand.
Trade,—Steward.
Coat or Jacket,— } Regimentals.
Waistcoat,— . }
Breeches or Trowsers,— . }
REMARKS,—But was seen in plain clothes in Temple Bar Hotel, Bombay, on the night of 16th instant. Under 5 years' service.

A. E. H. SMYTH, *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:—

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
46	B 84—40580	100	Post Master General, Madras.
	,, —45009	100	
	,, —92059	100	
	B 85—22059	100	
	,, —26945	100	
	,, —82534	100	
	,, —91654	100	
	,, —99351	100	
	B 86—01994	100	
	,, —02786	100	
	,, —03578	100	
	,, —08418	100	
	,, —11606	100	
	,, —14243	100	
	,, —14964	100	
	,, —15349	100	
	,, —15369	100	
	,, —15756	100	
	,, —16296	100	
	,, —23191	100	
	,, —24987	100	
	,, —28271	100	
	,, —28272	100	
	,, —28273	100	
	,, —29164	100	
	,, —37103	100	

FORT ST. GEORGE,
The 21st December 1885.

W. T. PIERCY,
Asst. Accountant Genl.,
In charge of Paper Currency Dept.

GOVERNMENT ENGINEERING COLLEGE.

An examination for admission to the Mechanical Apprentice Department will be held at the H[illegible] on Monday and Tuesday, the 18th and [illegible] 1886.

Candidates must apply in writing to the Principal of the College not later than the 10th January 1886, for permission to appear at the examination, enclosing a certificate of good conduct and a certificate of age.

For admission to this Department, 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.

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

SEEBPORE,
The 5th December 1885.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th December 1885.

EXCHANGE OF PARCELS WITH MALTA.

From the 1st of January 1886, parcels will be received at any Indian Post Office for transmission to *Malta*.

2. The limit of weight for such parcels will be 7 pounds.

3. The rate of postage, and the conditions as to size, contents, value, customs declarations and manner of posting generally, will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

The 31st December 1885.

No. 12608.—Mr. H. P. Todd, 1st Class Mail Officer, Sea Post Office, Bombay, is appointed to officiate as Deputy Post Master, Bombay, *vice* Mr. W. Merrett.

Mr M. F. Ingle, 2nd Class Mail Officer, is appointed to officiate as 1st Class Mail Officer, *vice* Mr. Todd.

Mr. G. A. T. Bennett, 3rd Class Mail Officer, is appointed to officiate as 2nd Class Mail Officer, *vice* Mr. Ingle.

Mr. G. S. Hooper, Assistant Mail Officer, is appointed to officiate as 3rd Class Mail Officer, *vice* Mr. Bennett.

Mr Vaman Keshav is appointed to officiate as Manager, Dead Letter Office, Bombay, *vice* Mr. Dinanath Babaji.

H. E. M. JAMES,
Depy. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 30th December 1885.

Allen, Mrs. J. J.
Brinsmead & Co.
Bunbury, C. E. F.
Charter, Samuel.
Cumberland, S.
Frick, J.
Gilmore, Rev. F. P.
Hammond, Capt. D.
Harrey & Hendry.
Harvey, G.
Heywood, J. G.
Jones, Rev. P. J.
Kribs, H. F.
Leane, A. L.
Nicola, J.
Roecliffe, R. H.
Ryland, Capt.
Seston, S.
Standford, Col.
Taylor, R. J.
Thompson, Mrs.

Letters marked "Care of Post Office."

A. B.
Adcock, H.
A. G., Miss.
Anderson, Miss Wright.
Aniacke, L. A. C.
Arnold, Edwin.
Atkinson, Mrs. T.
Atkinson, Thos.
Baggs, W. H.
Barclay, J. J. T.
Barr, H. C.
Bateman, S. H.
Bennett, J. B.
Best, D.
Biondi, Felecia.
Bowen, G. W. H.
Bowen, Sir Geo. F.
Bracken, J. M.
Brown, Rev. J. J.
Bruce, T.
Burke, Master W. T.
Catter, A.
Cavanagh, J.
Cave, W.
Clift, H. W.
Cowie, Col.
Crawhall, Hugh.
Cumberland, Mrs. S.
"Dee."
E.
Easton, Percy H.
Farnington, J.
Flinsch, Ferdinand.
Forbes, Norman D.
Fraiser, H.
Franklin, R. O.
Freshfield, E.
Geary, Gratton.
G. P. O.
Gilmour, Capt. D. C.
Gordon, George.
Gow, Mrs.
Gow, J. F.
Greenhill, E. G.
Greig, J.
Gusture, Esq. H.
H. H.
Harris, Thos.
Heath, Mrs.
Henstrom, E. W.
His Highness Maharajah of Hutwa.
Hobbs, J.
Hobson, E. A.
Horsford, Mr.
Irvine, Esq.
Jessie.
"Jute Spinner."
K. P. M.
Kellner, E. R
King, Rev. A. F.
Kirkbride, J.
Knight, Capt. M. J.
Krrakhaman, S.
Larkin, H.
Leon, A. L.
Lowe, Mrs.
MacDougall, D.
Mattin, Mrs.
Meiklejohn, Dr. L. M.
Melliss, Major.
Menzies, W. D.
Meyer, A.
"Midas."
Miraglia, Guiseppee.
Moore, Capt. G. R.
Newman, C. F.
"Nemo."
Noel, L. A.
Norris, H.
Palmer, Col. A. P.
Paterson, Dr. Geo.
Penrose, Miss.
Phillips, Henry.
Pierotti, Nicolao. R. B.
Rand, Rev. W.
Rateaux, Calcraf.
Remeneh, Herr.
Richards, H. A.
Robinson, F. A.
Robinson, Miss C.
Rode, Capt. J.
Sawyer, Chas. H.
Scott, John.
Shepperson, W.
Smith, F. E., Mrs.
Speakman, Miss.
Stamton, C.
Stevens, H. W.
Stuart, Miss.
Stuart, C. S.
Symons, W. S.
Talbot, Mrs. H. B.
Tancovice, M.
Thiband, P. T.
Thom, Alfred A.
Thompson, R. S.
Thorpe, Sydney.
Thurman, W. A.
Tighe, James.
Tudor, T. G.
Tulloch, H.
Tyrrell, David.
Vab, Mrs.
"W. A. M."
Walker, P. C.
Walters, G. H.
Webster, Fred.
Webster, T. E.
Whitworth, Henry.
Wilson, Mrs.
Wittelstraus, W.
X. X. A.

Registered Letters.

Allen, C. H.
Bowen, Miss A.
Forbes, N. D.
Harris, Ashley.
Nilson, Mrs.
Overbury, Mrs. F.
Palmer, Col. A. P.
Roe, Lt. R. J.
Savi, H. N.
Sternbergh, M.
Turner & Co.
Weir, W. H.
Wilson, Mrs.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 28th December 1885.

Commissariat Agent.
Davies, F. E.
Doorga Mitter, Contractor.
Hart, H.
Henderson, Col.
Henry, Esq.
Kennedy, W. R. R.
Nicholls, H.
Nicholls, Mrs. W. S.
Nixon, Capt. R. R.
O'Connor, E. P.
Quinlan, Rev. A. R.
Walker, A. H
Whitmarsh, Mrs. H.

A. P. GHOSAL,
Postmaster, Barrackpore.

The 2nd January 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during January 1886:—

DATE OF CLOSING.	ROUTE.
8th January 1886	By P. & O. Steamer from Bombay.
9th January 1886*	By B. I. S. N. Co.'s Private Vessel.
20th January 1886	By P. & O. Steamer from Calcutta.
19th January 1886	By P. & O. Steamer from Bombay.
30th January 1886*	By B. I. S. N. Co.'s Private Vessel.
23rd January 1886	By P. & O. Steamer from Calcutta.
26th January 1886*	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. (pre-payment compulsory).

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

The 2nd January 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	9th Jan.	P. & O. Str. *Khedive.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	5th ,,	From Bombay.
Foreign Mails *vid* Bombay	5th ,,	From Bombay.*
Ditto Book Post and Pattern Packets	4th ,,	From Bombay.
Rangoon and Moulmein	6th ,,	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway and Rangoon	6th ,,	Str. *Mahratta.*
Straits and Hong-Kong	8th ,,	Str. *Wingsang.*

* Also for Cape of Good Hope and Natal 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

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8*; per eight-ounce tin, *₹8-8*; per pound tin, *₹16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8*; per eight-ounce tin, *₹10-8*; per pound tin, *₹20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

یہہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سوائے اونکے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد — فوج فیل خرید کرسکتے ہیں یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ '

اور عوام الناس بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنے نرخ چار اونس ٹین کا پانچ روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا بس روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا بیس روپیہ '

یہہ دوا کلکتہ کے بڑے بڑے ولایتي اور دیسي دوا خانونمیں ہی ماسوائے قیمت مذکورۂ بالا کے محصول ڈاک چار اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے

to Lem
A. J. Loftus,

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore; near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلین سنکونا دوائي بخار

لال سنکونا بارک کي ایک نئي اور عمدہ دوا گورنمنٹ فاکٹري مین تیار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کونین کے لئے یه بهت خوب قایم مقام هی اور سیب پور متصل کلکته کے بوٹانکل گارڈن یعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ایک ملازم سرکاري کام اور خیرات کے لئے اور وہ لوگ جو ایک مشت بیس پونڈ لین نقد اس بهاو سے خرید سکتے هین یعنے چار آونس کے تین کا چهه روپیه آٹهه آنه ; آٹهه آونس کے تین کا بارہ روپیه آٹهه آنه ; اور ایک پونڈ کے تین کا چوبیس روپیه —

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 9, 1886.

☞ **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 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

BANK OF BENGAL.

NOTICE.

Calcutta, the 2nd January 1886.

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

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

Mr. E. M. Slater, Agent at Bombay, has, on return from leave, resumed charge of the Agency.

Mr. D. Fraser has been appointed Agent at Dacca.

R. HARDIE,
Secy. & Treasurer.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 4th January 1886.

No. 10.—Surgeon A. Dane, M.D., held charge of the Sehore Treasury, in addition to his own duties as Medical Officer of the Bhopal Battalion and Agency, from the forenoon of the 5th November to the afternoon of the 7th December 1885, during the absence, on duty, of the Political Agent and Commandant, Bhopal Battalion.

By Order,

L. S. NEWMARCH,

for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 29th December 1885.

No. 3918 *G.*—No. 563 Sub-Hospital Assistant Rahmat Qollah, attached to the Deolie Irregular Force, is granted sixty days' leave of absence, with effect from the 2nd January 1886.

By Order,

E. G. COLVIN,

1st Asst. Agent to the Govr. Genl., Rajputana.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 29th December 1885.

No. 172.—With reference to Public Works Department Notification No. 336, dated the 16th December 1885, Mr. J. Tait, Executive Engineer, 3rd Grade, sub. *pro tem.*, is posted to the Bolan State Railway.

The 31st December 1885.

No. 173.—With reference to Public Works Department Notification No. 345, dated the 24th December 1885, Mr. M. McInerney, Class III of the Superior Revenue Establishment of State Railway Stores Department, is posted to the North-Western Railway.

The 4th January 1886.

No. 1.—With reference to Public Works Department Notification No. 344, dated the 24th December 1885, Mr. B. P. Milsom, Executive Engineer, 3rd Grade, is posted to the Bellary-Kistna State Railway.

H. F. HANCOCK, *Major-Genl., R.E.,*
Offg. Director-General of Railways.

Statement of Silver Balance in the Calcutta Mint for the week ending 6th January 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 30th December 1885	9,07,782	
Value of Government silver in the Mint on the same date	14,93,503	24,01,285
ADD—		
Silver received by the Mint during the week on account of the Currency Department	99,037	
Ditto ditto Government	...	99,037
		25,00,322
DEDUCT—		
New coin paid to Reserve Treasury during the week	6,00,000	
Petty items issued for miscellaneous purposes	476	6,00,476
Balance on the evening of the 6th January 1886	...	18,99,846
The Balance comprises—		
Silver held on account of the Currency Department	2,21,791	
Ditto ditto Government	16,78,055	18,99,846
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	28,89,550	
Ditto ditto Government	...	28,89,550

R. V. RIDDELL, *Major, R.E.,*
Master of the Mint.

CALCUTTA MINT,
The 7th January 1886.

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.
W18	N 4—15807	50	Munshi Safdar Husain Khan, Haidoi.
	„ —15809	50	

ALLAHABAD,
The 6th January 1886.

A. H. ANTHONY,
Asst. Accountant Genl., In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No. 1885.	No. of Notes.	Value. ₹	Name of Claimant.
W21	M 76—40067	1,000	Mansa Ram, Ludhiana.
	„ —40070	1,000	
	„ —35772	1,000	
W22	M 76—70866	1,000	Ackareem Kengar, Bombay.
	„ —56146	1,000	

BOMBAY,
The 29th December 1885.

L. E. PRITCHARD,
for *Assistant Commissioner.*

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 December 1885.

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. 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 December 1885	54,100	13,72,587	27,49,600	2,19,85,600	91,74,800	2,55,12,000	2,32,17,800	8,40,12,387	44,04,000	79,06,900	9,58,23,800	10,81,34,700	1,23,000	32,200	19,23,56,387			
Add—																		
Amount enfaced at Madras between 16th and 31st December 1885	...	...	3,400	27,100	1,600	...	...	32,100	...	...	20,200	20,200	...	...	52,300			
Amount enfaced at Bombay between 16th and 31st December 1885	...	...	...	10,000	...	6,000	1,000	17,000	...	...	3,500	3,500	...	...	20,500			
Amount enfaced at Calcutta between 16th and 31st December 1885	...	...	...	7,500	...	37,700	1,500	46,700	10,000	...	4,000	14,000	...	...	60,700			
	54,100	13,72,587	27,53,000	2,20,30,200	91,76,400	2,55,55,700	2,32,20,300	8,41,08,187	44,14,000	79,06,900	9,58,53,500	10,81,72,400	1,23,000	32,200	19,24,89,887			
Deduct—																		
Amount written off in the London Registers	...	2,500	...	46,200	20,300	96,400	21,100	1,86,560	...	60,000	3,98,100	4,58,100	...	...	6,44,660			
Balance on 31st December 1885	54,100	13,70,027	27,53,000	2,19,84,000	91,56,100	2,54,59,300	2,32,99,200	8,39,21,627	44,14,000	78,46,900	9,54,53,400	10,77,14,300	1,23,000	32,200	19,18,45,227			

NOTE.—From 9th June 1867 to 31st October 1885 enfaced from London 4,571 lakhs.
1st Nov. 1885 to 15th Nov. „ „ „ 16 „
16th „ „ to 30th „ „ „ 16 „
1st Dec. „ to 15th Dec. „ „ „ 9 „
16th „ „ to 31st „ „ „ 6 „
4,518 lakhs.

5,179 lakhs.
4,618 „
561 lakhs.

Balance against India

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 2nd January 1886.

Report of a Deserter from the 2nd Battalion, Leicestershire Regiment of Foot, dated at Lucknow, this 6th day of January 1886.

Number, Rank, and Name.—No. A.R.—960, Private Walter Scott, *alias* Greany.
Age,—21 years 6 months.
Size,—5 feet 5 inches.
Colour of—
Complexion, sallow; Hair, fair; Eyes, grey.
Date of Desertion,—3rd January 1886.
Place of Desertion,—Lucknow.
Date of Enlistment,—10th July 1884.
At what Place Enlisted,—Aldershot.
Parish and County in which Born,—Hever, Co. Glamorgan,
Marks,—None.
Trade,—Carpenter.
Coat or Jacket,— } Regimentals.
Waistcoat,— }
Breeches or Trowsers,— }
REMARKS,—Has deserted twice previously. On furlough.
Under 2 years' service.

CECIL M'PHERSON, *Colonel*,
Comdg. 2nd Battn., Leicestershire Regt.

NOTICE.

Blank Cheque Book No. 17226 of the Public Works Department having been lost, Treasury Officers are requested not to cash any cheque bearing the number of the Book.

T. G. W. CONCANNON,
for *Engineer-in-Chief*,
Benares-Cuttack & Pooree Railway Surveys.

The 30th December 1885.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 8th December 1885.

EXCHANGE OF PARCELS WITH MALTA.

From the 1st of January 1886, parcels will be received at any Indian Post Office for transmission to *Malta*.

2. The limit of weight for such parcels will be 7 pounds.

3. The rate of postage, and the conditions as to size, contents, value, customs declarations and manner of posting generally, will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 7th January 1886.

Bunbury, C. E. F.	Harvey, G.	Rocciffe, R. H.
Callander, Mrs.	Hembrough, Miss.	Ryland, Capt.
Charter, Samuel.	Jones, Rev. P. J.	Sexton, S.
Cuffe, Surg.-Major.	Kribs, H. F.	Shaw, T. J.
Cumberland, S.	Leane, A. L.	Standford, Col.
Freeman, W. F.	Lebarbier, Monsieur.	Stevenson, James.
Frick, J.		

Letters marked "Care of Post Office."

A. B.	Goldbergh, H.	Paterson, Dr. Geo.
Adcock, H.	Gordon, George.	Pearson, J.
Allen, Louis.	Gow, Mrs.	Penrose, Miss.
Anderson, Miss Wright	Gow, J. F.	Philips, Henry.
Aniacke, L. A. C.	Greenhill, E. G.	Pierotti, Nicolao.
Atkinson, Mrs. T.	Greig, J.	Pike, H. R.
Atkinson, Thos.	Gusture, Esq.	Powell, W. G. N.
A. S. 27.	Harward, A. E.	R. B.
Baggs, W. H.	Hay, Major G.	Rand, Rev. W.
Barclay, J. J. T.	H. H.	Rateaux, Calcraf.
Barnett, Mrs. E.	Heath, Mrs.	Richards, H. A.
Bateman, S. H.	Henderson, Joseph.	Robinson, F. A.
Batt, E. W.	Henstrom, E. W.	Robinson, Miss C.
Bennett, J. B.	His Highness Maharajah	Robinson, W.
Best, D.	of Hutwa.	Rode, Capt. J.
Biondi, Felecia.	Hobbs, J.	Rodgers, J.
Bogle, Miss.	Horsford, Mr.	Sawyer, Chas. H.
Bracken, J. M.	Howie, J. W.	Scobell, S. E.
Brown, Rev. J. J.	Irvine, Esq.	Scott, C. E. C.
Bruce, T.	Jessie.	Scott, John.
Burke, Master W. T.	"Jute Spinner."	Shepperson, W.
C. A. L.	K. P. M.	Silcock, J.
Catter, A.	Kellner, E. R.	Smith, F. E., Mrs.
Cavanagh, J.	King, Rev. A. F.	Stamton, C.
Clift, H. W.	Kirkbride, J.	Stevens, H. W.
Cohen, Miss Fanny.	Knight, Capt. M. J.	Steward, Campbell.
Crawhall, Hugh.	Krrakhaman, S.	Stuart, Miss.
Cumberland, Mrs. S.	Lefiler, James.	Stuart, C. S.
"Dee."	Low, Rev. H. P.	Symons, W. S.
Dodd, C. B. N.	Lowe, Mrs.	Talbot, Mrs. H. B.
E.	MacDougall, D.	Thiband, P. T.
Easton, Percy H.	Mattin, Mrs.	Thorpe, Sydney.
Eden, Colonel.	May, J. A.	Thurman, W. A.
Ellis, Mrs. Jas.	McNeil, Daniel.	Tighe, James.
Evezard, E.	Meiklejohn, Dr. L. M.	Tudor, T. G.
Finkler, Moritz.	Menzies, W. D.	Tulloch, H.
Flinsch, Ferdinand.	"Midas."	Tyrrell, David.
Fraiser, H.	Miraglia, Guisepee.	Vab, Mrs.
Fraser, James.	Morgan, Mrs J. H.	Walker, P. C.
Franklin, R. O.	Murdock, Mrs.	Walters, G. H.
Freise, C.	Newman, C. F.	Watson, G.
Freshfield, E.	"Nemo."	Webster, Fred.
Geary, Gratton.	Noel, L. A.	Webster, T. E.
G. P. O.	Norris, H.	Whitworth, Henry.
Gibbs, J.	Palmer, Col. A. P.	Wittenstraus, W.
Gilmour, Capt. D. C.	Page, George.	X. X. A.

Registered Letters.

Harris, Ashley.	Savi, H. N.	Sutherland, Esq.
Nilson, Mrs.	Steinbergh, M.	Wilson, Mrs.
Roe, Lt. R. J.		

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 4th January 1886.

Blessley, Miss.	Gordon, Col. W. R.	O'Connor, R. P.
Cameron, Sergt. R. R.	Hart, H.	Quinlan, Rev. A. B.
Commissariat Agent.	Hay, T. Napier.	Riddal, Capt. W.
Davies, F. E.	Hemfress, G.	Rushton, H. D.
DeCosta, P.	Henderson, Col.	Spens, Lt.
Dulland, M.	Henry, Esq.	Sherlock, T.
Ferris, Sergt. T.	Kennedy, W. G.	Smith, Mrs. M. A.
Fisher, J. H.	Khoirudin, S. K.	Taylor, Major T. O. S.
Foley, Rev. T.	Nicholls, H.	Walker, A. H.
Fowler, T.	Nixon, Capt. E. B.	

A. P. GHOSAL,
Postmaster, Barrackpore.

The 9th January 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	9th Jan.	P. & O. Str. *Rhadua.*
Foreign Mails *viâ* Bombay	12th ,,	From Bombay.
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NOTICE.

Blank Cheque Book No. 17026 of the Public Works Department having been lost, Treasury Officers are requested not to cash any cheque bearing the number of the Book.

T. G. W. CONCANNON,

for *Engineer-in-Chief,*

Benares-Cuttack & Pooree Railway Surveys.

The 30th December 1885.

No. 1775.—*Account of Revenue and Expenditure of the Government of India for the first five months of the year 1885-86, as compared with the corresponding period of 1884-85.*

N.B.—Amounts are converted into sterling at ₹10 to the pound sterling.

	Revenue.	Estimates, 1885-86.	April 1884 to August 1884.	April 1885 to August 1885.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	7,681,224	7,969,041	287,817	...
II	Opium	9,025,500	3,551,041	3,687,770	136,729	...
III	Salt	6,400,000	2,572,668	2,626,961	54,293	...
IV	Stamps	3,633,400	1,600,263	1,643,831	43,568	...
V	Excise	4,070,000	1,646,742	1,711,177	64,435	...
VI	Provincial Rates	2,856,800	983,431	1,085,850	102,419	...
VII	Customs	1,175,000	395,522	469,188	73,666	...
VIII	Assessed Taxes	514,900	413,632	410,944	...	2,688
IX	Forest	1,060,100	271,080	275,905	4,825	...
X	Registration	281,800	130,480	143,276	12,796	...
XI	Tributes from Native States	691,300	184,160	178,063	...	6,097
XII	Post Office	1,101,700	440,429	459,790	19,361	...
XIII	Telegraph	540,100	188,860	243,011	54,151	...
XIV	Mint	125,000	49,024	105,745	56,721	...
XV	Law and Justice	595,300	199,126	203,085	3,959	...
XVI	Police	311,600	126,044	120,619	...	5,425
XVII	Marine	176,400	48,279	63,848	15,569	...
XVIII	Education	201,800	75,876	78,684	2,808	...
XIX	Medical	52,600	16,632	17,172	540	...
XX	Scientific and other Minor Departments.	86,100	27,613	18,114	...	9,499
XXI	Interest	659,400	348,922	322,180	...	26,742
XXII	Receipts in aid of Superannuation, &c.	257,700	56,294	64,839	8,545	...
XXIII	Stationery and Printing	54,100	16,086	17,565	1,479	...
XXIV	Miscellaneous	267,700	104,547	112,590	8,043	...
		57,002,900	21,127,975	22,029,248	901,273	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,841,700	1,390,612	1,610,027	219,415	...
	East Indian Railway (Gross Earnings).	4,550,000	1,764,489	1,954,684	190,195	...
	Eastern Bengal Railway (Gross Earnings).	550,000	...	173,835	173,835	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	2,178,716	2,291,471	112,755	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	492,075	355,042	...	137,033
	Unproductive Public Works.					
XXIX	State Railways	148,400	86,099	113,541	27,442	...
XXX	Subsidized Railways	....	...	...	...	...
	Southern Mahratta Railway	100,000	5,799	28,617	22,818	...
XXXI	Irrigation and Navigation	135,400	48,183	44,776	...	3,407
XXXII	Military Works	40,800	12,794	14,164	1,370	...
XXXIII	Civil Buildings, Roads, and Services	474,600	200,250	174,396	...	25,854
XXXIV	Army	814,000	279,377	306,415	27,038	...
XXXV	Military Operations in North-West Frontier.	...	...	9,843	9,843	...
		71,892,500	27,586,369	29,106,059	1,519,690	...
	England, including Army, Public Works, &c.	197,900	124,577	79,566	...	45,011
	GRAND TOTAL	72,090,400	27,710,946	29,185,625	1,474,679	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 8th January 1886.

	Expenditure.	Estimates, 1885-56.	April 1884 to August 1884.	April 1885 to August 1885.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	1,655,404	1,710,806	55,402	...
2	Do. on other Obligations	411,000	80,322	68,777	...	11,545
3	Refunds and Drawbacks	224,400	80,062	110,179	30,117	...
4	Assignments and Compensations	1,248,500	368,825	372,231	3,406	...
5	Land Revenue	3,443,800	1,336,873	1,345,876	9,003	...
6	Opium (including cost of production)	2,473,700	2,291,681	2,293,680	1,999	...
7	Salt (do. do.)	492,300	198,875	179,537	...	19,338
8	Stamps	84,800	38,832	37,178	...	1,654
9	Excise	123,500	39,694	51,852	12,158	...
10	Provincial Rates	113,500	22,482	21,337	...	1,145
11	Customs	133,200	58,447	53,902	...	4,545
12	Assessed Taxes	13,400	5,772	5,386	...	386
13	Forests	725,300	238,267	237,685	...	582
14	Registration	181,100	74,602	79,688	5,086	...
15	Post Office	1,161,300	446,802	486,675	39,873	...
16	Telegraph	607,900	203,491	216,441	12,950	...
17	Mint	77,500	31,664	41,403	9,739	...
18	General Administration	1,335,700	538,991	564,910	25,919	...
19	Law and Justice	3,437,500	1,355,872	1,369,215	13,343	...
20	Police	2,855,700	1,124,328	1,144,975	20,647	...
21	Marine (including River Navigation)	365,800	128,484	139,925	11,441	...
22	Education	1,291,900	459,402	470,946	11,544	...
23	Ecclesiastical	169,700	67,294	67,261	...	33
24	Medical	760,400	292,575	296,021	3,446	...
25	Political	629,800	196,630	585,574	388,944	...
26	Scientific and other Minor Departments	477,900	211,988	215,377	3,389	...
27	Territorial and Political Pensions	654,900	264,263	262,178	...	2,085
28	Civil Furlough and Absentee Allowances	5,200	8,231	1,188	...	7,048
29	Superannuation Allowances and Pensions	763,400	367,780	386,230	18,450	...
30	Stationery and Printing	374,000	144,988	153,473	8,485	...
31	Miscellaneous	263,700	114,117	118,264	4,147	...
32	Famine Relief	33,000	176	4,486	4,310	...
33	Protective Works—Railways	500,000	424,196	...	...	424,196
34	Do do Irrigation	287,300	81,624	72,965	...	8,659
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,238,336	614,305	...	624,031
		33,774,400	14,191,370	13,779,926	...	411,444
	Productive (Public Works.					
36	State Railways (Working Expenses)	2,270,500	817,921	914,024	96,103	...
	East Indian Railway (Working Expenses	1,826,500	863,283	697,052	...	166,231
	Eastern Bengal Railway ditto	232,500	...	119,287	119,287	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	63,968	38,907	...	25,061
38	Irrigation and Navigation (Working Expenses)	593,100	233,972	238,135	4,163	...
39	Charges in respect of Capital— Guaranteed Railways Interest	4,400	6,966	2,291	...	4,675
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	55,937	99,039	43,102	...
41	Do. (Working & Maintenance)	119,900	64,790	61,009	...	3,781
42	Subsidized Railways	39,800	15,407	9,349	...	6,058
	Southern Mahratta Railway	80,300	50,598	25,016	...	25,492
43	Frontier Railways	100,000	18,412	...	...	18,412
44	Irrigation and Navigation	706,100	269,913	271,431	1,518	...
45	Military Works	1,088,300	320,261	287,564	...	32,697
46	Civil Buildings, Roads, and Services	4,040,600	1,259,607	1,187,867	...	71,740
47	Army	12,161,500	4,895,623	5,054,271	158,648	...
48	Military operations in N.-W. Frontier	...	...	1,315,894	1,315,894	...
		57,951,900	23,127,938	24,101,062	973,124	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	6,725,314	6,425,068	...	300,246
		72,306,500	29,853,252	30,526,130	672,878	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,900,600	643,129	1,386,444	743,315	...
	East Indian Railway	340,000	54,292	126,622	72,330	...
	Eastern Bengal Railway	132,100	....	48,603	48,603	...
51	Irrigation and Navigation	813,700	228,000	252,342	24,342	...
	In England—					
	State Railways	862,100	1,307,680	422,796	...	884,884
	East Indian Railway	...	167,670	...	...	167,670
	Eastern Bengal Railway	350,900	...	...	...	...
	Irrigation and Navigation	6,000	260	3,572	3,312	...
		4,405,400	2,401,031	2,240,379	...	160,652
	GRAND TOTAL	76,711,900	32,254,283	32,766,509	512,226	...

* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

E. GAY,
Offg. Comptroller General.

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 7th January 1886.

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
	STATE RAILWAYS (CAPITAL).		
1	Amritsar-Pathankot	Oct. 1885	Dec. 12, 1885
2	Punjab Provincial Surveys	Do. "	Do. 15, "
3	State Ry. Stores Branch	Do. "	Do. 18, "
4	Cawnpore-Achnera		
	Dhond and Manmad		
	N.-W. P. and Oudh Subsidised.		
5	Nalhati	Do. "	Do. 21, "
	Punjab Northern		
	Sindh-Sagar		
	Wardah Coal		
11	Bombay Railway Surveys	Do. "	Do. 22, "
43	Sindh-Pishin		
	Indus Valley	Do. "	Do. 23, "
	Madras Railway Surveys		
	Bengal & North-Western.		
	Jhansi-Manikpur		
15	Nagpur-Chhatisgarh		
	Nagpur-Bengal	Do. "	Do. 24, "
	Bellary-Kistna		
	Sind-Sagar Bridge Division		
	Tirhoot		
	Bhopal		
	British Burmah		
	Cuddapah-Nellore		
22	Dacca-Mymensing		
	Eastern-Bengal	Do. "	Jan. 2, 1886
	Kannia-Dhoria		
	Southern-Mahratta		
	Umaria Colliery		
	Assam Railway Surveys		
	Assam Subsidised Rys.		
	Holkar		
	Northern Bengal		
	N.-W. P. and Oudh Provincial Rys.	Do. "	Do. 4, "
	Oudh Rohilkund Railway		
	Chord Punjab Northern		
	Rajputana-Malwah		
37	Bengalpur-Bhagwangola	Do. "	Do. 5, "
39	Rajputana-Malwah	Sept. "	Dec. 7, 1885
40	Bengal Provincial Surveys	Do. "	Do. 10, "
41	Jorhat	Do. "	Do. 11, "
42	East Indian	Do. "	Do. 24, "
43	Bellary-Kistna	Aug. "	Do. 5, "
	Patna-Gya		
44	Sindia	Do. "	Do. 17, "
	Ghazipur-Diddarnagar		
47	Sind-Pishin (N. Section)	Do. "	Do. 21, "
48	Bareilly-Kheri	Do. July	Do. Oct. 3, "
	FOREIGN STATES.		
	RAILWAYS—CAPITAL.		
1	Bharnagar-Gondal	Oct. 1885	Dec. 22, 1885
	RAILWAYS—REVENUE.		
1	Khamgaon	Oct. 1885	Dec. 31, 1885
2	Amraoti	Do. "	Do. 23, "
	Bharnagar-Gondal		

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	Oct. 1885	Dec. 17, 1885
2	Rajputana	Do. "	Do. 18, "
3	Punjab	Do. "	Do. 28, "
	Military Works Branch		
	Coorg		
	Madras		
5	North-Western Provinces and Oudh.	Do. "	Do. 23, "
	Bombay		
8	Central Provinces	Do. "	Jan. 2, 1886
	Central India		
	Hyderabad (Imperial)		
11	Hyderabad (Assigned Districts).	Do. "	Do. 4, "
13	British Burma	Do. "	Do. 5, "
14	Bengal	Sept. "	Dec. 7, 1885
15	Assam	Do. "	Do. 8, "
	IRRIGATION.		
1	Rajputana	Sept. 1885	Dec. 17, 1885
2	Punjab	Do. "	Do. 24, "
3	Madras	Do. "	Jan. 2, "
4	North-Western Provinces and Oudh.		
5	Bombay		
6	Bengal	Do. "	Do. 5, "
	British Burma		
	TELEGRAPH DEPARTMENT.		
1	Indo-European	Sept. 1885	Dec. 17, 1885
2	Indian	Do. "	Do. 24, "
3	General	Do. "	Jan. 2, "
	GUARANTEED RAILWAYS.		
1	State Railway Lines Branch.	Oct. 1885	Dec. 18, 1885
	North-Western Provinces and Oudh.		
2	Punjab	Do. "	Do. 22, "
3	Bombay		
4	Madras	Do. "	Do. 23, "
5	Bengal		
6	Central Provinces	Sept. "	Do. 24, "

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

FORT WILLIAM,
The 11th January 1886.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 31st December 1885.

No. 28.—The services of the undermentioned Hospital Assistants of the Military Establishment are placed permanently at the disposal of the Agent, Governor General, for Rajputana for civil employment in that Province, with effect from the dates specified against their names :—

Second Grade Hospital Assistant No. 173, Muhesh Pershad,—14th November 1885.
Second Grade Hospital Assistant No. 493, Desoo Ram,—1st October 1885.
Second Grade Hospital Assistant No. 245, Brig Mohun Lall,—4th October 1885.
Third Grade Hospital Assistant No. 304, Hur Sahoy,—11th October 1885.
Third Grade Hospital Assistant No. 381, Mukand Singh,—31st October 1885.
Third Grade Hospital Assistant No. 400, Shib Ditta,—24th September 1885.
Third Grade Hospital Assistant No. 463, Bromanund,—30th September 1885.
Third Grade Hospital Assistant No. 473, Myia Singh,—5th October 1885.
Second Grade Hospital Assistant No. 103, Jowala Pershad,—31st December 1885.
Third Grade Hospital Assistant No. 382, Hurdeo Pershad,—31st December 1885.
Third Grade Hospital Assistant No. 496, Chunda Singh,—31st December 1885.
Third Grade Hospital Assistant No. 500, Futteh Mohomed,—31st December 1885.
Third Grade Hospital Assistant No. 521, Geyan Chund,—31st December 1885.

A. BARCLAY, M.B.,
for Surgeon-General with the Govt. of India.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 15th January 1886.

No. 530.—The following promotions are made, with effect from the 22nd October 1885, *vice* Mr. J. McGill, Deputy Superintendent, 4th Grade, retired :—

Mr. G. H. Cooke, Officiating Deputy Superintendent, 4th Grade, is confirmed in that Grade.

Lieutenant W. H. Pollen, R.E., Assistant Superintendent, 1st Grade, *sub. pro tempore*, is confirmed in that grade.

No. 531.—The following promotions are made, with effect from the 26th October 1885, *vice* Mr. H. B. Talbot, Officiating Deputy Superintendent, 3rd Grade, retired :—

Mr. E. J. Jackson, Officiating Deputy Superintendent, 4th Grade, is confirmed in that grade.

Lieutenant G. B. Hodgson, S.C., Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

No. 532.—The following temporary promotions are made, with effect from the 26th October 1885 :—

Lieutenant-Colonel H. S. Hutchinson, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. F. W. Kelly, Assistant Superintendent, 1st Grade to officiate as Deputy Superintendent, 4th Grade.

No. 533.—Mr. E. J. Jackson, Deputy Superintendent, 4th Grade, Survey of India, having proceeded on subsidiary leave, on the afternoon of the 4th November 1885, preparatory to availing himself of the furlough granted in Revenue and Agricultural Department Notification No. 483—9-7*S.*, dated 2nd October 1885, the following temporary promotion is made, with effect from the same date :—

Lieutenant H. M. Jackson, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 534.—Major G. Strahan, R.E., Deputy Superintendent, 1st Grade, Survey of India, having returned from furlough on the forenoon of the 13th November 1885, the following reversions will take effect from the same date :—

Major C. Strahan, R.E., Officiating Deputy Superintendent, 1st Grade, to revert to his substantive appointment of Deputy Superintendent, 2nd Grade.

Major T. H. Holdich, R.E., Officiating Deputy Superintendent 2nd Grade, *attached to the Afghan Boundary Commission*, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

Lieutenant-Colonel J. Waterhouse, S.C., Officiating Deputy Superintendent, 2nd Grade, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

Lieutenant-Colonel H. S. Hutchinson, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Lieutenant H. M. Jackson, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

No. 535.—Lieutenant-Colonel W. Barron, S.C., Deputy Superintendent, 2nd Grade, Survey of India, having returned from furlough on the forenoon of the 16th November 1885, the following reversions will take effect from the same date :—

Lieutenant-Colonel W. F. Badgley, S.C., Officiating Deputy Superintendent, 2nd Grade, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

Major E. H. Steel, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Mr. F. W. Kelly, Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

No. 536.—The following promotion is made, from the forenoon of the 1st October 1885, *vice* Mr. D. J. Collins, Assistant Surveyor, 2nd Grade, retired :—

Mr. A. Ewing, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 537.—The following promotion is made *vice* Mr. P. A. Peters, Assistant Surveyor, 2nd Grade, seconded on transfer under the Straits Settlement Government, with effect from the 30th October 1885 :—

Mr. M. Gastand, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 538.—The following promotions are made, with effect from the forenoon of the 15th November 1885, *vice* Mr. A. D. Smart, Surveyor, 2nd Grade, retired :—

Mr. M. J. Ogle, Surveyor, 3rd Grade, to be Surveyor, 2nd Grade.

Mr. W. C. Price, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

G. C. DEPRÉE, *Colonel, S.C.,*
Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 12th January 1886.

No. 112.—Colonel M. G. Gerard, C.B., Squadron Commander, 1st Regiment, Central India Horse, returned from the one hundred and twenty days' leave on private affairs granted in Foreign Department Notification No. 1889 G., dated 2nd September 1885, and resumed charge of his duties on 13th December 1885.

By Order,

L. S. NEWMARCH,

for *1st Asst. Agent to the Govr. Genl. for Central India.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 6th January 1886.

No. 3-328 *V.*—Captain C. W. Ravenshaw, Assistant Commissioner, Merwara, is invested with the powers of a Magistrate of the 1st Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code), and with the additional powers under Sections 110, 133, 143, 144, 174, 186, 191, 260, and 524 of the said Act, to be exercised within the limits of the Merwara District.

By Order,

E. G. COLVIN,

for *1st Asst. to the Agent to the Govr. Genl.*

The 7th January 1886.

No. 10-327.—Rai Bahadur Pandit Bhag Ram, Judicial Assistant, is granted privilege leave for two months, with effect from the 10th January 1886, or such subsequent date as he may avail himself of the same.

No. 11-190 *II.*—Mr. H. E. J. Fitzpatrick, Extra Assistant Commissioner and Treasury Officer, Ajmere, is appointed to officiate as Judicial Assistant, *vice* Rai Bahadur Pandit Bhag Ram.

No. 12-190 *II.*—Pandit Jia Lal, Superintendent, *pro tem.*, of the Commissioner's Office, is appointed to officiate as Extra Assistant Commissioner and Treasury Officer, Ajmere, *vice* Mr. H. E. J. Fitzpatrick.

Pundit Jia Lal is invested with the powers of a Magistrate of the 2nd Class as described in Section 32, Act X of 1882 (Criminal Procedure Code), and is further specially empowered, under the last clause of the said section, to pass sentence of whipping.

By Order,

C. HERBERT,

for *1st Asst. to the Agent to the Govr Genl.*

CHIEF COMMISSIONER OF AJMERE-MERWARA IN THE P. W. DEPT.

NOTIFICATION.

Camp Nusseerabad, the 12th January 1886.

No. 12 *S.*—A new Regulation for the administration of municipal affairs in Ajmere being under consideration by the Government of India, the Chief Commissioner is pleased, under Section 6 of the Act now in force (North-West Province Act XV of 1873), to reappoint temporarily until further orders the members of the present Committee who have consented to serve for a further period after the expiration, on 5th February 1886, of the term for which they were originally appointed.

Accordingly it is hereby notified that from and after the 5th February 1886 and until further orders, the Ajmere Municipality will consist of the following gentlemen :—

For the City.

1. Rai Seth Samir Mal, Vice-President.
2. Rai Seth Chand Mal.
3. Rai Bahadoor Seth Mul Chand.
4. Munshi Balmukund Dass.
5. Mir Shafi Husein.
6. Seth Sobhag Mal.
7. Seth Ghisu Lal.
8. Mir Nizam Ali.
9. Sheikh Elahi Baksh.
10. Munshi Bansi Dhar.
11. Babu Panchanand Chatterjee.
12. Munshi Hazari Mal, Secretary.

Suburban Members.

1. Revd. Dr. J. Husband, President.
2. Major W. Loch.
3. A. E. Lowrie, Esq.
4. T. Harris, Esq.

For the Railway Settlement.

1. B. W. Blood, Esq.
2. J. Hogan, Esq.
3. J. Bell, Esq.
4. J. Conder, Esq.

Ex-Officio Members.

1. The Chief Superintendent of Telegraphs.
2. The Principal, Government College.
3. The Chaplain of Ajmere.
4. Tehsildar of Ajmere.

By Order.

WM. G. CUMMING, *Major, R.E.*,
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. Dept.

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 4th January 1886.

No. 11.—The following rules to regulate the qualification, admission, enrolment, suspension, and dismissal of Advocates and Pleaders in the Civil and Military Station of Bangalore, having been sanctioned by the Government of India, are published for general information, in supersession of those published with the Notification by the Chief Commissioner of Mysore, No. 273, dated 18th February 1879 :—

1. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for another in any Court in the Civil and Military Station of Bangalore, unless he has been enrolled as an Advocate or Pleader under these rules :

Provided that any person accused before any Criminal Court of an offence may, with the permission of the Court, but not otherwise, appoint any person to assist him in his defence :

Provided further that any person, ex-officio or otherwise, authorized to act for Government in respect of any judicial proceeding, may make, and do appearances, acts, and applications, within the scope of his authority on behalf of Government.

2. Advocates duly enrolled under the provisions of these rules shall be entitled to appear, plead and act in the Court of the Resident in Mysore and in all Courts in the Civil and Military Station of Bangalore subordinate thereto, whether Civil or Criminal.

3. There shall be two grades of Pleaders, *viz.*, Pleaders of the 1st grade and Pleaders of the 2nd grade.

4. Pleaders of the 1st grade shall be entitled to appear, plead and act in all the Courts in the Civil and Military Station of Bangalore, whether Civil or Criminal, except the Court of the Resident in Mysore.

5. Pleaders of the 2nd grade shall be entitled to appear, plead and act in the Courts of all Magistrates in the Civil and Military Station of Bangalore, and in any Civil Court that may be established in the said station subordinate to the Court of the District Judge.

6. The following persons are qualified for admission as Advocates of the Court of the Resident in Mysore :—

(*a*) Any person who has been enrolled as and is an Advocate under the Advocates and Pleaders' Rules, dated 18th February 1879.

(*b*) Any person who has been enrolled as and is an Advocate of the Chief Court of Mysore under the Mysore Legal Practitioners' Regulation III of 1884.

(*c*) Any Barrister of any of the Inns of Court in England or Ireland, or any Member of the Faculty of Advocates in Scotland.

(*d*) An Advocate, Vakil or Attorney of any of the High Courts of Judicature in British India.

(*e*) Any person who has obtained the degree of Master of Laws or Bachelor of Laws in any British or Indian University, or who has passed the examination prescribed by the High Court of Madras for Pleaders of the 1st grade, and who produces a certificate of respectability and of good moral conduct.

7. The following persons are qualified for admission as Pleaders of the 1st grade :—

(*a*) Any person who has been enrolled as and is a Pleader of the 1st grade, under the Advocates and Pleaders' Rules, dated 18th February 1879.

(*b*) Any person who has been enrolled as and is a Pleader of the 1st grade in Mysore, under the Mysore Legal Practitioners Regulation III of 1884.

8. The following persons are qualified for admission as Pleaders of the 2nd grade :—

(*a*) Any person who has been enrolled as and is a Pleader of the 2nd grade under the Advocates and Pleaders' Rules, dated 18th February 1879.

(*b*) Any person who has been enrolled as and is a Pleader of the 2nd grade in Mysore under the Mysore Legal Practitioners' Regulation III of 1884.

(*c*) Any person who has passed the examination prescribed from time to time by the Chief Court of Mysore for Pleaders of the 2nd grade.

9. Every person duly qualified under Rule 6, 7 or 8 may apply to the Court of the Resident in Mysore to be admitted under these rules as an Advocate or as a Pleader of the first or of the second grade, as the case may be. The application shall be accompanied by certificates proving the qualifications of the applicant under these rules.

Provided that no person who has now been allowed to practise in the Courts of the Civil and Military Station of Bangalore, shall be allowed to continue practising in the said Courts after three months from the date of the promulgation of these rules, unless he has been admitted by the Resident in Mysore under these rules.

The Resident in Mysore may, *if he think fit*, grant the application, and on the application being granted, the name of the Advocate or of the Pleader of the 1st or 2nd grade, shall be entered in the roll of Advocates or Pleaders, which shall be kept in the Court of the Resident, and an extract from the roll shall be furnished to the applicant, and to the Court or Courts in which he is authorized to practise.

10. The Resident in Mysore may suspend or dismiss any Advocate or Pleader enrolled under the foregoing rules, who is convicted of any criminal offence implying a defect of character, which unfits him to be an Advocate or Pleader, or who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty.

11. If any Advocate or Pleader practising in the Resident's Court or in any Court subordinate thereto, is charged in such Court with fraudulent or grossly improper conduct in the discharge of his professional duty, the Judge of the Court shall cause a formal charge to be drawn up, set-

ting forth concisely and exactly the alleged misconduct, and shall send a copy of the charge to the said Advocate or Pleader, and also a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Advocate or Pleader at least 10 days before the day so appointed. On such day, or any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the Advocate or Pleader, and shall proceed to adjudicate upon the charge.

12. If the Judge is the Judge of the Court subordinate to the Resident's Court, and he finds the charge established, and considers that the Advocate or Pleader should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Resident's Court, and that Court shall proceed to acquit, suspend or dismiss the Advocate or Pleader.

13. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the District Magistrate, shall be submitted through the District Judge or through the District Magistrate, as the case may be, who shall append to the report any remarks that he may think necessary and an expression of his own opinion of the case.

14. The District Judge or the District Magistrate may, pending the investigation and orders of the Resident's Court, suspend any Pleader charged before him or before any Court or Magistrate subordinate to him.

15. The Resident's Court, in any case in which an Advocate or Pleader has been acquitted otherwise than by an order of its own, may call for the record and pass such order thereon as it may deem fit.

16. The Resident's Court may also direct that any charge preferred against an Advocate or Pleader in any Court subordinate to it, shall be transferred for adjudication to itself or to any other Court of equal or superior grade to that in which the charge is preferred.

17. The suspension of any Advocate or Pleader shall be noted in the roll of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all Courts subordinate to that Court.

18. The name of any Advocate or Pleader dismissed under the foregoing provisions shall be struck off the roll of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all Courts subordinate to that Court.

The 5th January 1886.

No. 17.—The following list of Court holidays for the Civil and Military Station of Bangalore for the year 1886, having been approved by the Officiating Resident in Mysore, is hereby published for general information :—

These days shall accordingly be observed as close holidays by the Civil Court, Civil and Military Station of Bangalore :—

List of Holidays.

January 1st to 3rd, both days inclusive.	Christmas holidays.
January 12th and 13th . .	Pongal.
March 4th	Sivarathri.
March 10th	H. H. the Maharajah's Birthday and Ash Wednesday.
March 19th	Holy feast.
March 25th	H. H. the Maharajah's Installation day.
April 5th	Gentu New year's day.
April 12th	Shreeramanavami.
April 22nd to 27th, both days inclusive.	Easter holidays.
April 28th to 8th June, both days inclusive.	Annual recess of six weeks.
June 12th	H. H. the Prince's Birthday.
August 14th	Shravani.
September 1st and 2nd . .	Gauri and Ganesha.
September 27th	Mahalaya Amavadasi.
September 28th	Commencement of Dasara.
October 6th	Mahanavami.
October 7th	Vijayadasami.
October 26th	Dipavali.
October 28th	Balipadyami.
November 9th	Prince of Wales' Birthday.
December 23rd to 31st, both days inclusive.	Christmas holidays.

All Sundays in the year.

NOTE.—The Ananthachathurdasi festival is omitted, as it falls on a Sunday. Empress' Birthday and Ascension Day are also omitted, as they occur during the Annual Recess.

By Order,
J. H. NEWILL, *Major*,
Assistant to the Resident.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 8th January 1886.

No. 1.—Captain J. E. Dickie, R.E., Assistant Engineer, 1st Grade, officiated as Executive Engineer of the Morar Division, Military Works, from the 7th to the 27th October 1885, inclusive, during the absence of Captain J. Kelly, R.E., on privilege leave.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspector General, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 12th January 1886.

No. 2.—With reference to Public Works Department Notification No. 2, dated 6th January 1886, Messrs. M. M. C. Murzban and T. G. Acres, Superior Revenue Establishment of State Railways, Traffic Department, Candidate Class, are posted to the North-Western Railway.

The 13th January 1886.

No. 3.—Mr. G. Cowper, Executive Engineer, 4th Grade, is granted furlough for one year with the usual subsidiary leave, with effect from such date as he may be permitted to avail himself of the same.

The 14th January 1886.

No. 4.—In supersession of Director General's Notification No. 172, dated the 29th December 1885, Mr. J. Tait, Executive Engineer, 3rd Grade, sub. *pro tem.*, is posted to the Sind-Sagar State Railway.

H. F. HANCOCK, *Major-Genl., R.E.*,
Offg. Director General of Railways.

Report of a Deserter from the 1st Battalion, North Lancashire Regiment of Foot, dated at Camp Harnai, this 2nd day of January 1886.

Number, Rank, and Name, —No. 348, Private James Graham.	At what Place Enlisted,—Preston.
Age,—28 years 7 months.	Parish and County in which Born,—Preston, Lancashire.
Size,—5 feet 4¾ inches.	Marks,—Scar from cut on back of hand.
Colour of— Complexion, fresh; Hair, light brown; Eyes, blue.	Trade,—Joiner.
Date of Desertion,—15th December 1885.	Coat or Jacket,— Waistcoat,— Breeches or Trowsers,— } Regimentals.
Place of Desertion,—Karachi.	REMARKS,— Under 5 years' service.
Date of Enlistment,—28th November 1881.	

F. G. BERKELEY, *Col. & Lt.-Col.*,
Comdg. 1st Battn., N. L. Regt.

Report of a Deserter from the 1st Battalion Suffolk Regiment of Foot, dated at Roorkee, this 6th day of January 1886.

Number, Rank, and Name, —No. 1 S.R.—466, Private Thomas Oakes.	Date of Enlistment,—15th February 1883.
Age,—22 years 11 months.	At what Place Enlisted,—Eye, Suffolk.
Size,—5 feet 7 inches.	Parish and County in which Born,—Gislingham, Eye, Suffolk.
Colour of— Complexion, fair; Hair, light brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—2nd January 1886.	Coat or Jacket,— Waistcoat,— Breeches or Trowsers,— } Hospital winter clothing.
Place of Desertion,—Roorkee.	REMARKS,—Left Hospital about 3 A.M. Under 3 years' service.

J. R. GLASGOW, *Major*,
Comdg. 1st Battn., Suffolk Regt.

Report of a Deserter from the 1st Battalion Worcestershire Regiment of Foot, dated at Karachi, this 6th day of January 1886.

Number, Rank, and Name, No. 598, Private Albert Hall *alias* Benjiman Brown.	Date of Enlistment,—30th October 1883.
Age,—23 years 8 months.	At what Place Enlisted,—Worcester.
Size,—5 feet 6 inches.	Parish and County in which Born,—Oldbury, Dudley, Worcestershire.
Colour of— Complexion, sallow; Hair, dark brown; Eyes, hazel.	Marks,—Scar on left leg.
Date of Desertion,—1st January 1886.	Trade,—Bill-poster.
Place of Desertion,—Karachi.	Coat or Jacket,— Waistcoat,— Breeches or Trowsers,— } Regimentals.
	REMARKS,— Under 3 years' service

F. C. RUXTON, *Colonel*,
Comdg. 1st Battn., Worcestershire Regt.

Report of a Deserter from the 1st Battalion, Worcestershire Regiment of Foot, dated at Karachi, this 6th day of January 1886.

Number, Rank, and Name, No. 764, Private Benjamin Walton.	At what Place Enlisted,—West Bromwich.
Age,—21 years 2 months.	Parish and County in which Born,—West Bromwich, Staffordshire.
Size,—5 feet 5¾ inches.	Marks,—B. W. on left forearm, achor on right forearm.
Colour of— Complexion, fresh; Hair, dark brown; Eyes, blue.	Trade,—Boiler-maker.
Date of Desertion,—2nd January 1886.	Coat or Jacket,— Waistcoat,— Breeches or Trowsers,— } Regimentals.
Place of Desertion,—Karachi.	REMARKS,— Under 2 years' service.
Date of Enlistment,—22nd March 1884.	

F. C. RUXTON, *Colonel*,
Comdg. 1st Battn., Worcestershire Regt.

Statement of Silver Balance in the Calcutta Mint for the week ending 13th January 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 6th January 1886 . .	2,21,791	
Value of Government silver in the Mint on the same date .	16,78,055	
		18,99,846
ADD—		
Silver received by the Mint during the week on account of the Currency Department	11,00,755	
Ditto ditto Government	...	
		11,00,755
		30,00,601
DEDUCT—		
New coin paid to Reserve Treasury during the week .	8,00,000	
Petty items issued for miscellaneous purposes . . .	...	
		8,00,000
Balance on the evening of the 13th January 1886 . .	...	22,00,601
The Balance comprises—		
Silver held on account of the Currency Department .	4,24,144	
Ditto ditto Government	17,76,457	
		22,00,601
There is in addition awaiting assay—		
Bullion belonging to private individuals . . .	22,09,850	
Ditto ditto Government	...	
		22,09,850

R. V. RIDDELL, *Major, R.E.*,
Master of the Mint.

CALCUTTA MINT,
The 13th January 1886.

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.
19	N 4—00682	50	
	,, —00683	50	
	,, —00684	50	
	,, —00685	50	
	,, —06401	50	
	,, —06402	50	
	,, —06432	50	
	,, —06433	50	
	,, —13984	50	
	,, —13985	50	
	,, —13986	50	
	,, —13987	50	
	D 18—32450	100	
	,, —28075	100	
	N 5—30700	100	
	,, —31114	100	Saiyid Sakhawat Ali, Etah.
	,, —31115	100	
	,, —31600	100	
	,, —31624	100	
	D 20—52844	100	
	,, —52845	100	
	,, —52892	100	
	,, —52893	100	
	R 10—60296	100	
	,, —63397	100	
	,, —64815	100	
	,, —64816	100	
	,, —64817	100	
	,, —64858	100	
	,, —64859	100	
	,, —64860	100	

ALLAHABAD,
The 13th January 1886.

A. H. ANTHONY,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 14th January 1886.

Amnon, A. C.
Brown, J. J.
Callander, Mrs.
Cox, W. A.
Cuffe, Surg.-Major.
Freeman, W. F.
Hisner, Miss Julia E.
Horrace Duncan.
Lebarbier, Monsieur.
Money, A.
Muir, Miss Clara.
Stevenson, James.
Sturmer & Co.

Letters marked "Care of Post Office."

A. B.
Anderson, Miss Wright
Anderson, Miss.
Aniacke, L. A. C.
Atkinson, Mrs. T.
Atkinson, Thos.
A. S. 27.
Baggs, W. H.
Barclay, J. J. T.
Barnett, Mrs. E.
Bateman, S. H.
Bennett, J. B.
Biondi, Felecia.
Bogle, Miss.
Bracken, J. M.
Brown, Rev. J. J.
Bruce, T.
Buck, E. J.
Burke, Master W. T.
Catter, A.
Clark, James.
Clift, H. W.
Cohen, Miss Fanny.
Crawhall, Hugh.
Cunningham, Major-Genl. A.
David, A.
Dawkins, W. G.
Derham, Henry.
"Dee."
E.
Easton, Percy H.
Ellis, Mrs. Jas.
Evezard, E.
Finkler, Moritz.
Fleipotto.
Flinsch, Ferdinand.
Fraiser, H.
Franklin, R. O.
Freise, C.
G. P. O.
Gibbs, J.
Gilmour, Capt. D. C.
Goldberg, H.
Gordon, George.
Greenhill, E. G.
Gusture, Esq.
Hay, Major E.
H. H.
Heath, Mrs.
Henstrom, E. W.
His Highness Maharajah of Hutwa.
Horsford, Mr.
Hughes, R. J.
Irvine, Esq.
Jessie.
Jones, F.
K. P. M.
Kellner, E. R.
Kirkbride, J.
Kitchen, Capt. J. R.
Leeds, W. H. A. St. J
Low, Rev. H. F.
Lowe, Mrs.
MacDougall, D.
Mattin, Mrs.
May, J. A.
McNeil, David.
Meiklejohn, Dr. L. M.
"Midas."
Murdock, Mrs.
Noel, L. A.
Norris, H.
Owen, C. J.
Palmer, Col. A. P.
Page, George.
Penrose, Miss.
Philips, Henry.
Phillips, W. G.
Pike, H. R.
Powell, W. G. N.
Pyke, M. J.
Rand, Rev. W.
Rateaux, Calcraf.
Richards, H. A.
Robinson, F. A.
Robinson, Miss C.
Robinson, W.
Rode, Capt. J.
Rodgers, J.
Saunders, J. H.
Sawyer, Chas. H.
Scobell, S. E.
Scobell, Mrs.
Scott, C. E. C.
Scott, John.
Scott, Miss.
Singleton, C. W.
Smith, F. E., Mrs.
Stamton, C.
Sternbergh, A.
Stevens, H. W.
Stuart, Miss.
Stuart, C. S.
Symons, W. S.
Talbot, Mrs. H. B.
Taste d la, P. J.
Thiband, P. T.
Thomson, H. T. P.
Thorpe, Sydney.
Thurman, W. A.
Tighe, James.
Tooms, Charles.
Towers, Mrs. J.
Transche, Hern. J. Von.
Tudor, T. G.
Tulloch, H.
Turner, H. G.
Tyrrell, David.
Vab, Mrs.
Vere, Miss.
Vivian, Miss Kate.
Walker, P. C.
Walters, G. H.
Washington, Mrs. J. A.
Watson, G.
Webster, Fred.
Webster, T. E.
Whitworth, Henry.
Whimster, J.
Wittelstraus, W.
X. X. A.

Registered Letters.

Adcock, H.
Cesare, Mon. F.
Fliess, Otto.
Fraizer, F. D.
Godfrey, Mr.
Harris, Ashley.
Kearney, Mrs. D. W.
Nilson, Mrs.
Roe, Lieut. R. J.
Sternbergh, M.
Sutherland, Esq.
Zaal, Carl.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 11th January 1886.

Blessley, Miss.
Bowen, Miss N.
Cameron, Sergt. R. R.
Choeland, G.
DeCosta, P.
Dobbie, Mrs. W.
Dulland, M.
Fagan, H. R.
Ferris, Secret. T.
Fisher, J. H.
Foley, Rev. T.
Fowler, T.
Gordon, Col. W. R.
Gordon, Major J. A. D.
Hart, C. H.
Hart, H.
Hay, T. Napier.
Hemfress, G.
Henry, Esq.
Lahor, Bhoirub Chunder.
Lestum, Mrs.
Kennedy, W. G.
Riddal, Capt. W.
Spens, Lt.
Sherlock, T.
Singh, Rameswar Prosad Maharaja.
Smith, Mrs. M. A.
Tayrer, Major T. O. S.
Whitmarsh, Mrs. M. H.

A. P. GHOSAL,
Postmaster, Barrackpore.

The 16th January 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	23rd Jan.	P. & O. Str. *Brindisi.*
Colombo, Penang, Singapore, Houg-Kong, Shanghai, Yokohama, and Australian Colonies	19th ,,	From Bombay.
Foreign Mails *viâ* Bombay	19th ,,	From Bombay.*
Ditto Book Post and Pattern Packets	18th ,,	From Bombay.
Rangoon and Moulmein	20th ,,	Str. *Africa* †
Chittagong, Akyab, Kyouk Phyoo, Sandoway and Rangoon	20th ,,	Str. *Basheer.*
Straits and Hong-Kong	19th ,,	Str. *Japan.*

* Also for Cape of Good Hope and Natal 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.

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, ₹4-8; per eight-ounce tin, ₹8-8; per pound tin, ₹16-8. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, ₹5-8; per eight-ounce tin, ₹10-8; per pound tin, ₹20. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنت 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 اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد سے 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 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 ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار روز آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارهٔ آنه ،

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلين سنکونا دوائي بخار ،

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کونين کے لئے يه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ ليوين نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا بارهٔ روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه —

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا سوله روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يه دوا کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه آونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارهٔ آنه علاوه اوپر لکهے هوئے نرخ کے هی ،

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 :—

Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts. R8.
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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.
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*.)
Village Directory of the Presidency of Bengal—

Vol. I. Burdwan.
Vol. III. Beerbhoom.
Vol. V. Hooghly.
Vol. VI. Howrah.
Vol. XI. Moorshedabad.
Vol. XIII. Rajshahi.
Vol. XV. Bogra.
Vol. XXIV. Noakhali.
Vol. XXV. Chittagong District and Chittagong Hill Tracts.
Vol. XVI. Pubna.
Vol. XXI. Backergunge.
₹1-8 each (2a.) per copy.

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 . . . . . „25

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 23, 1886.

☞ **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 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

	₹	a.	p.
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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

The 15th January 1886.

No. 1.—Mr. L. H. Clarke, Surveyor, 2nd Grade, is granted privilege leave for two months and twenty-two days, under the provisions of Section 138, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 20th January 1886.

C. T. HAIG, *Colonel, R.E.*,
Offg. Depy. Surveyor General,
In charge, Trigonometrical Surveys.

ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 16th January 1886.

No. 1.—Mr. C. E. Ross, Assistant Examiner of Accounts, attached to the Office of the Examiner of Public Works Accounts, Bengal, is transferred to the Office of the Examiner of Accounts, Sind-Pishin and Bolan State Railways.

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 13th January 1886.

No. 146.—Major the Earl of Lauderdale, on return from furlough, received charge from Lieutenant-Colonel A. W. Roberts of the Office of Political Agent and Superintendent of Charkhari, on the afternoon of the 18th December 1885, and made over charge to Major D. Robertson, Political Agent in Bundelkhand, on the afternoon of the 31st idem, in accordance with Foreign Department No. 271 C., dated 15th December 1885.

By Order,
L. S. NEWMARCH,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 19th January 1886.

No. 102 G.—Kumar Luchman Singh, Attaché to the Agent to the Governor General in Rajputana, returned to duty on the forenoon of the 7th January 1886 from the leave on medical certificate granted him in this Office Notification No. 3740 G., dated the 8th December 1885.

By Order,
E. G. COLVIN,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 16th January 1886.

No. 40-390.—Assistant Surgeon Gopal Chandra Mookerjee, M.B., Beawar, is granted privilege leave for three months, with effect from the 20th January 1886, or such subsequent date as he may avail himself of the same.

No. 44-328 V.—Under Section 22, Act X of 1882 (Criminal Procedure Code), the Chief Commissioner is pleased to appoint Captain C. W. Ravenshaw, Assistant Commissioner, Merwara, to be a Justice of the Peace within and for the District of Ajmere-Merwara.

By Order,
E. G. COLVIN,
for *1st Asst. to the Agent to the Govr. Genl.*

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 13th January 1886.

No. 57.—Under the provisions of Section 12 of the Code of Criminal Procedure, Mr. S. Abdool Rahaman, Chief Clerk in the Court of the Civil and Sessions Judge of the Civil and Military Station of Bangalore, is appointed to be a Magistrate of the 2nd Class, sub. *pro tem.*, in the Civil and Military Station of Bangalore, and to exercise the ordinary powers conferred on Magistrates of that class by Sections 36 and 37 and described in Schedules III and IV.

By Order,
J. H. NEWILL, *Major,*
Assistant to the Resident.

Statement of Silver Balance in the Calcutta Mint for the week ending 20th January 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 13th January 1886	4,24,144	
Value of Government silver in the Mint on the same date	17,76,457	22,00,601
ADD—		
Silver received by the Mint during the week on account of the Currency Department	11,98,091	
Ditto ditto Government	...	11,98,091
		33,98,692
DEDUCT—		
New coin paid to Reserve Treasury during the week	11,00,000	
Petty items issued for miscellaneous purposes	...	11,00,000
Balance on the evening of the 20th January 1886	...	22,98,692
The Balance comprises—		
Silver held on account of the Currency Department	5,14,126	
Ditto ditto Government	17,84,566	22,98,692
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	11,04,625	
Ditto ditto Government	...	11,04,625

R. V. RIDDELL, *Major, R.E.,*
Master of the Mint.

CALCUTTA MINT,
The 21st January 1886.

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 January 1886.

| PARTICULARS. | 3½ PER CENT. TRANSFER LOAN OF 1853-54. | 4 PER CENT. LOANS | | | | | | | | | 4 PER CENT. LOANS | | | | | | | | |

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	Description.	Metal.	Value. ₹	a.	p.	Number available for sale.	Remarks.
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper	0	1 each	0	49	Found in the Fatehgarh District.
4	Old Hindu punched coins	Silver	0	4 each	0	262	Found at Chaibassa in the Singbhoom District.
71 to 21	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517.	Copper.	0	2 each	0	17	Found in the Gujrat District (Punjab).
22	Ditto with imperfect dates	Do.	0	1 each	0	90	
23	Ditto „ illegible „	Do.	0	0	6 each	115	

R. V. RIDDELL, *Major, R.E.,*
Master of the Mint.

CALCUTTA MINT,
The 21st January 1886.

Statement of the Affairs of the Bank of Bengal for the half-year ended 31st December 1885.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,57,264	15	0
Public Deposits at Head Office (₹ 56,61,922 4 8) / Public Deposits at Branches (91,70,770 14 3)	1,48,32,693	2	11
Other Deposits at Head Office and Branches	3,83,31,380	11	3
Bank Post Bills, &c.	4,17,022	6	2
Sundries	20,04,540	15	2
RUPEES	7,97,42,902	2	6

ASSETS.	₹	a.	p.
Government Securities	67,71,138	8	0
Other authorized Investments	49,34,107	8	0
Loans on Government and other authorized Securities	72,39,546	15	11
Accounts of Credit on Government and other authorized Securities	1,03,42,168	2	11
Bills discounted and purchased	1,65,17,395	15	11
Balances with other Banks	4,94,5 5	12	5
Bullion	5,006	5	8
Dead Stock	11,36,865	11	10
Stamps	8,224	15	0
Sundries	10,24,636	9	1
	4,84,93,716	8	9
Cash and Currency Notes at Head Office (1,16,94,550 8 0) / Cash and Currency Notes at Branch (1,95,54,635 1 9)	3,12,49,185	9	9
RUPEES	7,97,42,902	2	6

BANK OF BENGAL,
Calcutta, 19th January 1886.

J. GORDON,
Chief Acctt. & Depy. Secy.
Rate for Demand Loans 4 per cent.
Percentage 56·2.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 19th January 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,764	15	0
Public Deposits at Head Office (₹ 71,19,829 12 10) / Public Deposits at Branches (98,73,362 13 8)	1,69,93,192	10	6
Other Deposits at Head Office and Branches	3,82,69,885	5	9
Bank Post Bills, &c.	6,80,809	11	2
Sundries	12,80,741	11	9
RUPEES	8,13,81,394	6	2

ASSETS.	₹	a.	p.
Government Securities	63,06,740	8	0
Other authorized Investments	47,31,643	12	0
Loans on Government and other authorized Securities	89,79,746	15	11
Accounts of Credit on Government and other authorized Securities	1,02,35,807	11	7
Bills discounted and purchased	1,69,12,920	0	10
Balances with other Banks	6,31,035	12	1
Bullion	4,821	3	9
Dead Stock	11,37,205	10	1
Stamps	7,350	1	0
Sundries	8,98,075	1	9
	4,98,45,346	13	0
Cash and Currency Notes at Head Office (1,13,70,663 2 9) / Cash and Currency Notes at Branches (2,01,65,384 6 5)	3,15,36,047	6	2
RUPEES	8,13,81,394	6	2

BANK OF BENGAL,
Calcutta, 21st January 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.
Rate for Demand Loans 4 per cent.
Percentage 55·1.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

Report of a Deserter from the 2nd Battalion, Royal Lancaster Regiment of Foot, dated at Poona, this 16th day of January 1886.

Number, Rank, and Name, No. 11Bde.—3245, Lance Corporal John Jones.
Age,—28 years 5 months.
Size,—5 feet 6 inches.
Colour of—
Complexion, fresh; Hair, brown; Eyes, brown.
Date of Desertion,—10th January 1886.
Place of Desertion,—Colaba, Bombay.
Date of Enlistment,—5th July 1880.
At what Place Enlisted,—Warrington, Lancashire.
Parish and County in which Born,—Plank-lane, Warrington, Lancashire.
Marks,—None.
Trade,—Bricklayer.
Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers,— } Regimentals.
Remarks,—Has been for the last eighteen months Instructor to the G. I. P. Railway Votunteers at Parel.
Under 6 years' service.

O. R. MIDDLETON, *Colonel,*
Lieut.-Col. Comdg. 2nd Battn., Royal Lancaster Regt.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 13th January 1886.

No. 1.—The undermentioned Assistant Surgeons having passed the prescribed examination, are promoted to the next higher grade, with effect from the dates specified:—

Present rank.	Name.	Grade to which promoted.	With effect from
			1885.
3rd Grade	Chooneylall Doss	2nd Grade	1st Nov.
2nd „	Shibchunder Bhuttacharjee.	1st „	1st „
3rd „	Radhanath Bose	2nd „	1st „
3rd „	Doorga Das Bhuttacharjee.	2nd „	1st „
3rd „	Hari Charan Sen.	2nd „	1st „

The 15th January 1886.

No. 2.—The services of 1st Grade Assistant Apothecary J. Dolby are placed at the disposal of the Lieutenant-Governor of Bengal, with effect from 1st November 1885

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 20th January 1886.

No. 5.—With reference to Public Works Department Notification No. 1, dated the 4th January 1886, Mr. T. Wood, Stock Verifier for State Railways, is posted to the Nagpur-Bengal State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director-General of Railways.

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.
28	E 2—88324	500	Meean Agha Jan, Merchant, Mohalla Understhaher, Peshawar.
29	E 1—80854	1,000	Hakeem Fida Mohammed Khan, Physician and Ahlkar to His Highness the Maharaja of Cashmir and Jummoo, Camp Calcutta.

LAHORE,
The 16th January 1886.

WILLIAM H. DOBBIE,
for Deputy Commissioner of Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
47	B 86—31332	100	Soonderdass Anundass, Madras.
48	B 85—97113	100	Mr. D. J. S. deMenezes, Bhusaval.

FORT ST. GEORGE,
The 11th January 1886.

W. T. MERCY,
Asst. Accountant Genl., In charge of Paper Currency Dept.

CEMETERY NOTICE.

Notice is hereby given that the monuments over the undermentioned graves in the Old Cemetery, Disa, *viz.*:—

1859, Wife and child of Sergeant John Beasley, H. M.'s 33rd Regiment, Europeans,

1860, Private Joseph Joyce, H. M.'s 33rd Regiment, Europeans,

1850, Son of Reverend G. L. Allen,

1841, Daughter of Captain W. B. Salmon,

1832, Son of Lieutenant Elder, European Regiment,

1840, Wife of Captain John Penney, 1st Bombay Light Cavalry,

1829, Wife of Apothecary Ferrier, 2nd Regiment, European Infantry,

1840, Daughter of Captain M. S. H. Lloyd, Queen's Royals,

1839, Major G. I. C. Paul, 3rd Regiment Light Cavalry,

1836, Lieutenant Bowen, H. M.'s 10th Regiment,

1840, Line Sergeant P. Kendall,

1849, Son of Mr. Sargon,

1839, Son of Lieutenant Blenkins, 6th Regiment, Native Infantry,

1828, Apothecary W. Atkins, 2nd European Regiment,

1828, Quarter Master Sergeant T. Sullevan, 2nd Europeans,

1828, Captain Stewart, 2nd Europeans,

1829, Wife of Sergeant Cox, 2nd Europeans,

1840, Captain Postans, 15th Regiment, Native Infantry,

1828, Ensign Donaldson, 2nd Europeans,

1843, Private Timothy Murphy, 2nd Queen's Royals,

1854, Son of O. C. T. Moor, 4th Troop, Horse Artillery,

need repairing, and persons interested in any one of them are requested to communicate with the Reverend the Chaplain of Disa and Abu, N. Gujarat.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 31st December 1885.

With effect from the 1st January 1886, parcels will be received at any Indian Post Office for transmission *viâ the United Kingdom* to Cape Town and all other places in Cape Colony, &c. *Natal* is not included in this exchange.

2. The rate of postage for parcels addressed to the Cape Colonies will be one rupee eight annas per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally, will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

The 15th January 1886.

No. 13265.—Babu Wooma Churn Dass, Assistant Comptroller, Post Office, having been granted privilege leave for two months and nine days, availed himself of it, with effect from the afternoon of the 2nd January 1886.

The 19th January 1886.

No. 13362.—Mr. Rostomji Dinsha is appointed to be sub. *pro tem.* Superintendent and Examiner, Persian Gulf.

Mr. F. B. O'Shea, Personal Assistant to the Post Master General, Bombay, is appointed to officiate as 2nd Grade Superintendent.

Mr. Narayan Chimnaji, Superintendent, 4th Grade, Deccan Division, is appointed to officiate as 3rd Grade Superintendent.

Mr. Vinayak Kurnanand is appointed to officiate as 4th Grade Superintendent, and to be in charge of the Ahmednagar Division.

The 20th January 1886.

No. 13486.—Mr. E. deC. Williams, having been appointed to be Deputy Post Master General, Sind, assumed charge of his Office on the 22nd December 1885, before noon, from Mr. A. G. Faichnie, who was temporarily appointed to be Deputy Post Master General, Sind, where he took charge on the 28th November 1885, after noon.

No. 13488.—Mr. A. G. Faichnie resumed charge of his Office as Deputy Post Master General, Central Provinces, from Mr. W. J. Ham, who temporarily held charge of the Central Provinces Circle, in addition to his own office, as Deputy Post Master General, Central India, during Mr. Faichnie's deputation to Sind.

H. E. M. JAMES,
Depy. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 21st January 1886.

Bradshaw, W. J.	Hisner, Miss Julia E.	Money, A.
Brodie & Co.	Horrace Duncan.	Muir, Miss Clara.
Brown, J. J.	Laubolle, R.	Scott, H. & Co.
Cage, L. B. M.	McCann, Mrs. H.	Sturner & Co.
Crabbe, W.	Monies, W.	

Letters marked "Care of Post Office."

A. B.	Goldberg, H.	Robinson, F. A.
Adams, Master T.	Gordon, George.	Robinson, Miss C.
Anderson, Miss Wright	Greenhill, E. G.	Robinson, W.
Anderson, Miss.	Gusture, Esq.	Rode, Capt. J.
Antacke, L. A. C.	Hay, Major E.	Rodgers, J.
Atkinson, Mrs. T.	H. H.	Schmidt, Otto.
Atkinson, Thos.	Heath, Mrs.	Scobell, S. G. T.
A. S. 27.	Henstrom, E. W.	Scobell, Mrs.
B. L.	His Highness Maharajah of Hutwa.	Scott, C. E. C.
Baggs, W. H.	Horsford, Mr.	Scott, John.
Barclay, J. J. T.	Howe, Revd. R.	Singleton, C. W.
Barnett, Mrs. E.	Hughes, Capt.	Smith, F. E., Mrs.
Bateman, S. H.	Hughes, J. Coleman.	Smith, T. S.
Bennett, J. B.	Hughes, R. J.	Stamton, C.
Biondi, Felecia.	Irvine, Esq.	Sternbergh, A.
Blunt, W. R.	Jessie.	Stevens, H. W.
Bogle, Miss.	Jones, F.	Stuart, Miss.
Bracken, J. M.	K P. M.	Symons, W. S.
Brown, Rev. J. J.	Kirkbride, J.	Talbot, Mrs. H. B.
Bruce, T.	Kitchen, J. R.	Taylor, A. J.
Bruhton, Mrs. J.	Leeds, W. H. A. St. J	Thiband, F. T.
Buck, E. J.	Lowe, Mrs.	Thorpe, Sydney.
Burke, Master W. T.	MacDougall, D.	Thurman, W. A.
Cartland, Mrs. F.	Mattin, Mrs.	Tighe, James.
Catter, A.	Maud, J. P.	Tooms, Charles.
Clark, James.	May, J. A.	Towers, Mrs J.
Clift, H. W.	Melville, A.	Transche, Hern. J. Von.
Crawhall, Hugh.	"Midas."	Tudor, T. G.
Crinall, John.	Murdock, Mrs.	Turner, H. G.
Derham, Henry.	Neil, D. N.	Tyrrell, David.
"Dee."	Noel, L. A.	Uren, Capt. T.
Dodd, C. B. N.	Norris, H.	Vab, Mrs.
E.	Norton, F.	Vere, Miss.
Easton, Percy H.	Owen, C. J.	Vinall, J. N.
Edmonds, J.	Page, George.	Walker, F. C.
Ellesland, A. S.	Palmer, Col. A. P.	Watson, G.
Ellis, Mrs. Jus.	Pollard, T. J.	Webster, Fred.
Evezard, E.	Phillips, Henry.	Webster, T. E.
Fedricks, F.	Phillips, W. G.	Whitworth, Henry.
Finkler, Moritz.	Pike, H. R.	Whimster, J.
Flinsch, Ferdinand.	Powell, W. G. N.	Williams, J. M.
Franklin, R. O.	Rateaux, Calcraf.	Wilson, Mrs. Mark.
Freise, C.	Reece, Mrs. Annie.	Wittelstraus, W.
G. P. O.	Richards, H. A.	Wright, Miss U.
Gibbs, J.		X. X. A.
Gilmour, Capt. D. C.		

Registered Letters.

Cesare, Mon. F.	Godfrey, Mr.	Nilson, Mrs.
Fliess, Otto.	Harris, Ashley.	Sternbergh, M.
Fraizer, F. D.	Kearney, Mrs. D. W.	Zaff, Carl.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 18th January 1886.

Adjutant, 6th Regt.	Foby, Rev. T.	Lestun, Mrs.
Blessley, Miss.	Fowler, T.	Mukerjie, N. N.
Bowen, Miss N.	Galloway, Major F.	Riddal, Capt. W.
Cockland, G.	Gordon, Col. W. R.	Spens, Lt.
DeCosta, P.	Gordon, Major J. A. D.	Sherlock, T.
Dobbie, Mrs. W.	Hart, C. H.	Singh, Rameswar Prosad Maharaja.
Dulland, M.	Hay, T. Napier.	Whitmarsh, Mrs. M.H.
Fagan, H. R.	Lahor, Bhoirub Chunder.	
Ferris, Sergt. T.		

A. P. GHOSAL,
Postmaster, Barrackpore.

SEA AND FOREIGN MAILS.

The 23rd January 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	23rd Jan.	P. & O. Str. *Brindisi.*
Foreign Mails *viâ* Bombay	26th ,,	From Bombay.*
Ditto Book Post and Pattern Packets	25th ,,	From Bombay.
Rangoon and Moulmein	27th ,,	Str. *Ethiopia.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway and Rangoon	27th ,,	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	29th ,,	French Str. *Vibre.*

* Also for Cape of Good Hope and Natal through United Kingdom, also *viâ* Aden for Zanzibar, Mazambique, and East Cost of Africa, Delagoa Bay, Natal 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.

GOVERNMENT CINCHONA FEBRIFUGE.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

BANK OF BENGAL.

NOTICE.

Calcutta, the 25th January 1886.

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

Mr. H. B. Sterndale, on return from leave, has resumed charge of the Cawnpore Branch.

Mr. Fred. Burns to be Acting Agent at Akyab, *vice* Mr. W. Huntley.

Mr. D. E. Burne to be Acting Agent at Benares during the absence on leave of Mr. W. Craw, on short leave.

R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 25th January 1886.

Offices reported opened and closed during the month of December 1885 :—

Name of Station.	Where situated.	Date.	REMARKS.
	Departmental.		
Amraoti Camp	Berar	24th Dec.	Opened.
Asansol	Bengal	16th ,,	Ditto.
Barakar	Ditto	14th ,,	Ditto.
Bithur	N.-W. Provinces	6th ,,	Closed.
Bostan	Baluchistan	23rd Nov.	Ditto.
Dozan	Ditto	21st Dec.	Ditto.
Ganeshkhind	Bombay	7th ,,	Opened.
Ditto	Ditto	29th ,,	Closed.
Lucknow Chowk	Oudh	1st ,,	Opened.
Mahuva	Bombay	16th ,,	Ditto.
Malabar Point	Ditto	29th ,,	Ditto.
Myingyan (Military Field Office)	Upper Burmah	11th ,,	Ditto.
Ningyin (Military Field Office.)	Ditto (Toungoo Frontier)	29th ,,	Ditto.
Pagan (Military Field Office.)	Ditto (Toungoo Frontier)	7th ,,	Ditto.
Sherpur	Bengal	31st ,,	Ditto.
Sinboungweh (Military Field Office.)	Upper Burmah	6th ,,	Ditto.
Sitarampur	Bengal	21st ,,	Ditto.
Sittang (Temporary.)	British Burmah	31st ,,	Ditto.
Venangyaung (Military Field Office.)	Upper Burmah	19th ,,	Ditto.
	Offices in connection with Camps of Exercise.		
Head Quarters, Northern Force.	Punjab	1st Dec.	Opened.
Ditto	Ditto	31st ,,	Closed.
2nd Division, Northern Force.	Ditto	4th ,,	Opened.
Ditto	Ditto	31st ,,	Closed.
Commander-in-Chief's Camp, Delhi.	Ditto	14th ,,	Opened.
1st Division, Southern Force.	Sultanpur, Punjab	5th ,,	Ditto.
Gurgaon Camp Office.	Punjab	3rd ,,	Ditto.
	Railway.		
Brahmavart (Bithur.)	Cawnpore-Achneyra Ry.	5th Dec.	Opened.
Gandikinduff	Sind-Pishin State Ry.	5th Aug.	Ditto.
Spintangi		10th Dec.	Ditto.
Kauli	Rajpura-Patiala Ry.	19th ,,	Ditto.
Narayanganj Ghât	Narayanganj-Dacca Mymensing Ry.	Not given	Ditto.
Babhuan	Bengal & N.-W. Ry.	Date not reported.	
Doranda			
Gauribazar			
Khalilabad			
Muskanwa			
Munderwa			
Nankhar			
Sahjanwa			
Salimpur			
Tahsil Deoria			
Tinich			

The 29th January 1886.

No. 12.—Mr. H. P. Owen, Superintendent, 2nd Grade, is allowed furlough on medical certificate for twelve months, under Section 52 of the Civil Leave Code, with effect from the forenoon of the 8th January 1886.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 15th January 1886.

No. 35.—Mr. O. C. Ollenbach, Assistant Engineer, 2nd Grade, transferred temporarily to Beluchistan, reported his arrival at Sibi on the 2nd January 1886, and is posted to the 2nd Division, Dera Ghazi Khan-Peshin Road.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl., Beluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 26th January 1886.

No. 165 *G.*—First Class Hospital Assistant Abdool Kadir, attached to the Sapotra Dispensary in Kerowlee, is granted three months' privilege leave, with effect from the forenoon of the 10th December 1885, and 3rd Class Hospital Assistant Myia Singh, of the Reserve List of Hospital Assistants, is appointed to officiate during his absence.

No. 166 *G.*—Third Class Hospital Assistant Ewaz Ally, attached to the Mandrael Dispensary in Kerowlee, is granted three months' privilege leave, with effect from the afternoon of the 10th December 1885, and 3rd Class Hospital Assistant Bromanund is appointed to act in his place during his absence.

No. 168 *G.*—No. 150, Second Class Hospital Assistant Ahmud Hossain (2nd), attached to the Meywar Bheel Corps, Kherwara, returned, on the afternoon of the 26th November 1885, from the leave granted him in this Office Notification No. 3181 G., dated 13th October 1885.

By Order,
E. G. COLVIN,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 16th January 1886.

No. 51-330 *IV.*—With reference to Foreign Department Notification No. 2632 G., dated the 21st of December 1885, Lieutenant-Colonel A. W. Roberts received charge of the Office of Cantonment Magistrate, Nusseerabad, from Captain C. Herbert, on the forenoon of the 1st January 1886.

Lieutenant-Colonel Roberts is invested, with effect from the 1st January 1886, with the powers of a Magistrate of the 1st Class, to be exercised within the Ajmere District.

The 21st January 1886.

No. 63-65.—The following is the list of holidays to be observed by the Courts and Offices in the Ajmere-Merwara District during the year 1886 :—

Names of Holidays.	Dates.	Days of the week.	No. of Days.
	Christian Holidays.		
1 New Year's Day	1st Jan.	Friday	1
2 Ash Wednesday	10th Mar.	Wednesday	1
3 Good Friday	23rd April	Friday	1
4 Queen-Empress' Birthday.	24th May	Monday	1
5 Christmas	25th to 31st Dec.	Saturday to Friday	7
		TOTAL	11
	Hindu Holidays.		
1 Basant Panchmi	9th Feb.	Tuesday	1
2 Shiva Ratri	4th Mar.	Thursday	1
3 Holi	19th & 20th Mar.	Friday & Saturday	2
4 Shil Saptmi Fair	26th Mar.	Friday	1
5 Baisakhi Fair	18th May	Tuesday	1
6 Janam Ashtmi	23rd Aug.	Monday	1
7 Savitri Fair	5th Sep.	Sunday	1
8 Anunt Chowdas	12th Sep.	Sunday	1
9 Dasehra	5th, 6th & 7th Oct.	Tuesday to Thursday	3
10 Divali (Deep Malika)	26th Oct.	Tuesday	1
11 Pushkar Fair	8th to 12th Nov.	Monday to Friday	5
		TOTAL	18
	Mahomedan Holidays.		
1 Urs Khwaja Saheb	10th to 12th Apl.	Saturday to Monday	3
2 Shab Barat	19th May	Wednesday	1
3 Idul Fitra	4th July	Sunday	1
4 Idul Zuha	9th Sep.	Thursday	1
5 Moharram	7th to 9th Oct.	Thursday to Saturday	3
6 Bara Wafat	9th Dec.	Thursday	1
		TOTAL	10

1. For English and Vernacular Offices when there are no arrears of work the last Saturday in every month.
2. Mahomedan holidays depend on the moon being visible and fall on the day following such event.
3. Hindu holidays on account of eclipse of the sun fall on the day of such eclipse; but when they are for the eclipse of the moon they fall on the day following.
4. Local holidays may be granted for great festivals or fairs at the discretion of the Commissioner only when there are no arrears of work.
5. The Civil Courts' vacation commences on the 1st August and ends on the 30th September. No fresh suits shall during that time be instituted unless of an emergent character, but the Courts will be open for the purpose of clearing off cases instituted before 15th July and for disposal of any urgent work.

By Order,
E. G. COLVIN,
for *1st Asst. to the Agent to the Govr. Genl.*

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 16th January 1886.

No. 106.—Mr. J. Dias, Head Clerk in the Resident's Office, is appointed Sub-Registrar of the Civil and Military Station of Bangalore, *vice* Mr. R. H. James, from the forenoon of the 14th January 1886.

By Order,
J. H. NEWILL, *Major,*
Assistant to the Resident.

Statement of Silver Balance in the Calcutta Mint for the week ending 27th January 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 20th January 1886	5,14,126	
Value of Government silver in the Mint on the same date	17,84,566	
		22,98,692
ADD—		
Silver received by the Mint during the week on account of the Currency Department	11,94,367	
Ditto ditto Government	17,710	
		12,12,077
		35,10,769
DEDUCT—		
New coin paid to Reserve Treasury during the week	11,00,000	
Petty items issued for miscellaneous purposes	...	
		11,00,000
Balance on the evening of the 27th January 1886	...	24,10,769
The Balance comprises—		
Silver held on account of the Currency Department	6,07,229	
Ditto ditto Government	18,03,540	
		24,10,769
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	8,611	
Ditto ditto Government	...	
		8,611

R. V. RIDDELL, *Major, R.E.,*
Master of the Mint.

CALCUTTA MINT,
The 28th January 1886.

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.
47	B 86—09039	100	Sunderdoss Anundoss, Madras.
49	B 84—88271	100	Postmaster General, Madras.
	B 85—37103	100	
	B 86—03518	100	
50	B 85—21200	100	
	B 86—30290	100	
	,, —34946	100	
	,, —38825	100	
	,, —38911	100	
	,, —44613	100	
	,, —44614	100	
	,, —47160	100	
	,, —47161	100	
	,, —47162	100	
	,, —47163	100	
	,, —47164	100	

FORT ST. GEORGE,
The 18th January 1886.

W. T. PIERCY,
Asst. Accountant Genl., In charge of Paper Currency Dept.

SURVEY OF INDIA DEPARTMENT.

Maps of the Survey of India Department, published at the Survey of India Offices, Calcutta and Dehra Dun, for the quarter ending 31st December 1885.

Agents:

Calcutta.—No Agent. Maps can be obtained from the Office, 13, Wood Street.
Allahabad.—Curator, Government Books, North-Western Provinces.
Nagpur.—Curator, Government Books, Central Provinces.
Lahore.—Curator, Government Central Book Depot.
Madras:—*Messrs. Higginbotham & Co. (for sales only).
Poona.—Superintendent, Government Photo-zincographic Department.
Rangoon.—Curator, Government Book Depot.
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 and number of sheets.	Price of Map unmounted per sheet per copy. Uncolored. ₹ a.	Colored. ₹ a.	Date of Publication.
DISTRICT MAPS.					
District Shahabad	1″= 4 M.	51″×32″	1 0	1 4	October 1885.
District Rungpore	1″= 4 M.	27″×26″	1 0	1 4	November 1885.
District Dacca	1″= 4 M.	26″×26″	1 0	1 4	November 1885.
PLANS OF CANTONMENTS AND CITIES.					
Skeleton Map of Calcutta Town and Suburbs and Baranagur	4″= 1 M.	40″×27″ in three sheets.	...	...	September 1885.
STANDARD SHEETS.					
ASSAM SURVEY.					
Sheet No. 30. Part of Khasia Hills	1″= 2 M.	22″×15″	0 8	0 10	December 1885.
BENGAL.					
Darjeeling Revisionary Survey, Sheet No. 3	2″= 1 M.	42″×28″	1 0	1 4	June 1885.
Darjeeling Revisionary Survey, Sheet No. 4	2″= 1 M.	42″×28″	1 0	1 4	July 1885.
BOMBAY.					
Sheet No. 40, Guzerat Survey. Parts of the Panch Mehals Collectorate and of the Rewah Kantha States	1″= 1 M.	40″×27″	1 12	2 0	March 1885.
KONKAN SURVEY.					
Sheet No. 79 N.E.—1. District Thana	4″= 1 M.	40″×25″	2 0	2 4	September 1885.
Sheet No. 79 N.E.—2. District Thana	4″= 1 M.	40″×25″	2 0	2 4	September 1885.
Sheet No. 79 N.E.—3. District Thana	4″= 1 M.	40″×25″	2 0	2 4	September 1885.
Sheet No. 79 N.E.—4. District Thana	4″= 1 M.	40″×25″	2 0	2 4	September 1885.
Sheet No. 80 N.E.—1. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.E.—2. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.E.—3. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.E.—4. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.W.—1. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.W.—2. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.W.—3. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 N.W.—4. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 S.E.—1. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 S.E.—2. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 S.E.—3. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 80 S.E.—4. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 81 N.W.—2. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 81 N.W.—4. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 82 N.E.—1. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 82 N.E.—2. District Thana	4″= 1 M.	40″×25″	2 0	2 4	November 1885.
Sheet No. 82 N.E.—3. District Thana	4″= 1 M.	40″×25″	2 0	2 4	October 1885.
Sheet No. 82 N.E.—4. District Thana	4″= 1 M.	40″×25″	2 0	2 4	September 1885.

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*continued.*

Description.	Scale.	Size and number of sheets.	Price of Map unmounted per sheet or copy. Uncolored. ₹ a.	Colored. ₹ a.	Date of Publication.
STANDARD SHEETS—*contd.*					
BRITISH BURMA SURVEY.					
Sheet No. 104 S.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	November 1885.
Sheet No. 104 S.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	November 1885.
Sheet No. 112 N.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 112 N.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 112 S.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 112 S.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 113 N.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 113 N.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 113 S.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 113 S.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 121 N.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	November 1885.
Sheet No. 121 N.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	November 1885.
Sheet No. 121 S.E. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	November 1885.
Sheet No. 122 N.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	November 1885.
Sheet No. 122 S.W. District Bassein	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
NORTH-WESTERN PROVINCES SURVEY.					
Sheet No. 34. Districts Bulandshahr, Aligurh, and Budaon	1″= 1 M.	40″×25″	1 8	1 12	September 1885.
Sheet No. 34 N.E. Districts Bulandshahr and Aligurh	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
Sheet No. 34 S.E. Districts Bulandshahr and Aligurh	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
Sheet No. 34 N.W. Districts Bulandshahr and Aligurh	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
Sheet No. 34 S.W. Districts Bulandshahr and Aligurh	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
Sheet No. 35. District Aligurh	1″= 1 M.	44″×25″	1 8	1 12	September 1885.
Sheet No. 35 N.E. District Aligurh	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
Sheet No. 51 Western portion. Districts Bulandshahr, Aligurh, and Etah	1″= 1 M.	40″×25″	1 8	1 12	September 1885.
Sheet No. 51 N.W. District Budaon	2″= 1 M.	40″×25″	1 0	1 4	October 1885.
Sheet No. 51 S.E. District Budaon	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
Sheet No. 51 S.W. Districts Bulandshahr, Aligurh, and Etah	2″= 1 M.	40″×25″	1 0	1 4	September 1885.
PUNJAB SURVEY.					
Sheet No. 241 S.E. District Hissar	2″= 1 M.	40″×25″	1 0	1 4	August 1885.
Sheet No. 242 N.E. District Hissar	2″= 1 M.	40″×25″	1 0	1 4	August 1885.
Sheet No. 256 S.E. District Hissar	2″= 1 M.	40″×25″	1 0	1 4	August 1885.
Sheet No. 256 S.W. District Hissar	2″= 1 M.	40″×25″	1 0	1 4	August 1885.
Skeleton Map of Punjab and surrounding Countries	1″= 32 M.	34″×26″	Not priced.		October 1885.
INDEX MAPS.					
Index to the Standard Sheets of British Burmah	...	17″×14″	0 4	0 4	September 1885.
TECHNICAL CHARTS.					
Chart of Triangulation, North-East Frontier Topographical Survey, Degree Sheet X	1″= 4 M.	30″×22″	...	...	October 1885.
Levels in the North-Western Provinces, Sheet No. 12, Third Edition	1″= 2 M.	...	1 12	1 12	...
Levels in the North-Western Provinces, Sheet No. 81	1″= 2 M.	...	1 12	1 12	...
Levels in the North-Western Provinces, Sheet No. 83	1″= 2 M.	...	1 12	1 12	...
Chart No. 1 between λ 20° 28′ and 21° 29′, and L 86° 44′ and 87° 7′	1″= 2 M.	...	1 0	1 0	...
Chart No. 2 between λ 19° 48′ and 20° 30′, and L 85° 52′ and 86° 50′	1″= 2 M.	...	1 0	1 0	...
Chart No. 1 between λ 34° and 38°, and L 68° and 71°	1″= 8 M.	...	1 0	1 0	...
Chart No. 2 between λ 34° and 38°, and L 71° and 74°	1″= 8 M.	...	1 0	1 0	...

CHARLES STRAHAN, *Major, R.E.*,
Assistant Surveyor-General,
In charge Map Record and Issue Office.

SURVEY OF INDIA DEPARTMENT,
Calcutta, 3rd January 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 26th January 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,764	15	0
Public Deposits at Head Office (₹ 73,18,102 13 2) / Public Deposits at at Branches (94,50,857 9 3)	1,67,68,960	6	5
Other Deposits at Head Office and Branches	4,01,06,105	11	1
Bank Post Bills, &c.	5,93,193	7	6
Sundries	12,54,838	11	2
RUPEES	8,28,79,863	3	2

ASSETS.	₹	a.	p.
Government Securities	64,41,143	12	0
Other authorized Investments	46,60,172	8	0
Loans on Government and other authorized Securities	87,91,707	9	6
Accounts of Credit on Government and other authorized Securities	99,79,480	4	7
Bills discounted and purchased	2,08,40,459	7	4
Balances with other Banks	5,97,337	5	4
Bullion	5,145	5	3
Dead Stock	11,37,723	5	3
Stamps	8,402	8	0
Sundries	8,91,796	7	8
	5,33,53,368	8	11
Cash and Currency Notes at Head Office (1,13,04,620 12 7) / Cash and Currency Notes at Branches (1,82,21,873 13 8)	2,95,26,494	10	3
RUPEES	8,28,79,863	3	2

BANK OF BENGAL,
Calcutta, 28th January 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

Rate for Demand Loans 5 per cent.
Percentage 502.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

CEMETERY NOTICE.

Notice is hereby given that the monuments over the undermentioned graves in the Old Cemetery, Disa, *viz.*:—

1859, Wife and child of Sergeant John Beasley, H. M.'s 33rd Regiment, Europeans,

1860, Private Joseph Joyce, H. M.'s 33rd Regiment, Europeans,

1850, Son of Reverend G. L. Allen,

1841, Daughter of Captain W. B. Salmon,

1832, Son of Lieutenant Elder, European Regiment,

1840, Wife of Captain John Penney, 1st Bombay Light Cavalry,

1829, Wife of Apothecary Ferrier, 2nd Regiment, European Infantry,

1840, Daughter of Captain M. S. H. Lloyd, Queen's Royals,

1839, Major G. I. C. Paul, 3rd Regiment Light Cavalry,

1836, Lieutenant Bowen, H. M.'s 10th Regiment,

1840, Line Sergeant P. Kendall,

1849, Son of Mr. Sargon,

1839, Son of Lieutenant Blenkins, 6th Regiment, Native Infantry,

1828, Apothecary W. Atkins, 2nd European Regiment,

1828, Quarter Master Sergeant T. Sullevan, 2nd Europeans,

1828, Captain Stewart, 2nd Europeans,

1829, Wife of Sergeant Cox, 2nd Europeans,

1840, Captain Postans, 15th Regiment, Native Infantry,

1828, Ensign Donaldson, 2nd Europeans,

1843, Private Timothy Murphy, 2nd Queen's Royals,

1854, Son of O. C. T. Moor, 4th Troop, Horse Artillery,

need repairing, and persons interested in any one of them are requested to communicate with the Reverend the Chaplain of Disa and Abu, N. Gujarat.

Report of a Deserter from the 1st Battalion, North Lancashire Regiment of Foot, dated at Camp Harnai, this 19th day of January 1886.

Number, Rank, and Name.—No. 345, Lance Corporal John Smith.	At what Place Enlisted,—Preston.
Age,—27 years 11 months.	Parish and County in which Born,—Liverpool, Lancashire.
Size,—5 feet 5½ inches.	Marks,—Moles—one over left groin, one over spine, one over left nipple.
Colour of— Complexion, sallow; Hair, light brown; Eyes, blue.	Trade,—Seaman.
Date of Desertion,—16th January 1886.	Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers,— (Regimentals.)
Place of Desertion,—Kandalana, Bolan Pass.	REMARKS,—
Date of Enlistment,—29th November 1881.	Under 5 years' service.

F. G. BERKELEY, *Col. & Lt.-Col.*,
Comdg. 1st Battn., N. L. Regt.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 31st December 1885.

With effect from the 1st January 1886, parcels will be received at any Indian Post Office for transmission *viâ the United Kingdom* to Cape Town and all other places in Cape Colony, &c. *Natal* is not included in this exchange.

2. The rate of postage for parcels addressed to the Cape Colonies will be one rupee eight annas per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally, will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

The 19th January 1886.

STOPPAGE OF SALE OF BRITISH POSTAL ORDERS FOR PAYMENT AT GIBRALTAR.

Intimation having been received from the British Postal authorities that the Gibraltar Post Office has ceased, with effect from 1st January 1886, to be under the control of Her Majesty's Postmaster General, and is, therefore, no longer legally empowered to cash British postal orders issued in India, notice is hereby given that British postal orders will not in future be sold at Indian Post Offices for payment at Gibraltar.

F. R. HOGG,
Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 28th January 1886.

Bradshaw, W. J.
Brodie & Co.
Carter, Mrs. K
Fanshawe, C. W.
Kemp, W.
Laubolle, R.
McCann, Mrs. H.
Molesworth, G.
Mosles, W.
Muir, Miss Clara.
Scott, H. & Co.
Skelton, Rev. B.
Turner, H. G.

Letters marked "Care of Post Office."

A. B.
Alberico, G.
Anderson, Miss Wright
Aniacke, L. A. C.
Atkinson, Mrs. T.
Atkinson, Thos.
A. S. 27.
Baggs, W. H.
Bailey, Mon. Frank.
Barclay, J. J. T.
Barnett, Mrs. E.
Baron of Brenner.
Bateman, S. H.
Bennett, J. B.
Blondi, Felecia.
Black, Mrs.
Blaker, Mr.
Blunt, W. R.
Bogle, Miss.
Bracken, J. M.
Brown, Rev. J. J.
Bruce, T.
Bruhton, Mrs. J.
Buck, E. J.
Burke, Master W. T.
Cartland, Mrs. F.
Catter, A.
Chelton, H.
Clark, James.
Clift, H. W.
Crawhall, Hugh.
Crinall, John.
David, A.
"Dee."
Derham, Henry.
Dodd, C. B. N.
E.
Easton, Percy H.
Edwards, J.
Ellesland, A. S.
Ellis, Mrs. Jus.
Evezard, E.
Fedricks, F.
Finlay, Howard.
Fleiss, Otto.
Flinsch, Ferdinand.
Franklin, R. O.
Freise, C.
Frisk, T.
G. P. O.
Gibbs, J.
Gilmour, Capt. D. C.
Goldberg, H.
Gordon, George.
Gusture, Esq.
H. H.
Hay, Major E.
Harmond, A. E.
Heath, Mrs.
Henderson, Jas.
Henstrom, E. W.
His Highness Maharajah of Hutwa
Howe, Revd. R.
Hughes, Capt.
Hughes, R. J.
Irvine, Esq.
J. P.
Jackson, Mrs. J. T.
K. P. M.
Kirkbride, J.
Kitchen, J. R.
Lloyd, E. T.
Lowe, Mrs.
MacDougall, D.
Manuel, C. J.
Mattin, Mrs.
Maud, J. P.
May, J. A.
Melville, A.
"Midas."
Middleton, C.
Mieg, Chas. Mansbendil
Murdock, Mrs.
Nation, S.
Neil, D. M.
Noel, L. A.
Norris, H.
Norton, F.
Norville, Mrs. L.
Page, George.
Palmer, Col. A. P.
Parker, Mrs. A.
Philips, Henry.
Pike, H. R.
Pollard, T. J.
Powell, W. G. N.
Rafeaux, Calcraf.
Raynor, E.
Reece, Mrs. Annie.
Remington, F.
Rhoades, A. H.
Richards, H. A.
Robinson, F. A.
Robinson, Miss C.
Robinson, W.
Salva, T. F.
Schmid, Otto.
Scobell, S. G. T.
Scobell, Mrs.
Scott, C. E. C.
Singleton, C. W.
Simpson, Percy.
Smart, Mrs. R. B.
Smith, F. E., Mrs.
Stamford, W. M.
Stamton, C.
Sternbergh, A.
Stevens, H. W.
Stevo Senora Roco.
Storey, A.
Symons, W. S.
Talbot, Mrs. H. B.
Tarssore, J.
Taste, P. J. De la.
Taylor, A. J.
Thiband, P. T.
Thorpe, Sydney.
Thurman, W. A.
Tighe, James.
Tooms, Charles.
Transche, Hern. J. Von.
Tudor, T. G.
Turner, H. G.
Tyrrell, David.
Uren, Capt. T.
Vah, Mrs.
Vinall, J. N.
Volpi Beaucourt, st.
Walker, P. C.
Walker, G. A.
Way, F. H.
Webster, Fred.
Webster, T. E.
Whimster, J.
Whitworth, Henry.
Wilson, Mrs. Mark.
Wittelstraus, W.
Wright, Miss U.
X. X. A.

Registered Letters.

Adcock, H.
Baron Joakim of Brenner.
Cesare, Mon. F.
Fliess, Otto.
Harris, Ashley.
Nilsor, Mrs.
Povnby, Miss P.
Sternbergh, M.
Zaff, Carl.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 25th January 1886.

Adjutant, 69th Regt.
Cleveland, G.
Das, Poddo Lochan.
Dobbie, W.
Fagan, H. R.
Galloway, Major F.
Gordon, Major J. A. D.
Hart, H.
Hunter, A. S., Col.
Krestenson, Ratt L.
Lestun, Mrs.
Maddock, W.
Mozumdar, Umesh Chunder.
Mukerjie, N. N.
Singh, Rameswar Prosad Maharaja.
Swinney, Mr.
Whitmarsh, Mrs. M.H.

A. P. GHOSAL,
Postmaster, Barrackpore.

SEA AND FOREIGN MAILS.

The 30th January 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	6th Feb.	P. & O. Str. *Rosetta.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	2nd ,,	From Bombay.
Foreign Mails *viâ* Bombay	2nd ,,	From Bombay.*
Ditto Book Post and Pattern Packets	1st ,,	From Bombay.
Rangoon and Moulmein	3rd ,,	Str. *Kilwa.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	3rd ,,	Str. *Mahratta.*
Straits and Hong-Kong	4th ,,	Str. *A. Apcar.*
Straits and Hong-Kong	6th ,,	Str. *Tasiang.*
Rangoon	30th Jan.	Str. *Clive.*

* Also for Cape of Good Hope and Natal 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.

The 30th January 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during February 1886:—

DATE OF CLOSING.	ROUTE.
2nd February 1886	By P & O. Steamer from Bombay.
3rd February 1886*	By B. I. S. N. Co.'s Private Vessel.
6th February 1886	By P. & O. Steamer from Calcutta.
16th February 1886	By P. & O. Steamer from Bombay.
19th February 1886*	By Ducal Line Private Vessel.
19th February 1886.*	By Star Line Private Vessel.
20th February 1886	By P. & O. Steamer from Calcutta.
22nd February 1886*	By Star Line Private Vessel.
26th February 1886	By French Steamer.

* 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. (pre-payment compulsory).

The postage on letters conveyed by the P. & O and French Steamers is three (3) annas per ½ oz. (pre-payment optional)

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8;* per eight-ounce tin, *₹8-8;* per pound tin, *₹16-8.* The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8;* per eight-ounce tin, *₹10-8;* per pound tin, *₹20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائين كا خوب قائم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد سے نوٹ ذيل خريد كرسكتے هيں يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه '

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

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونميں بكتي هى ماسواے قيمت مذكورهٔ بالا كے محصول ڈاك چار روپے آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارهٔ آنه ,

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

كرسٹلين سنكونا دوائي بخار '

لال سنكونا بارك كي ايك نئي اور عمده دوا گورنمنٹ فاكٹري مين تيار هوئي هى معمولي ے صاف كي هوئي دوائي بخار سے كونين كے لئے يهه بهت خوب قايم مقام هى اور سيب پور متصل كلكته كے بوٹانكل گارڈن يعني كمپني باغ كے سپرنٹنڈنٹ صاحب سے هر ايك ملازم سركاري كام اور خيرات كے لئے اور وه لوگ جو ايك مشت بيس پونڈ لين نقد اس بهاو سے خريد سكتے هين يعنے چار آونس كے ٹين كا چهه روپيه آٹهه آنه ; آٹهه آونس كے ٹين كا باره روپيه آٹهه آنه ; اور ايك پونڈ كے ٹين كا چوبيس روپيه—

اور عام لوگون كو بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سكتا هى يعنے چار آونس ٹين كا آٹهه روپيه آٹهه آنه ; آٹهه آونس كي ٹين كا سوله روپيه آٹهه آنه اور ايك پونڈ ٹين كا بتيس ٣٢ روپيه يهه دو كلكته كے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بكتي هى محصول ڈاك چار آونس كي ٹين كے لئے چار آنه ; آٹهه آونس كي ٹين كے لئے آٹهه آنه اور ايك پونڈ كي ٹين كے لئے باره آنه علاوه اوپر لكهے هوئے نرخ كے هى '

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 6, 1886.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

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Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,
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AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 18th January 1886.

No. 37.—Baboo Kirth Chunder Chowdry, Executive Engineer, 4th Grade, transferred temporarily to Beluchistan, reported his arrival at Rindli on 2nd instant, and is posted as a temporary arrangement to the 3rd Division, Frontier Road Circle.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl., Beluchistan, P. W. D.

No. 1944.—*Account of Revenue and Expenditure of the Government of India for the first six months of the year 1885-86, as compared with the corresponding period of 1884-85.*

N.B.—Amounts are converted into sterling at Rio to the pound sterling.

	Revenue.	Estimates, 1885-86.	April 1884 to September 1884.	April 1885 to September 1885.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	8,421,406	8,808,633	387,227	...
II	Opium	9,025,500	4,297,808	4,443,099	145,291	...
III	Salt	6,400,000	3,006,123	3,071,306	65,183	...
IV	Stamps	3,633,400	1,852,104	1,922,508	70,404	...
IV	Excise	4,070,000	1,978,392	2,055,476	77,084	...
VI	Provincial Rates	2,856,800	1,085,812	1,220,228	134,416	...
VII	Customs	1,175,000	446,890	533,525	86,635	...
VIII	Assessed Taxes	514,900	438,167	435,115	...	3,052
IX	Forest	1,060,100	328,910	336,260	7,350	...
X	Registration	281,800	152,519	167,755	15,236	...
XI	Tributes from Native States	691,300	196,394	189,920	...	6,474
XII	Post Office	1,101,700	525,701	556,744	31,043	...
XIII	Telegraph	540,100	214,065	267,054	52,989	...
XIV	Mint	125,000	50,917	126,199	75,282	...
XV	Law and Justice	595,300	242,626	250,951	8,325	...
XVI	Police	311,600	152,840	149,453	...	3,387
XVII	Marine	176,400	62,517	84,423	21,906	...
XVIII	Education	201,800	94,972	95,199	227	...
XIX	Medical	52,600	20,147	21,725	1,578	...
XX	Scientific and other Minor Departments.	86,100	34,305	24,243	...	10,062
XXI	Interest	650,400	371,799	366,435	...	5,364
XXII	Receipts in aid of Superannuation, &c.	257,700	68,427	85,447	17,020	...
XXIII	Stationery and Printing	54,100	18,003	20,297	1,394	...
XXIV	Miscellaneous	267,700	133,031	135,253	2,222	...
		57,002,900	24,194,775	25,367,248	1,172,473	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,841,700	1,666,485	1,876,430	209,945	...
	East Indian Railway (Gross Earnings).	4,550,000	2,045,937	2,284,825	238,888	...
	Eastern Bengal Railway (Gross Earnings).	550,000	...	195,368	195,368	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	2,175,172	2,347,176	172,004	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	557,212	386,462	...	170,750
	Unproductive Public Works.					
XXIX	State Railways	148,400	101,953	134,223	32,270	...
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	8,142	36,789	28,647	...
XXXI	Irrigation and Navigation	135,400	59,500	56,184	...	3,316
XXXII	Military Works	40,800	17,101	17,409	308	...
XXXIII	Civil Buildings, Roads, and Services	474,600	234,611	209,742	...	24,869
XXXIV	Army	814,000	339,165	368,877	29,712	...
XXXV	Military Operations in North-West Frontier.	...	...	11,215	11,215	...
		71,892,500	31,400,053	33,291,948	1,891,895	...
	England, including Army, Public Works, &c.	197,900	143,256	105,252	...	38,004
	GRAND TOTAL	72,090,400	31,543,309	33,397,200	1,853,891	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 4th February 1886.

	Expenditure.	Estimates, 1885-86.	April 1884 to September 1884.	April 1885 to September 1885.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	1,890,718	1,917,489	26,771	...
2	Do. on other Obligations	411,000	81,852	98,347	16,495	...
3	Refunds and Drawbacks	224,400	95,305	130,026	34,721	...
4	Assignments and Compensations	1,248,500	378,347	384,899	6,552	...
5	Land Revenue	3,443,800	1,608,277	1,587,699	...	20,578
6	Opium (including cost of production)	2,473,700	2,612,413	2,707,752	95,339	...
7	Salt (do. do.)	492,300	240,798	230,442	...	20,356
8	Stamps	84,800	45,494	43,470	...	2,024
9	Excise	123,500	48,673	62,049	13,376	...
10	Provincial Rates	113,500	25,611	21,951	...	3,660
11	Customs	133,200	72,462	64,366	...	8,096
12	Assessed Taxes	13,400	7,808	6,739	...	1,069
13	Forests	725,300	282,937	286,059	3,122	...
14	Registration	181,160	91,294	95,415	4,121	...
15	Post Office	1,161,300	559,110	581,606	22,496	...
16	Telegraph	607,900	248,061	256,824	8,763	...
17	Mint	77,590	38,596	48,435	9,839	...
18	General Administration	1,335,700	659,680	669,745	10,065	...
19	Law and Justice	3,437,500	1,647,443	1,643,774	...	3,669
20	Police	2,855,700	1,355,985	1,367,961	11,976	...
21	Marine (including River Navigation)	305,800	157,785	160,894	3,109	...
22	Education	1,291,900	568,081	564,555	...	3,526
23	Ecclesiastical	169,700	80,532	81,213	681	...
24	Medical	760,400	352,852	353,235	383	...
25	Political	629,800	266,355	637,394	371,039	...
26	Scientific and other Minor Departments	477,900	249,856	252,061	2,205	...
27	Territorial and Political Pensions	654,900	319,322	315,880	...	3,442
28	Civil Furlough and Absentee Allowances	5,200	9,224	1,397	...	7,827
29	Superannuation Allowances and Pensions	763,400	423,382	442,364	18,982	...
30	Stationery and Printing	374,000	186,019	184,146	...	1,873
31	Miscellaneous	263,700	131,043	143,152	12,109	...
32	Famine Relief	33,000	322	20,736	20,414	...
33	Protective Works—Railways	500,000	489,148	...	...	489,148
34	Do do Irrigation	287,300	95,401	82,491	...	12,970
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,242,499	761,989	...	480,510
		33,774,400	16,562,745	16,196,555	...	366,190
	Productive Public Works.					
36	State Railways (Working Expenses)	2,270,500	997,902	1,097,636	99,734	...
	East Indian Railway (Working Expenses)	1,826,500	1,030,756	822,203	...	208,553
	Eastern Bengal Railway (ditto)	232,500	...	137,067	137,067	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	64,821	40,078	...	24,743
38	Irrigation and Navigation (Working Expenses)	593,100	277,681	283,348	5,667	...
39	Charges in respect of Capital— Guaranteed Railways Interest	4,400	10,016	24,886	14,870	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	67,135	116,527	49,392	...
41	Do. (Working & Maintenance)	119,900	75,819	74,612	...	1,207
42	Subsidized Railways	39,800	18,914	11,716	...	7,198
	Southern Mahratta Railway	80,300	80,205	31,593	...	48,612
43	Frontier Railways	100,000	64,749	...	...	64,749
44	Irrigation and Navigation	706,100	326,455	326,496	41	...
45	Military Works	1,088,300	389,073	353,341	...	35,732
46	Civil Buildings, Roads, and Services	4,040,600	1,593,994	1,463,507	...	130,487
47	Army	12,161,500	5,829,110	5,994,452	165,342	...
48	Military operations in N.-W. Frontier	..	...	1,481,818	1,481,818	...
		57,951,900	27,389,375	28,455,835	1,066,460	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	7,152,729	6,931,977	...	220,752
		72,306,500	34,542,104	35,387,812	845,708	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,900,600	725,241	1,535,891	810,650	...
	East Indian Railway	340,000	100,352	178,746	78,394	...
	Eastern Bengal Railway	132,100	...	57,328	57,328	...
51	Irrigation and Navigation	813,700	272,473	286,692	14,219	...
	In England—					
	State Railways	862,100	1,338,689	490,115	...	848,574
	East Indian Railway	...	170,155	...	...	170,155
	Eastern Bengal Railway	350,900	...	...	...	...
	Irrigation and Navigation	6,000	557	4,196	3,639	...
		4,405,400	2,607,467	2,552,968	...	54,499
	GRAND TOTAL	76,711,900	37,149,571	37,940,780	791,209	...

* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

E. GAY,
Offg. Comptroller General.

COMPTROLLER GENERAL'S OFFICE.

Account of Security Deposits held by the Comptroller General in trust for Civil Officers on the 31st December 1885, published in conformity with paragraph 12 of Financial Notification No. 276, dated 30th April 1880.

Name of person or Fund on whose behalf held.	Amount of Investment. 3½ per cent., 1853-54.	4 per cent., 1832-33.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.	Total.	Name of Officer to whom interest is sent.
	₹	₹	₹	₹	₹	₹	
Bhopal Water Works Endowment Fund	...	...	3,32,000	...	...	3,32,000	Political Agent, Bhopal.
Security of Treasurer, Bhopal Political Agency and Accountant, Residency Office	...	...	20,000	...	...	20,000	Do. do.
" of Head Store keeper	...	...	2,500	...	...	2,500	Resident in Nepal.
" Treasurer, Port Blair Treasury	...	...	5,000	...	...	5,000	Executive Commissariat Officer, Port Blair.
Ivypore College	...	...	2,000	...	...	2,000	Treasury Officer, Port Blair.
Chaplain, Nusseerabad.	...	...	1,000	...	...	1,000	A. G. G., Rajputana, and Resident Eastern Rajputana States.
Mayo College accumulated Funds	...	...	100	...	...	100	Sub T. O., Nusseerabad.
" " Endowment Funds	...	...	11,600	...	...	11,600	A. G. G., Rajputana, and Principal Mayo College.
Ajmere Dispensary Fund	...	...	6,12,900	...	...	6,12,900	A. G. G., Rajputana.
Masuda " "	...	...	4,000	...	...	4,000	Commissioner of Ajmere.
Todgosh " "	...	...	1,500	...	...	1,500	Ditto.
Police Clothing Fund	...	...	1,500	...	...	1,500	Ditto.
	...	...	5,000	...	...	5,000	Commissioner and the General Superintendent of Police, Ajmere.
For repairs of Captain Balden's Tomb	...	...	100	...	...	100	Sub T. O., Nusseerabad.
Ajmere Government College	...	...	2,400	...	...	2,400	Commissioner of Ajmere Merwara.
Abu and Aunundra Dispensaries	...	...	5,000	...	...	5,000	Superintendent General of Dispensaries and Vaccination in Rajputana.
Minor Appachatollana Subbopah	...	...	8,700	...	600	9,300	Commissioner and the Treasury Officer, Coorg.
" Chamarasa	...	...	1,200	...	...	1,200	Ditto.
" Mallapah	...	...	500	...	...	500	Ditto.
" Venkataramiah	...	...	1,100	...	...	1,100	Ditto.
" Santhappah	...	...	500	...	...	500	Ditto.
" Rungiah	...	...	600	...	...	600	Ditto.
" Shivacharada Thapatanally Sidlingapah	...	...	...	...	700	700	Ditto.
" Shivacharada Roodriah	...	...	500	...	...	500	Ditto.
Civil Dispensary, Mercara	...	...	3,000	...	...	3,000	Resident, Mercara Municipal Commissioner, and Civil Surgeon, Mercara.
Dispensary Funds, Verajundrapett	...	...	2,000	...	...	2,000	Commissioner of Coorg and the President, Verajundrapett Municipality.
Municipal Funds, Verajundrapett	...	...	1,100	...	...	1,100	Ditto.
" " Mercara	...	...	1,400	...	...	1,400	President and the Vice-President, Mercara Municipality.
Fraser Endowment for the Fraserpett School	...	...	500	...	...	500	Commissioner and the Inspector of Schools, Coorg.
Northbrook Medal Fund	...	...	2,000	...	...	2,000	Master of the Mint and the Director of Public Instruction, Punjab
Estate of Haji Hani Hanifa Bhai, widow of Haji Currim	...	...	1,17,500	...	...	1,17,500	Cantonment Magistrate and Corporation of Wards, Secunderabad.
Messrs. Nowroji Pestonji & Co., Government Salt Agents	...	...	1,00,000	...	...	1,00,000	Assistant Commissioner of Inland Customs, Sambhar.
Security of Treasurer, Sambhar Treasury	...	...	...	...	75,000	75,000	Assistant Commissioner, N. I. Salt Revenue, Sambhar.
Rao Bahadoor Roshun Sing	...	...	1,50,000	...	...	1,50,000	Political Agent, Bundelkhund, Nowgong.
Bundelkhund Rajcoomar College	...	...	65,600	...	...	65,600	Ditto.
Prince of Wales' Recovery Fund	...	...	2,400	...	...	2,400	Ditto.
Security of Treasurer, Indore Treasury	...	...	50,000	...	...	50,000	Treasury Officer, Indore.
Dhar Leper Hospital	...	...	...	10,000	...	10,000	Ditto.
Residency School Fund	...	...	37,500	...	...	37,500	Ditto.
Security of Mutsuddi of Resident's Office	...	...	1,000	...	...	1,000	Extra Assistant Commissioner, Hyderabad.
" Treasurer, Gwalior Treasury	...	...	10,000	...	...	10,000	Resident, Gwalior.
Cantonment Funds, Mhow	...	...	10,000	...	...	10,000	President, Cantonment Committee, Mhow.
Ahmed, son of Ali Ahmed Joomanee	...	...	...	...	12,900	12,900	Political Agent and Consul, Muscat.
Security of Bullion-keeper, Calcutta Mint	...	...	50,000	...	...	50,000	Mint Master, Calcutta.
Brandis Prize for Sylviculture	...	...	...	...	2,000	2,000	Director of Forest School, Dehra-Dun.
Commissioner of Coorg on account of Mercara Dispensary	...	...	1,000	...	...	1,000	No interest drawn.
" " " Thomson Prize Fund	...	...	...	...	1,000	1,000	
" " " Central School Endowment Plantation	...	...	1,000	...	...	1,000	
	...	...	16,25,100	10,000	92,200	17,27,300	
Investments of Value of Lost Currency Notes held on account of various individuals	...	...	32,100	...	200	32,300	Comptroller General's Trust Account.
Persian Famine Relief Fund	...	...	12,000	...	...	12,000	Ditto.
Security of Cashier, Government Printing Office	...	...	5,000	...	...	5,000	Ditto.
Lost Promissory Notes, Jafar Ali Khan, Lucknow	...	...	10,000	...	...	10,000	Ditto.
Security and Deposits of Treasurer, Currency Office, Calcutta	...	1,000	65,500	...	500	67,000	Ditto.
Lost Promissory Notes, Syama Sundari Chowdrani	10,000	...	...	...	...	10,000	Ditto.
Security Deposit of Mr. Bruce Ellis	...	...	5,000	...	...	5,000	Ditto.
Agent, East Indian Railway, and the Consulting Engineer to the Government of India for Guaranteed Railways	...	...	1,50,000	...	...	1,50,000	Ditto.
Hindu Family Annuity Fund	...	...	1,79,000	...	...	1,79,000	Ditto.
General Family Pension Fund	...	...	12,88,500	...	...	12,88,500	Ditto.
Bengal Christian Family Pension Fund	...	...	2,34,000	2,000	...	2,36,000	Ditto.
Patriotic Fund	...	...	1,90,400	...	...	1,90,400	Ditto.
Security of Treasurer, Paper Currency, Allahabad	...	...	1,00,000	...	...	1,00,000	Ditto.
" " " " Lahore	...	...	1,00,000	...	...	1,00,000	Ditto.
Lost Currency Notes, Mutty Lall Roy	...	...	500	...	...	500	No interest drawn.
" " " Shaik Bhadoo Biswas	...	...	600	...	...	600	
" " " Moulvie Ahmed Ali	...	...	800	...	...	800	
" " " Ram Gopal Mitter	...	...	1,000	...	...	1,000	
Balances of Government Agency	...	...	1,000	...	...	1,000	
	10,000	1,000	23,75,400	2,000	700	23,89,100	
	10,000	1,000	40,00,500	12,000	92,900	41,16,400	

COMPTROLLER GENERAL'S OFFICE;
CALCUTTA,
The 21st January 1886.

E. GAY,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 2nd February 1886

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,764	15	0
Public Deposits at Head Office (₹ 69,54,191 4 5)	1,71,44,772	5	3
Public Deposits at Branches 1,01,90,581 0 10			
Other Deposits at Head Office and Branches	3,69,03,969	11	0
Bank Post Bills, &c.	6,90,399	2	3
Sundries	12,54,058	8	11
RUPEES	8,01,89,04	10	5

ASSETS.	₹	a.	p.
Government Securities	66,00,666	4	0
Other authorized Investments	45,44,820	0	0
Loans on Government and other authorized Securities	81,40,101	10	0
Accounts of Credit on Government and other authorized Securities	1,00,71,443	15	0
Bills discounted and purchased	2,12,05,509	3	0
Balances with other Banks	7,50,475	14	5
Bullion	3,522	13	10
Dead Stock	11,38,055	11	3
Stamps	8,846	1	6
Sundries	8,88,010	8	9
	5,33,51,452	1	9
Cash and Currency Notes at Head Office (₹ 94,30,873 8 11)	2,68,38,452	8	8
Cash and Currency Notes at Branches 1,74,07,578 15 9			
RUPEES	8,01,89,904	10	5

BANK OF BENGAL,
Calcutta, 4th February 1886.

J. GORDON,
Chief Accts. & Dy. Secy.
Rate for Demand Loans 6 per cent.
Percentage 47·8.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 1st February 1886.

No. 394.—ERRATUM.—In this office notification No. 112, dated the 12th January 1886, for "13th December 1885," read "12th December 1885."

By Order,
L. S. NEWMARCH, *Lieut.*,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 28th January 1886.

No. 180 *G.*—No. 563, Sub-Hospital Assistant Rahmut Oollah, attached to the Deoli Irregular Force, availed himself of the sixty days' leave of absence granted to him in this Office Notification No. 3918 G., dated the 29th December 1885, on the 5th January 1886.

The 30th January 1886.

No. 189*G.*—Second Class Hospital Assistant Jowala Pershad, of the Government Reserve List, is granted three months' privilege leave, with effect from the 13th December 1885.

By Order,
E. G. COLVIN,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE MERWARA.

NOTIFICATIONS.

Abu, the 26th January 1886.

No. 79-190 *II.*—Under Section 37, Act X of 1882 (Criminal Procedure Code), Mr. H. E. J. Fitzpatrick, Magistrate of the First Class, is invested with the power to try summarily the offences mentioned in Section 260 of the Code of Criminal Procedure, to be exercised during the time he may officiate as Judicial Assistant, Ajmere.

The 27th January 1886.

No. 82-190 *II.*—With reference to this Office Notifications, Nos. 11 and 12-190 II., dated 7th January 1886, Mr. H. E. J. Fitzpatrick and Pandit Jia Lal, respectively made over and received charge of the Office of Extra Assistant Commissioner and Treasury Officer, Ajmere, on the forenoon of the 14th January 1886.

No. 84-327.—With reference to this Office Notifications Nos. 10-327 and 11-190 II., dated 7th January 1886, Rai Bahadur Pandit Bhag Ram and Mr. H. E. J. Fitzpatrick, respectively, delivered over and received charge of the Office of Judicial Assistant, Ajmere, on the afternoon of the 14th January 1886.

No. 86-593.—The following rule fixing the periods of the summer and winter vacations of the Ajmere Government College and village schools in the Ajmere-Merwara District, is published for general information :—

In the Ajmere Government College the summer vacation will begin and close on dates to be notified hereafter. A vacation of eight days is allowed for Christmas week and New year's day.

During the rest of the year those holidays only will be given which are granted to the civil courts

In village schools the summer vacation will begin on the 15th March 1886 and end on the 15th April 1886. A further vacation of eight days being allowed at Christmas.

By Order,

E. G. COLVIN,

for *1st Asst. to the Agent to the Govr. Genl.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 1st February 1886.

No. 6.—Lieutenant-Colonel H. J. Nuthall, Executive Engineer, 1st Grade, is transferred, in the interests of the public service, from the Sind-Pishin State Railway to the Bolan Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

TREASURE TROVE.

NOTICE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that on the 9th day of December 1885, treasure, consisting of the undermentioned articles, valued at ₹1,000, was found hidden within the limits of Kalavagunta Pagoda, belonging to Esvara Devastanum, in the village of Kalavagunta, in the Chittoor Taluq, North Arcot District :—

Description of Property.	*Value.* ₹ a. p.
1. Natana Sabapati, bronze idol, about ¾ yard in height, 1	1,000 0 0
2. Siva Kamaunna, idol, about ⅓ yard in height, 1	
3. Belly God, or Ganesa, idol, about ¾ yard in height, 1	
4. Manikkavasakar, idol, about ¼ yard in height, 1	
5. Tri-sulam, about ¼ yard in height, 1	

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 25th day of July 1886, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

Acting Collector of North Arcot.

NORTH ARCOT COLLECTOR'S OFFICE,
CHITTOOR,
The 25th January 1886.

TREASURE TROVE.

NOTICE

Is hereby given that on the 9th day of January 1886, the undermentioned property, valued in all at ₹70, was found in the compound of the Roman Catholic Church, Nellore, Nellore Taluq, Nellore District, Madras Presidency :—

List of Property.	*Value.* ₹ a. p.
One image of mixed metal of Kristna, on pedestal	50 0 0
One metal lamp-stand	4 0 0
One metal lamp-stand, broken in two pieces	2 0 0
One metal torch-holder	3 0 0
One metal vessel for holy water in the form of a conch shell	5 0 0
Two conch shells	1 0 0
Eleven broken metal vessels, (eleven pieces)	5 0 0
TOTAL	70 0 0

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the undersigned on the 7th June 1886, at Nellore, and establish their claims to it.

Special Deputy Collector,
for *Collector.*

NELLORE COLLECTOR'S OFFICE,
The 23rd January 1886.

TREASURE TROVE.

NOTICE.

In terms of Section 5 of Act VI of 1878, notice is hereby given that on or about the 14th day of July 1885 certain treasure as detailed below, of the aggregate value of ₹4,100, was found in an open plot of ground in the village of Chahardi, Taluka Chopda, of the Khandesh Collectorate, Bombay Presidency. The ground in which the treasure was found is bounded on the east be Bhika wd. Ishna Patil's cattle-yard, on the west by the road leading to Amalner, on the south by a Nala and on the north by the temple of Manubai.

Gold Akabar and Aurangzeb Mohurs 193,

One bar of gold,

the whole treasure weighing ₹195¼.

Claimants are hereby required to appear personally or by Agent before the Mamlatdar of Chopda on the 15th June 1886, when it is intended that an inquiry shall be held according to law.

H. E. WINTER,
Acting Collector of Khandesh.

OFFICE OF THE COLLECTOR OF KHANDESH;
CAMP JALGAON,
The 30th January 1886.

TREASURE TROVE.

NOTICE.

In terms of section 5 of Act VI of 1878, notice is hereby given that on the 15th June 1885, certain treasure (29 rupees of the Akabari and 6 of the Kalmi mintage, in all 35 rupees) was found in open ground forming part of the Town of Dharangaon, Taluka Erandol, of the Khandesh Collectorate, Bombay Presidency. Claimants are hereby required to appear personally or by Agent before the Mamlatdar of Erandol on the 15th June 1886 when it is intended that an enquiry shall be held according to law.

H. E. WINTER,
Acting Collector of Khandesh.

OFFICE OF THE COLLECTOR OF KHANDESH;
CAMP JALGAON,
The 30th January 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 3rd February 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 27th January 1886	6,07,229	
Value of Government silver in the Mint on the same date.	18,03,540	24,10,769
ADD—		
Silver received by the Mint during the week on account of the Currency Department	2,707	
Ditto ditto Government	22	2,729
		24,13,498
DEDUCT—		
New coin paid to Reserve Treasury during the week	7,00,000	
Petty items issued for miscellaneous purposes	796	7,00,796
Balance on the evening of the 3rd February 1886	...	17,12,702
The Balance comprises—		
Silver held on account of the Currency Department	1,21,048	
Ditto ditto Government	15,91,654	17,12,702
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	4,535	
Ditto ditto Government	...	4,535

R. V. RIDDELL, *Major, R.E.,*
Master of the Mint.

CALCUTTA MINT,
The 4th February 1886.

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 DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
1885			
W121 & P 77—67320*		100	The Officiating Postmaster
W157 „ —88033*		100	General, Bengal.

* Destroyed by fire.

CALCUTTA,
The 5th February 1886.

FRED. ATKINSON,
Assistant Comptroller General,
in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
30	E 19—97654	50	Omer Deen Mistri, at village Golepatta, Thana Rajabul-lubpur, Zilla Howrah.
31	E 20—25600	100	Uttum Chand, Bank of Bengal, Lahore.

LAHORE,
The 2nd February 1886.

WILLIAM H. DOBBIE,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
51	B 86—35171	100	V. Theruvengadaswamy Mudaliar, Coimbatore,

FORT ST. GEORGE,
The 25th January 1886.

H. S. GROVES,
Asst. Accountant Genl.,
In charge of Paper Currency Dept.

CEMETERY NOTICE.

Notice is hereby given that the monuments over the undermentioned graves in the Old Cemetery, Disa, *viz.* :—

1859, Wife and child of Sergeant John Beasley, H. M.'s 33rd Regiment, Europeans,

1860, Private Joseph Joyce, H. M.'s 33rd Regiment, Europeans,

1850, Son of Reverend G. L. Allen,

1841, Daughter of Captain W. B. Salmon,

1832, Son of Lieutenant Elder, European Regiment,

1840, Wife of Captain John Penney, 1st Bombay Light Cavalry,

1829, Wife of Apothecary Ferrier, 2nd Regiment, European Infantry,

1840, Daughter of Captain M. S. H. Lloyd, Queen's Royals,

1839, Major G. I. C. Paul, 3rd Regiment Light Cavalry,

1836, Lieutenant Bowen, H. M.'s 10th Regiment,

1840, Line Sergeant P. Kendall,

1849, Son of Mr. Sargon,

1839, Son of Lieutenant Blenkins, 6th Regiment, Native Infantry,

1828, Apothecary W. Atkins, 2nd European Regiment,

1828, Quarter Master Sergeant T. Sullevan, 2nd Europeans,

1828, Captain Stewart, 2nd Europeans,

1829, Wife of Sergeant Cox, 2nd Europeans,

1840, Captain Postans, 15th Regiment, Native Infantry,

1828, Ensign Donaldson, 2nd Europeans,

1843, Private Timothy Murphy, 2nd Queen's Royals,

1854, Son of O. C. T. Moor, 4th Troop, Horse Artillery,

need repairing, and persons interested in any one of them are requested to communicate with the Reverend the Chaplain of Disa and Abu, N. Gujarat.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 31st December 1885.

With effect from the 1st January 1886, parcels will be received at any Indian Post Office for transmission *viâ the United Kingdom* to Cape Town and all other places in Cape Colony, &c *Natal* is not included in this exchange.

2. The rate of postage for parcels addressed to the Cape Colonies will be one rupee eight annas per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally, will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,

Asst. Director General of the Post Office of India.

The 19th January 1886.

STOPPAGE OF SALE OF BRITISH POSTAL ORDERS FOR PAYMENT AT GIBRALTAR.

Intimation having been received from the British Postal authorities that the Gibraltar Post Office has ceased, with effect from 1st January 1886, to be under the control of Her Majesty's Postmaster General, and is, therefore, no longer legally empowered to cash British postal orders issued in India, notice is hereby given that British postal orders will not in future be sold at Indian Post Offices for payment at Gibraltar.

F. R. HOGG,

Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 4th February 1886.

Carter, Mrs. K.	Fansbawe, C. W.	Muir, Miss Clara.
Casperz, A. A.	Jackson, Geo J.	Tilbury, Mrs. M.
Cubitt, W. M.	Kemp, W.	Turner, H. G.
Ellis, W. J.	Leach, F.	

Letters marked "Care of Post Office."

A. B.	Gibbs, J.	Richards, H. A.
A. S. 27.	Gilmour, Capt. D. C.	Robinson, E. A.
Alberico, G.	Goldberg, H.	Robinson, Miss C.
Aniaoke, L. A. C.	Gordon, George.	Robinson, W.
Atkinson, Mrs. T.	Gusture, Esq.	Salva, T. F.
Atkinson, Thos.	H. H.	Schmid, Otto.
Baert, Rev. H.	Hay, Major E.	Scotland, W.
Bailey, Mon. Frank.	Heath, Mrs.	Scott, C. E. C.
Barclay, J. J. T.	Helms, Mr G.	Shaw, R. F.
Barnett, Mrs. E.	Henderson, Jas.	Simpson, Percy.
Baron of Brenner.	Henstrom, E. W.	Smart, Mrs. K. B.
Bateman, S. H.	His Highness Maharajah of Hutwa.	Smith, F. E., Mrs.
Beattie, R.		Speer, A. E.
Bennett, J. B.	Hughes, Capt.	Stainton, C.
Biondi, Felecia.	Hughes, R. J.	Stanislaus, Walter.
Blaker, Mr.	Irvine, Esq.	Straw, Mrs. R.
Blunt, W. R.	Johnstone, Major J.	Sternbergh, A.
Bogle, Miss.	K. P. M.	Storey, A.
Brown, Rev. J. J.	Kirkbride, J.	Symons, W. S.
Brohton, Mrs. J.	Lee, Rev. T. S.	Talbot, Mrs. H. B.
Buck, E. J.	Lloyd, E. T.	Tamsore, J.
Burke, Master W. T.	Lowe, Mrs.	Taylor, A. J.
Cartland, Mrs. F.	Lucy, Walter A.	Thiband, P. T.
Catter, A.	Macauliffe, M.	Thorpe, Sydney.
Chelton, H.	MacDougall, D.	Thurman, W. A.
Clark, James.	Martin, Mrs.	Tighe, James.
Coleman, R. J.	Maud, J. P.	Tooms, Charles.
Crawhall, Hugh.	May, J. A.	Transche, Hern. J. Von.
Crimall, John.	"Midas."	Tudor, T. G.
"Dee."	Mieg, Chas. Mansbe dil.	Turner, H. G.
Derham, Henry.	Murdock, Mrs.	Tyrrell, David.
Dodd, C. B. N.	Neil, D. M.	Uren, Capt. T.
Donovan, J.	Noel, L. A.	Vinall, J. N.
E.	Norris H.	Vob, Mrs.
Easton, Percy H.	Norville, Mrs. L.	Volpi Beaucourt, et.
Edwards, J.	Page, George.	Walker, G. A.
Ellesland, A. S.	Palmer, Col. A. P.	Walker, P. C.
Ellis, Mrs. Jas.	Parker, Mrs. A. A.	Watson, G.
Fez, Lt. Col.	Phillips, Henry.	Way, F. H.
Finlay, Howard.	Piercy, W. T.	Webster, Fred.
Fishe, Mrs.	Pike, H. R.	Webster, T. E.
Fleiss, Otto.	Rateaux, Calcraf.	Whimster, J.
Flinsch, Ferdinand.	Reece, Mrs. Annie.	Wilson, Mrs. Mark.
Franklin, R. O.	Remington, F.	Wittelstraus, W.
Freise, C.	Roades, A. H.	X. X. A.
G. P. O.		

Registered Letters.

Atkinson, F. J.	David and Sons.	Poynby, Miss P.
Baron Joakim of Brenner.	Fliess, Otto.	Sternbergh, M.
Beaty, Frank.	Godfrey, J. B.	Wobbekind, Carl.
Cesare, Mon. F.	Harris, Ashley.	Wright, Mrs. Temple.
	Nilson, Mrs.	Zaff, Carl.

E. HUTTON,

Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 1st February 1886.

Adjutant, 69th Regt.	Galloway, Major F.	Sheppherdson, J.
Bayn, H. T.	Hart, H.	Singh, Rameswar Prosad Maharaja.
Bennett, G. A. T.	Hunter, A. S., Col.	Sutton and Ramsay.
Chatterjee, Chandichurn.	Krestenson, Rait L.	Swinney, Mr.
Cook, A.	Maddock, W.	Thornton, Pte. Gunner.
Dittmoo, Mrs. K.	Riddell, Capt.	

A. P. GHOSAL,

Postmaster, Barrackpore.

SEA AND FOREIGN MAILS.

The 6th February 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	6th Feb.	P. & O. Str. *Rosetta.*
Foreign Mails *viâ* Bombay	9th ,,	From Bombay.*
Ditto Book Post and Pattern Packets	8th ,,	From Bombay.
Rangoon and Moulmein	10th ,,	Str. *Simla.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	10th ,,	Str. *Oriental.*
Straits and Hong-Kong	6th ,,	Str. *Taisang.*
Port Blair and Camorta	11th ,,	Str. *Maharani.*

* Also for Cape of Good Hope and Natal through United Kingdom; also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nosi Be and Réunion 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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, ₹4-8; per eight-ounce tin, ₹8-8; per pound tin, ₹16-8. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, ₹5-8; per eight-ounce tin, ₹10-8; per pound tin, ₹20. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئينائين کا خوب قائم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليںے 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 سولهه روپيه آٹهه آنه ;

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں 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 خانونميں بکتي هی ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار ور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارهٔ آنه ;

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلين سنکونا دوائي بخار

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري ميں تيار هوئي هی معمولي سے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ لينں نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا باره روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه—

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا سوله روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يهه دو کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون ميں بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه آونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارهٔ آنه علاوه اوپر لکهے هوئے نرخ کے هی،

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:—

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Tables for the Reduction of Meteorological Observations in India. R2.

HENRY F. BLANFORD,

Meteorological Reporter to the Government of India.

Catalogue of Charts issued at the Marine Survey Office, Bombay, by order of the Government of India, and sold at the Marine Survey Office, I. G. Dockyard, Bombay.

All Charts are corrected up to the date of Issue.

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Office No. of Chart.

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INDIAN OCEAN.

O. 11. **Indian Ocean:** Curves of equal magnetic variation, 1880. By R. C. Carrington, F.R.A.S. 8a.

O. 1258. **Indian Ocean, Suez to Penang,** including Zanzibar and Madagascar (Engraved). Physical and track chart. Compiled by R. C. Carrington, 1881. R1.

O. 1257. **Arabian Sea, Western portion,** with plans of Babel Mandeb Strait and Zanzibar Harbour. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1881. R2.

O. 1257a. **Arabian Sea, Eastern portion,** with plans of Karáchi, Bombay, Colombo, Galle and Madras. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1881. R2.

PERSIAN GULF.

Oo. 310. **Bahrein Harbour approaches.** By M. Chapman, I.N. 1874. Two sheets. R1.

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N. 1273. **Mahuwa.** By Navigating Lieutenant T. C. Pascoe, R.N., 1884. R1.

K. 66. **Bombay Harbour.** By Officers of Marine Survey, 1880-82. R2.

K. 67. **Port of Bombay.** By Navigating Lieutenants Petley and Pascoe, R.N., 1880-81. 12a.

M. 39. **Sketch of the Entrance to Rajpuri River.** By Navigating Lieutenant W. P. Haynes, R.N., 1876 8a.

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M. 1232. **Chaul and Entrance to Kundalika River.** By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1879. R1.

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M. 1233. **Jaygad and Entrance to Shastri River.** By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1879. R1.

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M. 1252. **Bankot and Entrance to Savitri River.** By Navigating Lieutenant E. W. Petley, R.N., 1880, R1.

M. 1263. **Agoada to St. George's Islands,** including Goa and Marmagao Roadsteads. By Navigating Lieutenant E. W. Petley, R.N., 1881. R1.

M. 1264. **Marmagao Roadstead.** By Navigating Lieutenant E. W. Petley, R.N., 1881. R1.

K. 63. **Sadashivgad Bay,** including the Port of Kárwár and Beitkul Cove. By Navigating Lieutenant E. W. Petley, R.N., 1880. R1.

Office No. of Chart.

J. 80. **Cochin River, Bar and Roadstead.** Commander L. S. Dawson, R.N., 1883. R1.

L. 1176. **Narakel Anchorage.** Compiled from the latest Government Surveys, 1878. 8a.

I. 851. **Quilon Roads.** By Navigating Lieutenant T. C. Pascoe, R.N., 1883. R1.

K. 61. **Lakadive Group**—Cherbaniani Reef, Chitlac and Kiltan Islands. By Lieutenants Selby and Taylor, I.N., 1848. 12a.

L. 53. **Byramgore Reef or Chereapani, and Angria Bank.** By Lieutenants Selby and Taylor, I.N., 1848. 8a.

J. 81. **Kolachel Roadstead,** with plan of Enciam Rocks. Surveyed by M. Chapman, I.N., 1875. R1-8.

EAST COAST OF INDIA—BAY OF BENGAL CEYLON, &c.

N. 15b. **Cape Comorin to Cocanada,** including the Island of Ceylon. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1876. R1-12.

H. 1218. **Tuticorin Roadstead and Harbour.** Surveyed by M. Chapman, I.N., 1879. R1.

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G. 1184. **Approaches to Paumben Pass.** Surveyed by M. Chapman, I.N., 1878. R1.

G. 1235. **Mullaitivu or Moeletivoe.** By J. Donnan 1879. 8a.

G. 1256. **Batticaloa Roadstead.** By J. W. O'Dowd, Surveyor General's Department, Ceylon, 1881. 8a.

G. 1175. **Colombo Harbour and its approaches.** Compiled from the latest Government Surveys, 1878. R1.

G. 1171. **Approaches to Point de Galle Harbour, Ceylon.** By T. H. Twynam and Commander A. D. Taylor, 1877. R1.

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F. 105. **Madras Roadstead.** Surveyed by Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1876. R1.

F. 1267. **Vizagapatam.** By Commander P. J. Falle, I.M., 1883. R1-4.

F. 1275. **Calingapatam.** By Lieutenant M. H. Smyth, R.N., 1884. R1.

F. 1172. **Orissa Coast, Narsapur Point to Palmyras Point,** adapted to the latest determinations of the G. T. S., and observations by Commander A. D. Taylor, I.N. Compiled by R. C. Carrington, F.R.A.S., corrected to 1880. R1.

N. 15c. **Cocanada to Bassein River.** Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1876. R1-12.

F. 113. **Coringa or Cocanada Bay,** showing the Northern Godavery Mouths. By Navigating Lieutenant G. C. Hammond, R.N., 1875. R1-8.

F. 106. **Dhamra and Baitarani Rivers.** By Commander L. S. Dawson, R.N., 1883. R1.

F. 1165. **False Point Harbour and approaches.** By Navigating Lieutenant G. C. Hammond, R.N., 1876, corrected to 1880, by Commander A. D. Taylor, I.N. R1.

E. 117. **Hooghly River.—Luff Point to Anchoring Creek,** showing the James and Mary Shoals and entrance to the Roopnarain River. By Navigating Lieutenant Coghlan, R.N., 1875. R1-8.

E. 119. **Megna River,** in four sheets. Commander L. S. Dawson, R.N., 1883. R3 the set.

E. 115. **False Point to Mutla River,** showing the approaches to Sandheads. From the latest Government Surveys. Compiled by R. C. Carrington, F.R.A.S., corrected to 1881. R1.

E. 115a. **Mutla River to the Chittagong Coast.** Compiled from the latest Government Surveys, 1879. R1.

D. 126. **Chittagong or Kornafuli River.** Surveyed by Lieutenant G. C. Hammond, R.N., 1876. R1.

COAST OF BURMA, &c.

D. 120. **Elephant Point to Cheduba.** Published in 1874. R1-4.

N. 15d. **Bassein River to Pulo Penang,** including the Andaman and Nicobar Islands. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1876. R1-12.

Office No. of Chart.

C. 134. **Coronge Island to White Point,** including the Gulf of Martaban. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., corrected to 1878. R1.

C. 137. **Preparis North Channel and Entrance to Bassein River.** By Commander A. D. Taylor, I.N., and latest Government Charts. Compiled by R. C. Carrington, F.R.A.S., 1879. R1.

C. 1276. **Rangoon River,** in four sheets. By Commander L. S. Dawson, R.N., 1883-84. R3.

C. 144. **Port of Rangoon.** By Commander L. S. Dawson, R.N., 1883. R1.

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Further Notes on the Rungpore Records, Vol. II. By E. G. Glazier, C.S. R1 (2*a*.)

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. R5 (4*a*.)

Descriptive Ethnology of Bengal. By Colonel Edward Tuite Dalton.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 13, 1886.

☞ **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 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 29th January 1886.

No. 3.—The undermentioned Assistant Surgeons of the Imperial Establishment are transferred to the Bengal Provincial Establishment to fill vacancies:—

Nilratan Adhikari.
Gopal Chundra Mukhopadhyay.
Surendra Nath Neogi, M.B.
Upendra Narayan Roy, M.B.
Atul Chandra Basu, M.B.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 4th February 1886.

No. 213 *G.*—Lieutenant C. H. Dawson assumed charge of the duties of Adjutant of the Erinpura Irregular Force, on the forenoon of the 24th of January 1886.

The 6th February 1886.

No. 242 *G.*—First Class Hospital Assistant Abdoollah Khan, Jail Hospital, Ajmere, is

granted fifteen days' privilege leave, with effect from 21st January 1886.

By Order,

E. G. COLVIN,

for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 5th February 1886.

No. 108-96 *III.*—With reference to this Office Notification No. 1286-96 III., dated 18th December 1885, Colonel F. W. Boileau resumed charge of the Office of Cantonment Magistrate, Deoli, from Lieutenant J. A. Bell, on the forenoon of the 25th January 1886.

By Order,

E. G. COLVIN,

for *1st Asst. to the Agent to the Govr. Genl.*

RESIDENT IN MYSORE.

NOTIFICATION.

Camp Mercara, the 3rd February 1886.

No. 237.—Under the provisions of Section 14 of the Code of Criminal Procedure (Act X of 1882), Mr. Abdul Rahman, a Magistrate of the 2nd Class in the Civil and Military Station of Bangalore, is appointed to be a Special Magistrate of the 1st Class, for the disposal of criminal case No. 1612 of 1885 (Papagadu Annia Chatty and Gangadhara Chatty) on the file of the 2nd Magistrate's Court in the said station.

By Order,

J. H. NEWILL, *Major,*
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 11th February 1886.

No. 7.—Mr. J. C. Ledger, Executive Engineer, 1st Grade, is granted furlough for one year and nine months, with the usual subsidiary leave, with effect from such date as he may avail himself of the same.

The 12th February 1886.

No. 8.—Mr. E. F. Gordon, Executive Engineer, 4th grade (temporary rank), is granted furlough for one year, with the usual subsidiary leave, with effect from such date as he may be permitted to avail himself of the same.

No. 9.—Mr. F. G. Brook-Fox, Executive Engineer, 3rd grade, is granted leave on medical certificate for 12 months, with the usual subsidiary leave, with effect from such date as he may be allowed to avail himself of the same.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

Report of a Deserter or Absentee without leave from the Depôt, 2nd Battalion, Liverpool Regiment of Infantry, dated at Fort William, this 6th day of February 1886.

Number, Rank, and Name, No. L'pool,—1290, Private James Archibald McDonald.
Age,—19 years 6 months.
Size,—5 feet 9½ inches.
Colour of—
Complexion, fair; Hair, light brown; Eyes, grey.
Date of Desertion or Absence,—1st February 1886.
Place of Desertion or Absence,—Fort William.
Date of Enlistment,—6th July 1885.
At what Place Enlisted,—Fort William.
Parish and County in which Born,—River John, Picton, Nova Scotia.
Place of residence for last 12 months before enlistment,—Not known.
Marks,—Right arm, rose and flag in tattoo. Left arm, heart, A. McD. in tattoo, bracelet and anchor on back wrist and hand in tattoo. Scar across just above right nipple.
Trade,—Seaman.
Coat or Jacket,— } Regimentals.
Waistcoat,— .
Breeches or Trowsers,— .
REMARKS,—Not off furlough.
Under 1 year's service.

C. M. H. NEWINGTON, *Major,*
Comdg. Depôt, 2nd Battn., Liverpool Regt.

Report of a Deserter from the Queen's Regiment of Infantry, dated at Dum-Dum, this 10th day of February 1886.

Number, Rank, and Name, No. W. Surrey—19, Private William Hall.
Age,—23 years 6 months.
Size,—5 feet 5 inches.
Colour of—
Complexion, dark; Hair, brown; Eyes, grey.
Date of Desertion,—7th February 1886.
Place of Desertion,—Dum-Dum.
Date of Enlistment,—2nd September 1881.
At what Place Enlisted,—Croydon.
Parish and County in which Born,—St. Andrews, Newcastle-on-Tyne, Northumberland.
Marks,—Tattoo anchors on left arm, and back of hand, &c. Contraction of terminal phalanx of right forefinger. Scar on left forearm.
Trade,—Slater.
Coat or Jacket,—Tunic.
Waistcoat,—
Breeches or Trowsers,—Regimental.
REMARKS,—Was on pass to Calcutta till 12 midnight, 7th February 1886.
Under 5 years' service.

C. BODDAM, *Captain,*
Comdg. Detachment, The Queen's Regt.

Report of a Deserter from the 3rd Regiment of Dragoon Guards, dated at Muttra, this 7th day of February 1886.

Number, Rank, and Name, —No. 2357, Private John Robinson.
Age,—24 years 5 months.
Size,—5 feet 10 inches.
Colour of—
Complexion, fair; Hair, light; Eyes, grey.
Date of Desertion,—3rd February 1886.
Place of Desertion,—Muttra.
Date of Enlistment,—21st May 1884.
At what Place Enlisted,—Barnsley, Yorks.
Parish and County in which Born,—Birmingham, Warwick.
Marks,—Scar on left cheek bone, scar on right of lower jaw. Slightly pok-pitted.
Trade,—Plane-maker.
Coat or Jacket,— } Supposed Regimentals.
Waistcoat,— .
Breeches or Trowsers,— .
REMARKS,—
Under 1 year's service.

J. DAVISON, *Lieut.-Colonel,*
Comdg. 3rd Regt. of Dragoon Guards.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, as outstanding in the Books of the Bank of Bengal on the 31st January 1886.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS									4½ PER CENT. LOANS									5 PER CENT. LOAN OF 1850-57.	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 1875, 4½ PER CENT. PORTION.	TOTAL.		TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.				
	£	£	£	£	£	£	£	£			£	£	£	£		£				
Balance of 15th January 1886	54,100	13,72,587	27,53,000	2,19,99,000	91,51,100	2,54,57,000	2,31,78,600	8,39,11,287			44,19,000	78,16,900	9,54,36,900	10,76,72,800		1,23,000			32,200	19,17,93,387
Stock transferred to London	...	...	...	...	...	50,000	...	50,000			...	...	...	...		...			...	50,000
Add—																				
Amount enfaced at Madras between 16th and 31st January 1886	...	...	600	...	...	...	...	600			...	...	5,000	5,000		...			...	5,600
Amount enfaced at Bombay between 16th and 31st January 1886	...	...	1,000	1,38,100	500	3,81,400	40,000	5,61,000			...	500	2,000	2,500		...			...	5,63,500
Amount enfaced at Calcutta between 16th and 31st January 1886	...	...	...	72,500	...	1,36,200	5,000	2,13,700			...	...	1,16,600	1,16,600		...			...	3,30,300
	54,100	13,72,587	27,54,600	2,22,09,600	91,51,600	2,60,24,600	2,32,23,600	8,47,36,587			44,19,000	78,17,400	9,55,60,500	10,77,96,900		1,23,000			32,200	19,27,42,787
Deduct—																				
Amount written off in the London Registers	...	...	12,000	37,500	8,500	2,06,200	19,600	2,83,800			...	16,500	4,68,500	4,85,000		...			...	7,68,800
Balance on 31st January 1886	54,100	13,72,587	27,42,600	2,21,72,100	91,43,100	2,58,18,400	2,32,04,000	8,44,52,787			44,19,000	78,00,900	9,50,92,900	10,73,11,900		1,23,000			32,200	19,19,73,987

NOTE.—From 9th June 1867 to 30th Nov. 1885 enfaced from India 5,172 lakhs, re-transferred from London 4,603 lakhs.

,, 1st Dec. 1885 to 15th Dec.	,,	6	,,	,,	9 ,,
,, 16th ,, ,, to 31st ,,	,,	1	,,	,,	6 ,,
,, 1st Jan. 1886 to 15th Jan. 1886	,,	1	,,	,,	2 ,,
,, 16th ,, ,, to 31st ,,	,,	9	,,	,,	7 ,,
		5,189 lakhs.			4,627 lakhs.
		4,627 ,,			
Balance against India		562 lakhs.			

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 2nd February 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 6th February 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,764	15	0
Public Deposits at Head Office ₹. 66,72,859 4 6	1,93,23,504	4	10
Public Deposits at Branches 1,26,50,645 0 4			
Other Deposits at Head Office and Branches	3,63,78,318	9	2
Bank Post Bills, &c.	5,81,734	2	11
Sundries	12,99,548	3	4
RUPEES	8,17,39,870	3	3

ASSETS.	₹	a.	p.		
Government Securities				59,22,511	4	0
Other authorized Investments				44,86,992	8	0
Loans on Government and other authorized Securities				91,94,878	11	5
Accounts of Credit on Government and other authorized Securities				98,78,191	6	0
Bills discounted and purchased				2,12,15,996	12	1
Balances with other Banks				6,35,222	3	0
Bullion				2,565	9	10
Dead Stock				11,34,899	4	11
Stamps				9,041	5	6
Sundries				8,61,705	5	7
				5,33,42,004	6	4
Cash and Currency Notes at Head Office	95,79,147	4	4	2,83,97,865	12	11
Cash and Currency Notes at Branches	1,88,18,718	8	7			
RUPEES				8,17,39,870	3	3

BANK OF BENGAL,
Calcutta, 11th February 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 49·3.

Statement of Silver Balance in the Calcutta Mint for the week ending 10th February 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 3rd February 1886	1,21,048	
Value of Government silver in the Mint on the same date	15,91,654	17,12,702
ADD—		
Silver received by the Mint during the week on account of the Currency Department	4,760	
Ditto ditto Government	...	4,760
		17,17,462
DEDUCT—		
New coin paid to Reserve Treasury during the week	8,00,000	
Petty items issued for miscellaneous purposes	...	8,00,000
Balance on the evening of the 10th February 1886	...	9,17,462
The Balance comprises—		
Silver held on account of the Currency Department	1,25,808	
Ditto ditto Government	7,91,654	9,17,462
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,481	
Ditto ditto Government	...	2,481

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 11th February 1886.

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.
32	E 19—94351*	50	Waris Ali, watch and clock maker, Umballa.
	—31212†	50	

* Belonging to Agency No. 2, Simla.
† Belonging to Agency No. 3, Umballa.

LAHORE,
The 6th February 1886.

WILLIAM H. DOBBIE,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
52	B 84—60527	100	Tekkatta Kumaran Nayar, Calicut.

FORT ST. GEORGE,
The 1st February 1886.

H. S. GROVES,
Asst. Accountant Genl.,
In charge of Paper Currency Dept.

NOTICE.

SALE OF GOVERNMENT STEEL AND IRON.

I. Sealed tenders will be received by the Commissary of Ordnance in charge Arsenal, Madras, up to 10th March 1886, for purchase from the Arsenal of the undermentioned articles (more or less) in whole or in part.

II. The tenders should be in duplicate, and in English, and should specify in words as well as in figures the rate at which the article named in them will be taken.

III. Tenders should be accompanied by a deposit of ₹10 per cent. in Bank receipt as earnest money, which deposit will be returned on rejection of the tenders.

IV. Tenders not complying with these conditions will be rejected.

V. The approval or rejection of tenders rests with the Inspector-General of Ordnance, who reserves to himself the right of rejecting any tender without explanation, or any items in a tender the rates of which are not approved.

VI. Tenders will be opened at this office at 12 o'clock on 11th March 1886.

Description of articles.	Quantity.
Iron, wrought, angle 2 × 1/8 cwt.	21 1 7
" " " 2½ × ⅜ "	13 0 0
" " bolt or round 3½ "	49 3 11
" " " " 2¾ "	9 0 0
" " " " 6 "	46 0 0
" " " " 1⅞ "	117 0 0
" " " " 1¾ "	231 0 0
" " " " 1⅝ "	112 0 0
" " " " 1½ "	428 0 0
" " " " 4 "	42 0 21
" " " " 5 "	12 2 14
" " flat 9 × ⅜ "	1 0 20
" " " 8 × 2½ "	129 3 21
" " " 8 × 2 "	257 3 23
" " " 7½ × 1⅛ "	48 1 21
" " " 7 × 1¼ "	73 1 3
" " " 7 × ¼ "	8 0 14
" " " 6⅞ × 1⅛ "	95 1 19
" " " 6½ × 2 "	138 3 2
" " " 6⅜ × 1¼ "	2 1 11
" " " 6¼ × 1½ "	10 1 25
" " " 6¼ × 1¼ "	4 2 0
" " " 6½ × ⅝ "	1 3 7
" " " 6⅛ × ½ "	31 2 23
" " " 6 × ⅜ "	85 0 0
" " " 5⅞ × ⅝ "	2 0 7
" " " 5⅝ × ¾ "	30 1 7
" " " 5½ × ⅜ "	37 2 14
" " " 5¼ × ¾ "	68 3 24
" " " 5 × 2¼ "	90 3 26
" " " 5 × 1⅛ "	63 2 8
" " " 5 × ¼ "	9 0 0
" " " 4⅞ × 1⅛ "	0 3 18
" " " 4½ × ⅜ "	26 0 0
" " " 4½ × 1⅛ "	103 1 20
" " " 4⅜ × ⅜ "	26 1 24
" " " 4¼ × 1⅛ "	41 0 17
" " " 4⅛ × 1⅛ "	96 0 26
" " " 4 × 1⅛ "	118 2 13
" " " 3⅞ × 1 "	44 1 14
" " " 3⅝ × ¾ "	80 0 0
" " " 3⅜ × ⅝ "	31 0 0
" " " 3⅜ × ⅜ "	138 3 20
" " " 3⅛ × ⅝ "	74 1 27
" " " 3¼ × ⅝ "	244 2 17
" " " 3 × ⅜ "	6 2 18
" " " 2¾ × ⅝ "	21 3 22
" " " 2½ × ⅜ "	93 0 0
" " " 2½ × 1 "	28 2 21
" " " 2⅜ × ½ "	7 0 0
" " " 2 × ⅜ "	43 0 0
" " " 1⅞ × ⅜ "	13 3 27
" " " 1¼ × ⅜ "	8 1 25
" " Iron, wrought, flat 1⅝ × ⅝ cwt.	4 1 14
" " " 1½ × ⅝ "	16 0 0
" " " 1⅜ × 7/16 "	18 3 0
" " hoop 1½ × 1/16 "	5 0 27
" " square B. B. 6 "	455 0 0
" " " 4½ "	244 0 0
" " " 4¼ "	304 0 0
" " " 4 "	265 0 0
" " " 3¾ "	127 3 13
" " " 3⅝ "	22 0 14
" " " 3½ "	831 0 18
" " " 3¼ "	2,156 2 0
" " " 3⅛ "	74 0 20
" " " 2⅞ "	38 1 1
" " " B. B. 2½ "	122 1 18
" " " " 2¼ "	136 0 0
" " " " 1¾ "	13 1 6
" " " " 1½ "	9 0 14
" " T 3″ to 2½″ "	127 1 24
" Europe, plate 12 × 7/16 "	4 3 4
" " " 10 × ⅝ "	32 1 26
" " " 10 × ½ "	11 0 23
" " " 9 × ¼ "	52 0 25
" " " 7⅛ × 4/10 "	0 2 0
" " " 7½ × 4/10 "	190 1 24
" " " 7 × ½ "	19 2 4
" " " 7 × 1/10 "	156 2 21
" " " 6⅛ × 3/10 "	29 3 0
" " " 6 × ¼ "	11 3 7
" " " 5⅓ × 1/10 "	45 0 5
" " " 5¼ × 3/10 "	4 3 2
" " " 4½ × 1/10 "	39 0 1
" " " 4⅛ × 1/10 "	30 0 13
" " " 4½ × ¼ "	9 3 10
" " " 4 × 1/10 "	29 1 13
" " " 4 × ¼ "	81 1 0
" " " 3½ × 1/10 "	9 3 25
" " " 3½ × 1/10 "	48 0 23
" " " 3 × 1/16 "	8 2 21
" " " 3⅛ × ¼ "	26 0 2
" sheet 7⅛ × 3½ × 1/10 "	223 3 18
" " 6 × 4 × ⅛ "	3 2 23
" " 6 × 2 × ⅜ "	16 1 18
" " 6 × 2 × ¼ "	5 1 5
" " 6 × 1½ × ⅝ "	9 3 24
" " 5¼ × 3⅛ × 1/10 "	21 2 18
" " 4 × 2½ × 1/10 "	78 2 7
" " 4 × 2½ × ⅛ "	313 3 0
" " 4 × 2½ × 1/16 "	8 1 20
" " 4 × 2 × 1/10 "	17 1 0
" Europe, sheet 4 × 2 × ⅜ "	384 0 8
" " " 3⅛ × 3½ × ⅜ "	33 0 4
" wrought, triangular, solid 1¼ "	2 3 15
" Europe, bar 2 × ⅛ "	252 0 3
" " " 1½ × ⅛ "	234 1 15
Steel, blister, flat 3½ × 3¼ "	5 2 6
" " " 3⅜ × 1/16 "	0 2 5
" " " 3¼ × 1/16 "	26 3 13
" " " 3¼ × 1/16 "	2 3 7
" " " 1⅞ × ⅝ "	42 2 13
" " " 3 × ½ "	10 0 0
" " " 2⅝ × ½ "	1 0 24
" " " 2½ × 2 "	1 2 27
" " " 2⅛ × ¾ "	7 3 3
" " " 2⅛ × 1/16 "	23 2 19
" " " 2⅛ × ¼ "	20 0 0
" " " 2 × ½ "	14 1 8
" " " 2¾ × ⅛ "	0 3 20
" " " 2¼ × ⅛ "	0 0 18
" " " 1 × ½ "	9 0 0
" " " 2 × ⅜ "	0 2 10
" " square 2½ "	0 3 18
" " " 2⅜ "	5 0 23
" " " 2⅛ "	3 3 24
" " " 2¼ "	3 0 26
" " " 2 "	1 1 18
" " " 3 "	3 3 19
" " " 1⅝ "	0 0 14
" " " 1¼ "	0 0 17
" cast bolt or round 3 "	10 3 10
" " " " 2 "	12 3 26
" " " " 1½ "	6 2 13
" " " 5 "	4 3 9
" " flat 3½ × ¾ "	4 0 10
" " " 3¼ × ⅜ "	1 3 7
" " " 3 × ½ "	26 3 13
" " " 3 × ⅜ "	27 1 7

Description of articles.	Quantity.
Steel, cast, flat 1 × 3/8 . . . cwt.	6 0 0
„ „ „ 2 × 1/2 . . . „	0 0 24
„ „ „ 3 1/2 × 5/8 . . . „	0 2 26
„ shear, flat 3 1/4 × 1/2 . . . „	1 1 18
„ „ „ 3 1/2 × 7/8 . . . „	3 1 19
„ „ „ 3 1/2 × 3/4 . . . „	5 0 14
„ „ „ 3 1/2 × 5/8 . . . „	3 1 18
„ „ „ 3 1/4 × 5/8 . . . „	5 2 0
„ „ „ 3 1/4 × 1/2 . . . „	19 1 21
„ „ „ 3 1/4 × 1/4 . . . „	7 2 1
„ „ „ 3 × 5/8 . . . „	11 2 23
„ „ „ 3 × 1/2 . . . „	48 3 12
„ „ „ 3 × 3/8 . . . „	73 0 0
„ „ „ 3 × 1/4 . . . „	46 3 12
„ „ „ 2 7/8 × 5/8 . . . „	5 0 8
„ „ „ 2 × 3/4 . . . „	5 3 21
„ „ „ 2 × 3/8 . . . „	192 0 2
„ „ „ 1 3/4 × 3/4 . . . „	247 3 0
„ „ „ 1 1/2 × 1/2 . . . „	10 3 2
„ „ „ 2 × 5/8 . . . „	7 2 19
„ „ „ 1 1/2 × 3/8 . . . „	7 3 18
„ „ „ 1 × 1/2 . . . „	170 0 0
„ „ „ 1 × 3/8 . . . „	200 0 19
„ „ „ 1 × 1/4 . . . „	185 0 0
„ „ „ 3/4 × 1/4 . . . „	5 0 0
„ „ „ 3/4 × 3/8 . . . „	8 1 16
„ „ „ 2 1/2 × 1/2 . . . „	33 1 26
„ „ „ 2 1/2 × 3/4 . . . „	45 2 8
„ „ „ 2 1/2 × 1/8 . . . „	0 3 6
„ „ „ 2 1/2 × 5/8 . . . „	0 1 5
„ „ „ 2 1/2 × 1/4 . . . „	0 1 6
„ „ „ 2 1/4 × 1/2 . . . „	7 1 9
„ „ „ 2 1/4 × 5/8 . . . „	8 0 24
„ „ „ 1 × 3/8 . . . „	56 0 11
„ „ „ 2 1/4 × 3/8 . . . „	4 3 5
„ cast, square 4 1/2 . . . „	1 0 23
„ „ „ 3 1/2 . . . „	12 1 20
„ „ octagonal 1 1/4 . . . „	5 0 26
„ shear, square 3 1/2 . . . „	1 3 11
„ „ „ 2 1/4 . . . „	1 0 16
„ „ „ 2 . . . „	8 1 9
„ „ „ 1 3/4 . . . „	3 1 9
„ „ „ 3/4 . . . „	13 1 17
„ „ „ 3/8 . . . „	4 1 26
„ „ „ 1 . . . „	10 3 5
„ „ „ 1 1/2 . . . „	1 1 12
„ „ „ 5/8 . . . „	0 2 8
„ „ „ 3/8 . . . „	7 0 1
„ double, square 1 3/4 . . . „	22 1 3
„ „ „ 1 1/2 . . . „	22 3 3

VII. In the case of an accepted tender, the tenderer must be prepared to pay the value of the quantity tendered for and remove the article within a time specified by him in his tender.

VIII. In the event of the party whose tender is accepted failing to take it up, his earnest money will be forfeited.

IX. Parties tendering are particularly requested to give their address in full.

F. MORTIMER, *Lieut.-Col., R.A.*,
Commissary of Ordnance in Charge.

ARSENAL, MADRAS,
3rd February 1886.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 19th January 1886.

STOPPAGE OF SALE OF BRITISH POSTAL ORDERS FOR PAYMENT AT GIBRALTAR.

Intimation having been received from the British Postal authorities that the Gibraltar Post Office has ceased, with effect from 1st January 1886, to be under the control of Her Majesty's Postmaster General, and is, therefore, no longer legally empowered to cash British postal orders issued in India, notice is hereby given that British postal orders will not in future be sold at Indian Post Offices for payment at Gibraltar.

F. R. HOGG,
Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 9th February 1886.

Baillie, Mrs. P. W.	Cubitt, W. M.	Leach, F.
Burton, J.	Ellis, W. J.	Mallet, Robert T.
Carter, Mrs. K.	Fanshawe, C. W.	Tilbury, Mrs. M.
Casperaz, A. A.	Jackson, Geo J.	

Letters marked "Care of Post Office."

A. B.	G. P. O.	Reece, Mrs. Annie.
A. S. 27.	Gilmour, Capt. D. C.	Remington, F.
Adams, T.	Goldberg, H.	Roberts, J. R.
Allson, Mr.	Gordon, George.	Robinson, E. A.
Aniacke, L. A. C.	Gusture, Esq.	Robinson, Miss C.
Atkinson, Mrs. T.	Hasard, Mrs.	Robinson, W.
Atkinson, Thos.	Heath, Mrs.	S. M.
Baert, Rev. H.	Heins, Mr. G.	Schmid, Otto.
Baggs, H. W.	Henderson, Jas.	Scott, C. E. C.
Bailey, Mon. Frank.	Henstrom, E. W.	Simpson, Percy.
Barclay, J. J. T.	Hewitt, W. R.	Singleton, C. W.
Barnett, Mrs. E.	His Highness Maharajah of Hutwa.	Smart, Mrs. R. B.
Baron of Brenner.	Hooke, Miss A.	Smith, Mrs. F. E.
Bateman, S. H.	Hughes, Capt.	Smith, J. M.
Bennett, J. B.	Inman, Capt. C.	Speer, A. E.
Blaker, Mr.	Irvine, Esq.	Stainton, C.
Bogle, Miss.	Jefferson, J. J. D.	Stanislaus, Walter.
Bose, P. N.	K. P. M.	Straw, Mrs. R.
Brown, Rev. J. J.	Kirkbride, J.	Sternbergh, A.
Burke, Master W. T.	Lloyd, E. T.	Storey, A.
Cartland, Mrs. F.	Lowe, Mrs.	Suggit, Capt. T.
Carpenter, A.	MacDougall, D.	Symons, W. S.
Catter, A.	Mason, F. S.	Talbot, Mrs. H. B.
Chelton, H.	Mattin, Mrs.	Thiband, P. T.
Clark, James.	May, J. A.	Thorpe, Sydney.
Coleman, R. J.	"Midas."	Thurman, W. A.
Crawford, J.	Mieg, Chas. Mansbendil.	Tighe, James.
Cumming, Mrs. A.	Murdock, Mrs.	Tooms, Charles.
"Dee."	Neil, D. M.	Transche, Hern. J. Von.
Derham, Henry.	Newham, A. W.	Tudor, T. G.
Dodd, C. B. N.	Noel, L. A.	Turner, H. G.
Donovan, J.	Norris, H.	Tyrrell, David.
Dwarris, J. H.	Norville, Mrs. L.	Ureu, Capt. T.
E.	Page, George.	Vinall, J. N.
E. M. K., Miss.	Palmer, Col. A. P.	Voh, Mrs.
Easton, Percy H.	Parker, Mrs. A. H.	Volpi Beaucourt, et.
Ellesland, A. S.	Patton, Capt. A. L.	Walker, G. A.
Ellis, Mrs. Jus.	Phillips, W. G. St. V.	Walker, P. C.
Fez, Lt. Col.	Philips, Henry.	Warman, Mrs. E.
Fishe, Mrs.	Piercy, W. T.	Webster, Fred.
Fleiss, Otto.	Pike, H. R.	Webster, T. E.
Flinsch, Ferdinand.	Pyle, Mrs. C. I.	Whimster, J.
Franklin, R. O.		Wilson, Mrs. Mark.
Freise, C.		Wittelstraus, W.

Registered Letters.

Baron Joakim of Brenner.	Fliess, Otto.	Nilson, Mrs.
Cesare, Mon. F.	Godfrey, J. B.	Sternbergh, M.
	Harris, Ashley.	Zaff, Carl.

Unclaimed Letters held in the Barrackpore Post Office on the 8th February 1886.

Bayn, H. T.	Cook, A.	Riddell, Capt.
Bennett, G. A. T.	Hart, H.	Shaik Dall.
Chatterjee, Chandi-charn.	Hunter, A. S., Col.	Sheppherdson, J.
Coleman, W. B. J. S.	Maddock, W.	Sutton and Ramsay.
	Ormond, Henry.	

E. HUTTON,
Presidency Postmaster, Calcutta.

SEA AND FOREIGN MAILS.
The 13th February 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886	
Madras and Ceylon	20th Feb.	P. & O. Str. *Rohilla.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	16th „	From Bombay.
Foreign Mails *vid* Bombay	16th „	From Bombay.*
Ditto Book Post and Pattern Packets .	15th „	From Bombay.
Rangoon and Moulmein	17th „	Str. *Purulia.*†
Akyab, Kyouk Phyoo, Sandoway and Rangoon	17th „	Str. *Busheer.*
Straits and Hong-Kong	18th „	Str. *Japan.*

* Also for Cape of Good Hope and Natal 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.

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, ₹4-8; per eight-ounce tin, ₹8-8; per pound tin, ₹16-8. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, ₹5-8; per eight-ounce tin, ₹10-8; per pound tin, ₹20. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve 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 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 آٹهه روپيه آٹهه آنه ; چار اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سولهه 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 ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار ور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ين کا بارهٔ آنه ,

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلين سنکونا دوائي بخار ،

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي ے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ لين نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا بارهٔ روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه —

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا سوله روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يهه دو کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه ونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے باره آنه علاوه اوپر لکهے هوئے نرخ کے هی ،

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 20, 1886.

☞ **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 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 11th February 1886.

No. 4.—The services of 1st Grade Apothecary A. Lyons are placed at the disposal of the Government of India in the Military Department.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.—ESTABLISHMENT.

Fort William, the 15th February 1886.

No. 2.—With reference to Notification in Part II of the *Gazette of India*, No. 3, dated 11th March 1885, the leave granted to Mr. J. Douglas, Examiner of Accounts, in Public Works Department Notification No. 70, dated 13th March 1884, was extended on medical certificate by Her Majesty's Secretary of State for India by a further period of six months.

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General.

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 5th February 1886.

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	Nov. 1885	Jan. 18, 1886
2	Punjab	Do. ,,	Do. 22, ,,
3	Bombay	Do. ,,	Do. 25, ,,
4	North-Western Provinces and Oudh.	Do. ,,	Do. 26, ,,
4	Port Blair		
6	Central India	Do. ,,	Do. 27, ,,
6	Hyderabad (Imperial)		
6	Hyderabad (Assigned Districts).		
6	Military Works Branch		
10	Coorg	Do. ,,	Do. 28, ,,
10	Madras		
12	British Burma	Do. ,,	Do. 29, ,,
13	Central Provinces	Do. ,,	Feb. 2, ,,
14	Assam	Do. ,,	Do. 4, ,,
14	Bengal		

Irrigation.

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Rajputana	Nov. 1885	Jan. 16, 1886
2	Punjab	Do. ,,	Do. 22, ,,
3	Bombay	Do. ,,	Do. 25, ,,
4	Madras	Do. ,,	Do. 28, ,,
5	British Burma	Do. ,,	Do. 29, ,,
6	Bengal	Do. ,,	Feb. 1, ,,
7	North-Western Provinces and Oudh.	Do. ,,	Do. 2, ,,
	Telegraph Department.		
1	Indo-European	Oct. 1885	Jan. 26, 1886
1	Indian		
3	General	Do. ,,	Feb. 1, ,,
	Guaranteed Railways.		
1	Punjab State Railway Stores Branch.	Nov. 1885	Jan. 22, 1886
3	Bombay North-Western Provinces and Oudh.	Do. ,,	Do. 25, ,,
5	Madras	Do. ,,	Do. 28, ,,
6	Central Provinces	Do. ,,	Feb. 2, ,,
7	Bengal	Do. ,,	Do. 4, ,,

State Railways (Capital).

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	N.-W. P. and Oudh Subsidised Rys.	Nov. 1885	Jan. 16, 1886
2	Amritsar-Pathankot	Do. ,,	Do. 20, ,,
2	Bengal & North-Western		
2	Nalhati		
2	State Ry. Stores Branch		
6	Nagpur-Bengal	Do. ,,	Do. 22, ,,
6	Sindh-Sagar		
6	Tirhoot		
9	British Burmah	Do. ,,	Do. 25, ,,
9	Bombay Railway Surveys		
9	Cawnpore-Achneyra		
9	N. Dacca-Mymensing		
9	Kaunia-Dhurla		
9	Punjab Northern		
9	Wardah Coal		
16	Bhopal	Do. ,,	Do. 26, ,,
16	Eastern Bengal		
16	Northern Bengal		
16	Nagpur-Chhatisgarh		
20	Assam Railway Surveys	Do. ,,	Do. 28, ,,
20	Holkar		
20	Madras Railway Surveys		
20	Umaria Colliery Works		
24	Assam Subsidised	Do. ,,	Do. 29, ,,
24	Jhansi-Manikpur		
24	Indus Valley		
26	Belaspur-Etawah	Do. ,,	Feb. 1, ,,
26	Rajputana-Malwah		
26	Rewari-Ferozepore		
26	Sutlej Bridge Division		
31	Ranaghat-Bhagwangola	Do. ,,	Do. 2, ,,
32	Southern-Mahratta	Do. ,,	Do. 3, ,,
33	Chirra Punji Mt.	Do. ,,	Do. 4, ,,
34	Punjab Provincial Surveys	Oct. ,,	Dec. 15, 1885
35	Sindh-Pishin	Do. ,,	Do. 22, ,,
36	Cuddapah-Nellore	Do. ,,	Jan. 2, 1885
37	N.-W. Provinces Provincial Rys.	Do. ,,	Do. 4, ,,
38	Bengal Central	Do. ,,	Do. 8, ,,
39	Bengal Provincial Surveys	Do. ,,	Do. 11, ,,
40	East Indian	Do. ,,	Do. 18, ,,
41	Jorhat	Do. ,,	Do. 25, ,,
42	Patna-Gya	Sept. 1885	Do. 7, ,,
42	Sindia		
42	Ghazipur-Dildarnagar		
45	Bellary-Kistna	Do. ,,	Do. 19, ,,
46	Sind-Pishin (N. Section)	Aug. ,,	Dec. 21, 1885

State Railways (Revenue).

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Amritsar-Pathankot	Nov. 1885	Jan. 18, 1886
2	British Burmah	Do. ,,	Do. 25, ,,
2	Punjab Northern		
4	Bhopal	Do. ,,	Do. 26, ,,
4	Eastern Bengal		
6	Cawnpore-Achneyra	Do. ,,	Do. 28, ,,
6	N. Dacca-Mymensing		
6	Kaunia-Dhurla		
6	Nalhatti		
6	Northern Bengal		
6	Nagpur-Chhattisgarh		
6	Tirhoot		
6	Wardah Coal		
6	Umaria-Colliery		
15	Bengal Administrative Charges.	Do. ,,	Feb. 1, ,,
16	Indus Valley	Do. ,,	Do. 2, ,,
16	Southern Mahratta		
18	Rajputana-Malwah	Do. ,,	Do. 4, ,,
19	Bareilly-Pillibhit	Oct. ,,	Dec. 21, 1885
20	East Indian	Do. ,,	Jan. 18, 1886
21	Jorhat	Do. ,,	Do. 27, ,,
	Foreign States.		
	Railways—Capital.		
1	Bhavnagar-Gondal	Nov. 1885	Jan. 25, 1886
	Railways—Revenue.		
2	Bhavnagar-Gondal	Nov. 1885	Jan. 25, 1886

FORT WILLIAM,
The 11th February 1886.

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

RESIDENT IN MYSORE.

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The Tamil Middle School Guide.	Tamil	T. C. Sabaputhy Pillai.	Language	Civil and Military Station, Bangalore.	P. Kristnia, Printer, Morning Star Press. T. C. Sabaputhy Pillai, Publisher.	4th Nov. 1885	84	Demy. 12vo.	1st Edition	400	Printed	0 10 0	T. C. Sabaputhy Pillai, Tamil Munshi, St. Joseph's College, Bangalore.	16th Nov. 1885	Notes on the Tamil text book for the Middle School examination.
					i. In English or other European language.										
		Editor.													
A Companion to Indian History.	English	Mr. J. Paul	History	Civil and Military Station, Bangalore Place of publication, Bangalore Petta.	P. Kristnia, Printer Morning Star Press. J. Paul, Publisher.	3rd Dec. 1885	27	Demy. 12vo.	1st Edition	1000	Printed	0 3 0	Mr. J. Paul, School Master, London Mission, Bangalore Petta.	5th Dec. 1885	A small "cram" book for candidates for public examinations.

BANGALORE,
The 9th January 1886.

Revised and annotated.
L. RICE,
Director of Public Instruction.

E. P. MALTBY, *Major,*
Collector and District Magistrate,
Civil and Military Station.
H. CLARKE,
For *Assistant to the Resident.*

Statement of the Affairs of the Bank of Bengal for the week ending 16th February 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,764	15	0
Public Deposits at Head Office ₹. 1,04,09,599 7 8	2,22,24,711	14	7
Public Deposits at Branches 1,18,15,112 6 11			
Other Deposits at Head Office and Branches	3,40,71,205	12	10
Bank Post Bills, &c.	4,47,465	4	6
Sundries	13,14,249	8	0
RUPEES	8,22,14,397	6	11

ASSETS.	₹	a.	p.
Government Securities	60,54,613	8	0
Other authorized Investments	55,15,210	0	0
Loans on Government and other authorized Securities	94,10,348	10	5
Accounts of Credit on Government and other authorized Securities	98,55,237	2	9
Bills discounted and purchased	1,93,91,483	10	10
Balances with other Banks	7,14,789	10	3
Bullion	1,209	2	3
Dead Stock	11,32,981	13	10
Stamps	9,666	0	6
Sundries	8,67,184	3	4
	5,29,52,723	14	2
Cash and Currency Notes at Head Office ₹ 1,10,64,171 6 6	2,92,61,673	8	9
Cash and Currency Notes at Branches 1,81,97,502 2 3			
RUPEES	8,22,14,397	6	11

BANK OF BENGAL,
Calcutta, 18th February 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 50·4.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value. ₹	a.	p.	Number available for sale.	REMARKS.
	Found in the Futtehgarh District.						
1.	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1 each	0	32	These coins will be available for sale up to and not later than the 4th September 1886.
	Found at Chaibassa, in the Singbhum District.						
3	Old Hindu punched coins	Silver.	3	0 a set	0	1 set of 12 coins.	Do. 7th December 1886.
4	Old Hindu punched coins	Do.	0	4 each	0	251	
	Found in the Gujrat District (Punjab).						
21	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517.	Copper.	0	2 each	0	2	Do. 17th January 1886.
22	Ditto with imperfect dates	Do.	0	1 each	0	85	
23	Ditto „ illegible „	Do.	0	0 each	6	110	

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 16th February 1886.

No. 558.—Lieutenant E. C. B. Cotgrave, Officiating Squadron Officer, 2nd Regiment, Central India Horse, availed himself, on the 21st January 1886, of the four months' language leave granted to him in Foreign Department Notification No. 71 G., dated the 11th idem.

By Order,
L. S. NEWMARCH, *Lieut.*,
for *First Asstt. Agent to the Govr. Genl.*
for Central India.

Extract from Regimental Orders by Colonel James Miller, Commandant, Bhopal Battalion, dated Sehore, the 7th January 1886.

8. The following temporary appointments are made in the Regiment, with effect from this date, *vice* Major Burne, proceeding on furlough to Europe, subject to confirmation :—

Captain E. S. Masters, to be Officiating Wing Commander and 2nd-in-Command.

Lieutenant P. A. Watson, to be Officiating Adjutant in addition to his own duties as Wing Officer.

True Extract.
JAMES MILLER, *Colonel*,
Commandant, Bhopal Battalion.

Countersigned,
L. S. NEWMARCH, *Lieut.*,
for *Agent to the Govr. Genl.*
for Central India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 15th February 1886.

No. 10.—Mr. H. F. Storey, Superintending Engineer, 2nd Class, temporary rank, is granted eighteen months' furlough, with the usual subsidiary leave, from such date as he may be allowed to avail himself of the same.

No. 11.—Mr. E. N. Homan, Store-keeper in Class III of the Superior Revenue Establishment of State Railways, is, on return from leave, posted to the North-Western Railway.

The 16th February 1886.

No. 12.—With reference to Public Works Department Notification No. 5, dated 9th January 1886, Mr. E. O. Elliot, Assistant Engineer, 1st Grade, is posted to the Bolan Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Statement of Silver Balance in the Calcutta Mint for the week ending 17th February 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 10th February 1886	1,25,808	
Value of Government silver in the Mint on the same date	7,91,654	9,17,462
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,120	
Ditto ditto Government	40,540	43,660
		9,61,122
DEDUCT—		
New coin paid to Reserve Treasury during the week	...	
Petty items issued for miscellaneous purposes	54	54
Balance on the evening of the 17th February 1886	...	9,61,068
The Balance comprises—		
Silver held on account of the Currency Department	1,28,928	
Ditto ditto Government	8,32,140	9,61,068
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	1,529	
Ditto ditto Government	...	1,529

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 18th February 1886.

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.
20	N 4—17821	50	Raod. J. J. Lucas, Allahabad.

ALLAHABAD,
The 17th February 1886.

A. H. ANTHONY,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
33	E 26—06740	100	The Superintendent of Jail, Jullundhur.

LAHORE,
The 15th February 1886.

WILLIAM H. DOBBIE,
for Deputy Commissioner of Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
53	B 74—49634	500	Jadu Krishna Dey, Jodhpur.
	„ —49635	500	
	„ —49636	500	

FORT ST. GEORGE,
The 8th February 1886.

H. S. GROVES,
Asst. Accountant Genl.,
In charge of Paper Currency Dept.

NOTICE.

SALE OF GOVERNMENT STEEL AND IRON.

I. Sealed tenders will be received by the Commissary of Ordnance in charge Arsenal, Madras, up to 10th March 1886, for purchase from the Arsenal of the undermentioned articles (more or less) in whole or in part.

II. The tenders should be in duplicate, and in English, and should specify in words as well as in figures the rate at which the article named in them will be taken.

III. Tenders should be accompanied by a deposit of ₹10 per cent. in Bank receipt as earnest money, which deposit will be returned on rejection of the tenders.

IV. Tenders not complying with these conditions will be rejected.

V. The approval or rejection of tenders rests with the Inspector-General of Ordnance, who reserves to himself the right of rejecting any tender without explanation, or any items in a tender the rates of which are not approved.

VI. Tenders will be opened at this office at 12 o'clock on 11th March 1886.

Description of articles.	Quantity.
Iron, wrought, angle 2 × $\frac{1}{4}$ cwt.	21 1 7
„ „ „ 2$\frac{1}{2}$ × $\frac{3}{8}$ „	13 0 0
„ „ bolt or round 3$\frac{1}{2}$ „	49 3 11
„ „ „ „ 2$\frac{1}{2}$ „	9 0 0
„ „ „ „ 6 „	46 0 0
„ „ „ „ 1$\frac{1}{2}$ „	117 0 0
„ „ „ „ 1$\frac{1}{4}$ „	231 0 0
„ „ „ „ 1$\frac{1}{8}$ „	112 0 0
„ „ „ „ 1$\frac{1}{16}$ „	428 0 0
„ „ „ „ 4 „	42 0 21
„ „ „ „ 5 „	12 2 14
„ „ flat 9 × $\frac{3}{8}$ „	1 0 20
„ „ „ 8 × 2$\frac{1}{2}$ „	129 3 21
„ „ „ 8 × 2 „	257 3 23
„ „ „ 7$\frac{1}{2}$ × 1$\frac{1}{8}$ „	48 1 21
„ „ „ 7 × 1$\frac{1}{4}$ „	73 1 3
„ „ „ 7 × $\frac{1}{2}$ „	8 0 14
„ „ „ 6$\frac{7}{8}$ × 1$\frac{1}{8}$ „	95 1 19
„ „ „ 6$\frac{1}{2}$ × 2 „	138 3 2
„ „ „ 6$\frac{3}{8}$ × 1$\frac{1}{2}$ „	2 1 11
„ „ „ 6$\frac{1}{4}$ × 1$\frac{1}{8}$ „	10 1 25
„ „ „ 6$\frac{1}{4}$ × 1$\frac{1}{4}$ „	4 2 0
„ „ „ 6$\frac{1}{8}$ × $\frac{3}{8}$ „	1 3 7
„ „ „ 6$\frac{1}{8}$ × $\frac{1}{2}$ „	31 2 23
„ „ „ 6 × $\frac{1}{2}$ „	85 0 0
„ „ „ 5$\frac{7}{8}$ × $\frac{3}{8}$ „	2 0 7
„ „ „ 5$\frac{1}{8}$ × $\frac{3}{8}$ „	30 1 7
„ „ „ 5$\frac{1}{8}$ × $\frac{1}{2}$ „	37 2 14
„ „ „ 5$\frac{1}{4}$ × $\frac{3}{8}$ „	68 3 24
„ „ „ 5 × 2$\frac{1}{2}$ „	90 3 26
„ „ „ 5 × 1$\frac{1}{8}$ „	63 2 8
„ „ „ 5 × $\frac{1}{2}$ „	9 0 0
„ „ „ 4$\frac{7}{8}$ × 1$\frac{1}{8}$ „	6 3 18
„ „ „ 4$\frac{1}{8}$ × $\frac{3}{4}$ „	26 0 0
„ „ „ 4$\frac{1}{8}$ × 1$\frac{1}{2}$ „	103 20
„ „ „ 4$\frac{1}{8}$ × $\frac{3}{4}$ „	26 1 24

Description of articles.	Quantity.
Iron, wrought, flat 4$\frac{1}{2}$ × 1$\frac{1}{8}$ cwt.	41 0 17
„ „ „ 4$\frac{1}{2}$ × 1$\frac{1}{16}$ „	96 0 26
„ „ „ 4 × 1$\frac{1}{8}$ „	118 2 13
„ „ „ 3$\frac{7}{8}$ × 1 „	44 1 14
„ „ „ 3$\frac{1}{2}$ × $\frac{3}{4}$ „	80 0 0
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{2}$ „	31 0 0
„ „ „ 3$\frac{1}{2}$ × $\frac{3}{8}$ „	138 3 20
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{4}$ „	74 1 27
„ „ „ 3$\frac{1}{4}$ × $\frac{3}{8}$ „	244 2 17
„ „ „ 3 × $\frac{3}{8}$ „	6 2 18
„ „ „ 2$\frac{3}{4}$ × $\frac{3}{8}$ „	21 3 22
„ „ „ 2$\frac{1}{2}$ × $\frac{3}{8}$ „	93 0 0
„ „ „ 2$\frac{1}{2}$ × 1 „	28 2 21
„ „ „ 2$\frac{1}{8}$ × $\frac{1}{2}$ „	7 0 0
„ „ „ 2 × $\frac{3}{8}$ „	43 0 0
„ „ „ 1$\frac{7}{8}$ × $\frac{3}{8}$ „	13 3 27
„ „ „ 1$\frac{7}{8}$ × $\frac{1}{2}$ „	8 1 25
„ „ „ 1$\frac{3}{4}$ × $\frac{3}{8}$ „	4 1 14
„ „ „ 1$\frac{1}{2}$ × $\frac{5}{8}$ „	16 0 0
„ „ „ 1$\frac{1}{16}$ × 7$\frac{1}{1}$ „	18 3 0
„ „ hoop 1$\frac{1}{2}$ × „	5 0 27
„ „ square B. B. 6 „	455 0 0
„ „ „ 4$\frac{1}{2}$ „	244 0 0
„ „ „ 4$\frac{1}{4}$ „	304 0 0
„ „ „ 4 „	265 0 0
„ „ „ 3$\frac{3}{4}$ „	127 3 13
„ „ „ 3$\frac{5}{8}$ „	22 0 14
„ „ „ 3$\frac{1}{2}$ „	831 0 18
„ „ „ 3$\frac{1}{4}$ „	2,156 2 0
„ „ „ 3$\frac{3}{8}$ „	74 0 20
„ „ „ 2$\frac{7}{8}$ „	38 1 1
„ „ „ B. B. 2$\frac{1}{2}$ „	122 1 18
„ „ „ „ 2$\frac{1}{4}$ „	136 0 0
„ „ „ „ 1$\frac{3}{4}$ „	13 1 6
„ „ „ „ 1$\frac{1}{2}$ „	9 0 14
„ „ T 3″ to 2$\frac{1}{2}$″ „	127 1 24
„ Europe, plate 12 × $\frac{7}{16}$ „	4 3 4
„ „ „ 10 × $\frac{1}{2}$ „	32 1 26
„ „ „ 10 × $\frac{1}{4}$ „	11 0 23
„ „ „ 9 × $\frac{1}{4}$ „	52 0 25
„ „ „ 7$\frac{1}{8}$ × $\frac{5}{16}$ „	0 2 0
„ „ „ 7$\frac{1}{8}$ × $\frac{1}{16}$ „	190 1 24
„ „ „ 7 × $\frac{1}{2}$ „	19 2 4
„ „ „ 7 × $\frac{1}{16}$ „	156 2 21
„ „ „ 6$\frac{1}{2}$ × $\frac{5}{16}$ „	29 3 0
„ „ „ 6 × $\frac{1}{2}$ „	11 3 7
„ „ „ 5$\frac{5}{8}$ × $\frac{1}{16}$ „	45 0 5
„ „ „ 5$\frac{1}{4}$ × $\frac{5}{16}$ „	4 3 2
„ „ „ 4$\frac{1}{2}$ × $\frac{1}{16}$ „	39 0 1
„ „ „ 4$\frac{1}{8}$ × $\frac{1}{16}$ „	30 0 13
„ „ „ 4$\frac{1}{8}$ × $\frac{1}{4}$ „	9 3 10
„ „ „ 4 × $\frac{1}{16}$ „	29 1 13
„ „ „ 4 × $\frac{1}{4}$ „	81 1 0
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{16}$ „	9 3 25
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{16}$ „	48 0 23
„ „ „ 3$\frac{1}{4}$ × $\frac{1}{16}$ „	8 2 21
„ „ „ 3$\frac{1}{8}$ × $\frac{1}{4}$ „	28 0 2
„ sheet 7$\frac{1}{8}$ × 3$\frac{1}{8}$ × $\frac{1}{16}$ „	223 3 18
„ „ 6 × 4 × $\frac{1}{2}$ „	3 2 23
„ „ 6 × 2 × $\frac{1}{4}$ „	16 1 18
„ „ 6 × 2 × $\frac{1}{8}$ „	5 1 5
„ „ 6 × 1$\frac{1}{2}$ × $\frac{1}{8}$ „	9 3 24
„ „ 5$\frac{1}{4}$ × 3$\frac{1}{8}$ × $\frac{1}{16}$ „	21 2 18
„ „ 4 × 2$\frac{1}{2}$ × $\frac{1}{16}$ „	78 2 7
„ „ 4 × 2$\frac{1}{2}$ × $\frac{1}{8}$ „	313 3 0
„ „ 4 × 2$\frac{1}{2}$ × $\frac{1}{16}$ „	8 1 20
„ „ 4 × 2 × $\frac{1}{16}$ „	17 1 0
„ Europe, sheet 4 × 2 × $\frac{1}{8}$ „	384 0 8
„ „ „ 3$\frac{1}{2}$ × 3$\frac{1}{2}$ × $\frac{1}{8}$ „	33 0 4
„ wrought, triangular, solid 1$\frac{1}{2}$ „	2 3 15
„ Europe, bar 2 × $\frac{1}{2}$ „	252 0 3
„ „ „ 1$\frac{1}{8}$ × $\frac{1}{8}$ „	234 1 15
Steel, blister, flat 3$\frac{1}{2}$ × 3$\frac{1}{2}$ „	5 2 6
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{2}$ „	0 2 5
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{4}$ „	26 3 13
„ „ „ 1$\frac{1}{2}$ × $\frac{1}{4}$ „	2 3 7
„ „ „ 3 × $\frac{1}{2}$ „	42 2 13
„ „ „ 2$\frac{1}{2}$ × $\frac{1}{2}$ „	10 0 0
„ „ „ 2$\frac{1}{2}$ × 2 „	1 0 24
„ „ „ 2$\frac{1}{2}$ × $\frac{1}{4}$ „	1 2 27
„ „ „ 2$\frac{1}{2}$ × $\frac{1}{8}$ „	7 3 3
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{4}$ „	23 1 19
„ „ „ 3 × $\frac{1}{4}$ „	20 0 0
„ „ „ 2$\frac{1}{2}$ × $\frac{1}{8}$ „	14 1 8
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{4}$ „	0 3 20
„ „ „ 1 × $\frac{1}{8}$ „	0 0 18
	9 0 0

Description of articles.	Quantity.
Steel, blister, flat, 2 × $\frac{5}{8}$ cwt.	0 2 10
„ „ square 2$\frac{5}{8}$ „	0 3 18
„ „ „ 2$\frac{3}{4}$ „	5 0 23
„ „ „ 2$\frac{3}{8}$ „	3 3 24
„ „ „ 2$\frac{1}{4}$ „	3 0 26
„ „ „ 2 „	1 1 18
„ „ „ 3 „	3 3 19
„ „ „ 1$\frac{5}{8}$ „	0 0 14
„ „ „ 1$\frac{1}{2}$ „	0 0 17
„ cast bolt or round 3 „	10 3 10
„ „ „ „ 2 „	12 3 26
„ „ „ „ 1$\frac{1}{2}$ „	6 2 13
„ „ „ „ 5 „	4 3 9
„ „ flat 3$\frac{1}{2}$ × $\frac{3}{4}$ „	4 0 10
„ „ „ 3$\frac{1}{2}$ × $\frac{3}{8}$ „	1 3 7
„ „ „ 3 × $\frac{1}{2}$ „	26 3 13
„ „ „ 3 × $\frac{3}{8}$ „	27 1 7
„ cast, flat 1 × $\frac{1}{2}$ „	6 0 0
„ „ „ 2 × $\frac{1}{2}$ „	0 0 24
„ „ „ 3$\frac{1}{2}$ × $\frac{5}{8}$ „	0 2 26
„ shear, flat 3$\frac{3}{4}$ × $\frac{1}{2}$ „	1 1 18
„ „ „ 3$\frac{1}{2}$ × $\frac{7}{16}$ „	3 1 19
„ „ „ 3$\frac{1}{2}$ × $\frac{1}{2}$ „	5 0 14
„ „ „ 3$\frac{1}{2}$ × $\frac{3}{8}$ „	3 1 18
„ „ „ 3$\frac{1}{4}$ × $\frac{1}{2}$ „	5 2 0
„ „ „ 3$\frac{1}{4}$ × $\frac{1}{4}$ „	19 1 21
„ „ „ 3$\frac{1}{4}$ × $\frac{1}{4}$ „	7 2 1
„ „ „ 3 × $\frac{1}{2}$ „	11 2 23
„ „ „ 3 × $\frac{3}{8}$ „	48 3 12
„ „ „ 3 × $\frac{1}{4}$ „	73 0 0
„ „ „ 3 × $\frac{1}{4}$ „	46 3 12
„ „ „ 2$\frac{1}{2}$ × $\frac{3}{8}$ „	5 0 8
„ „ „ 2 × $\frac{3}{4}$ „	5 3 21
„ „ „ 2 × $\frac{3}{8}$ „	192 0 2
„ „ „ 1$\frac{3}{4}$ × $\frac{3}{4}$ „	247 3 0
„ „ „ 1$\frac{1}{2}$ × $\frac{3}{8}$ „	10 3 2
„ „ „ 2 × $\frac{3}{8}$ „	7 2 19
„ „ „ 1$\frac{1}{8}$ × $\frac{3}{8}$ „	7 3 18
„ „ „ 1 × $\frac{1}{2}$ „	170 0 0
„ „ „ 1 × $\frac{3}{8}$ „	200 0 19
„ „ „ 1 × $\frac{1}{4}$ „	185 0 0
„ „ „ $\frac{3}{4}$ × $\frac{1}{4}$ „	5 0 0
„ „ „ $\frac{3}{4}$ × $\frac{3}{8}$ „	8 1 16
„ „ „ 2$\frac{1}{2}$ × $\frac{1}{4}$ „	33 1 26
„ „ „ 2$\frac{1}{4}$ × $\frac{3}{4}$ „	45 2 8
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{2}$ „	0 3 6
„ „ „ 2$\frac{1}{4}$ × $\frac{3}{8}$ „	0 1 5
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{4}$ „	0 1 6
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{8}$ „	7 1 9
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{16}$ „	8 0 24
„ „ „ 1 × $\frac{1}{8}$ „	56 0 11
„ „ „ 2$\frac{1}{4}$ × $\frac{1}{8}$ „	4 3 5
„ cast, square 4$\frac{1}{2}$ „	1 0 23
„ „ „ „ 3$\frac{1}{2}$ „	12 1 20
„ „ octagonal 1$\frac{1}{4}$ „	5 0 26
„ shear, square 3$\frac{1}{2}$ „	1 3 11
„ „ „ 2$\frac{1}{4}$ „	1 0 16
„ „ „ 2 „	8 1 9
„ „ „ 1$\frac{1}{2}$ „	3 1 9
„ „ „ 1$\frac{1}{4}$ „	13 1 17
„ „ „ 1 „	4 1 26
„ „ „ $\frac{3}{4}$ „	10 3 5
„ „ „ 1 „	1 1 12
„ „ „ 1$\frac{1}{2}$ „	0 2 8
„ „ „ $\frac{1}{2}$ „	7 0 1
„ double, square 1$\frac{1}{4}$ „	22 1 3
„ „ „ 1$\frac{1}{2}$ „	22 3 3

VII. In the case of an accepted tender, the tenderer must be prepared to pay the value of the quantity tendered for and remove the article within a time specified by him in his tender.

VIII. In the event of the party whose tender is accepted failing to take it up, his earnest money will be forfeited.

IX. Parties tendering are particularly requested to give their address in full.

F. MORTIMER, *Lieut.-Col., R.A.,*
Commissary of Ordnance in Charge.

ARSENAL, MADRAS,
3rd February 1886.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 18th February 1886.

Anderson, S. W.
Burton, J.
Fanshawe, C. W.
Fleming, Mrs.
Hearsey, L. D.
Jamrack, W.
Leechman & Co.
Lewin, N.
Mallet, Robert T.
Simons, Miss M. A.

Letters marked "Care of Post Office."

Abercromby, Hon. Ralph.
A. B.
A. S. 27.
Atkinson, Mrs. T.
Atkinson, Thos.
Babington, Major.
Baggs, H. W.
Bailey, Mon. Frank.
Bailward, W. A.
Barclay, J. J. T.
Barnett, Mrs. Ann.
Barnett, Mrs. E.
Bateman, S. H.
Bennett, J. B.
Blaker, Mr.
Bogle, Miss.
Bose, P. N.
Brown, Rev. J. J.
Burke, Master W. T.
Callins, Mrs. M. A.
Carpenter, A.
Catter, A.
C. B. H.
Chelton, H.
Clark, James.
Coleman, R. J.
Crawford, J.
"Dee."
Derham, Henry.
Dodd, C. B. N.
Driver, J. C. M.
Dundas, Mrs.
Dwarris, J. H.
E.
E. M. K., Miss.
Easton, Percy H.
Ellis, Mrs. Jas.
Fez, Lt. Col.
Finkler, Moritz.
Fleiss, Otto.
Flinsch, Ferdinand.
Franklin, R. O.
Freise, C.
G. P. O.
Gilmour, Capt. D. C.
Goldberg, H.
Gordon, George.
Grant, Mrs. M.
Greenhill, E. G.
Gusture, Esq.
Heath, Mrs.
Henderson, Jas.
Henstrom, E. W.
Hughes, Capt.
Inman, Capt. C.
Irvine, Esq.
Jefferson, J. J. D.
K P M.
Kirkbride, J.
Litke, de Louis G.
Lloyd, E T.
Lord, E-q.
Lowe, Mrs.
MacDougall, D.
McLaughlin, John.
Mansfield, J. J.
Mason, F. S.
Mattin, Mrs.
May, J. A.
"Midas."
Mieg, Chas. Mansbendi.
Minaeff, Mr.
Naish, P. L.
Newham, A. W.
Noel, L. A.
Norris, H.
Norville, Mrs. L.
Page, George.
Palmer, Col. A. P.
Parker, Mrs A. H.
Phillips, W. G. St. V.
Philips, Henry.
Pike, H. R.
Portland, Mrs. B.
Pyle, Mrs. C. I.
Remington, F.
Roberts, J. R.
Robinson, E. A.
Robinson, W.
Roe, Lt. R. J.
S. M.
Schmid, Otto.
Schoenemann, C. H. T.
Scott, C. E. C.
Shaw, H. J.
Simpson, Percy.
Singleton, C. W.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, Mrs. F. E.
Smith, J. M.
Speer, A. E.
Stainton, C.
Stanislaus, Walter.
Straw, Mrs. R.
Sternbergh, A.
Storey, A.
Suggit, Capt. T.
Symons, W. S.
Thiband, P. T.
Thorpe, Sydney.
Thurman, W. A.
Tighe, James.
Tooms, Charles.
Transche, Hern. J. Von.
Tudor, T. G.
Turner, H. G.
Tyrrell, David.
Vinall, J. N.
Vob, Mrs.
Voipl Beaucourt, et.
Walker, G. A.
Walker, P. C.
Way, F. H.
Webster, Fred.
Webster, T. E.
Wessendorff, Henri.
Whimster, J.
Wilson, Mrs. Mark.
Wittelstraus, W.
Wood, Tempest.
Yankevic, Mendel.

Registered Letters.

Arathoon, L. J.
Bartlett, S.
Cesare, Mon. F.
Crookshank, T.
Fliess, Otto.
Forbes, J. F.
Godfrey, J. B.
Harris, Ashley.
Harmint, J. S. C.
Lindsay, C.
Nilson, Mrs.
Ross, A.
Sternbergh, M.
Thiband, T.
Whitworth, H.

Unclaimed Letters held in the Barrackpore Post Office on the 15th February 1886.

Bennett, G. A. T.
Fagan, H. R.
Hart, C. H.
Harvey, J. R.
L. T.
Ormond, Henry.
Riddell, Capt.
Roy, Nil Madhub.
Shaik Dali.

E. HUTTON,
Presidency Postmaster, Calcutta.

SEA AND FOREIGN MAILS.

The 20th February 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	20th Feb.	P. & O. Str. *Rohilla.*
Foreign Mails *vid* Bombay	23rd „	From Bombay.*
Ditto Book Post and Pattern Packets	22nd „	From Bombay.
Rangoon and Moulmein	24th „	Str. *Pegba.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	24th „	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	26th „	French Str. *Fibre.*

* Also for Cape of Good Hope and Natal through United Kingdom; also *vid* Aden for Zanzibar, Mozambique, East Coast of Africa, Delagoa Bay, Natal and Cape Colonies, can be forwarded.

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PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 27, 1886.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

Publisher, Gazette of India.

OFFICE OF COMPTROLLER, INDIA TREASURIES.

NOTIFICATION.

Calcutta, the 26th February 1886.

The Gwalior (Morar) Treasury will be closed with effect from the 3rd March 1886.

C. R. C. KIERNANDER,

Comptroller, India Treasuries.

HIGH COURT.

NOTIFICATION.

Calcutta, the 22nd February 1886.

The following draft Rules, which the High Court propose to make under the provisions of the Bengal Tenancy Act, VIII of 1885, are published for general information, as required by Section 190 of the said Act.

These draft rules will be taken into further consideration on or after the 24th day of March 1886.

By order of the High Court,

C. A. WILKINS,
Registrar.

Rules under Section 100.

1. Every manager, appointed under Chapter IX of the Bengal Tenancy Act, shall in all matters act in accordance with such orders as may, from time to time, be issued by the District Judge.

2. The manager shall pay the Government revenue, rent, and other demands of the like nature, as also all just liabilities upon the estate, in due and proper time.

3. No manager shall have power to sell or mortgage any property, nor shall he grant or renew a lease for any period exceeding three years without the express sanction of the District Judge. Provided that this rule shall not render valid any lease for a shorter time than three years, if such lease is disapproved of by the District Judge, or if the District Judge directs that his sanction is to be obtained as regards all leases granted by the manager.

4. The manager shall apply for the sanction of the District Judge to any act which may involve extraordinary expense.

Rules under Chapter XII.

5. All applications to distrain shall be presented and heard in open Court. The examination mentioned in Section 123, Sub-Section (2), shall be on oath or affirmation.

6. All such applications and all notices of distraint under Section 141 shall be entered in a register to be called the "Distraint Register," which shall be kept in the form annexed. A copy of every such application, to be furnished by the applicant, shall be given to the officer appointed to make the distraint, and a copy of the notice under Section 141, to be similarly furnished by the applicant, shall be given to the officer placed in charge of the distrained property.

Form of Distraint Register prescribed by Rule 6.

Serial No. of		Date of application to distrain or of notice of distraint under Section 141.	Name and address of the applicant under Section 121 or of the person giving notice under Section 141.	Name and address of the Defaulter.	Amount realized by sale.				Date of sale.	Date of sale proclamation.	Amount (if any) deposited under Section 136.		Remarks.
Application under Section 121.	Notice under Section 141.				Arrear.	Costs.	Surplus.	Total.			Arrear.	Costs.	
1	2	3	4	5	12	13	14	15	11	10	16	17	18

Amount of arrear claimed and period in respect of which it is claimed.	Purport of the order passed and date on which it is passed.	Name of the Officer deputed to distrain, or to take charge of property distrained.	Date of Distraint.	Name of the person (if any) placed in charge of the crop, and the day fixed for the sale, or if the sale has taken place the day on which it took place.	Signature of officer distraining.
6	7	8	9		

7. The officer deputed to make a distraint under Section 124, or to take charge of produce distrained under Section 141, must in all cases be able to read and write the language of the district.

8. The written demand under Section 125 shall be framed in accordance with the entries contained in the application or notice referred to in Rule 2.

9. The notification of distraint directed in Section 124, Act VIII, 1885, shall be published—

By fixing up in a conspicuous part of the holding, or other place, in which the produce is, a notice that such produce has been distrained, and by proclaiming at the same time the contents of the notice by beat of drum.

10. The notice shall specify the name of the person at whose instance the distraint is made, the name of the defaulter, the name of the person in whose charge the produce has been placed, and the amount of the arrear due, and it shall direct any person intending to reap, gather, or store the crop or produce, if unreaped or ungathered, or intending to do any other act necessary for its preservation, to give due notice of his intention to the person who has been placed in charge.

11. The notice shall be fixed up in the presence of not less than two persons, in addition to the agent of the distrainer, who points out the crop or produce.

12. In the event of it being necessary for the distraining officer, or the officer placed in charge of distrained property, to reap, gather, or store any crops or produce, or to do any other acts for the due preservation of the same, as provided by Section 126, the person at whose instance the distraint was made shall advance the funds necessary to this end.

13. The officer holding a sale under Section 131, shall record a description of the property offered for sale, the names of all persons bidding for the same, and the amount bid by each; and if the sale is postponed, he shall record an order to this effect, and shall then and there notify the place where and the time when the sale will be held.

14. When the sale is concluded and the sale-proceeds are realized, the officer who held the sale shall, after paying the costs of the distraint and sale, as directed in Section 134, forthwith pay the balance into Court.

15. The officer holding the sale shall take separate receipts for all sums paid by him as costs of the distraint and sale under Section 134, Sub-Section (1), and if the person giving the receipt is unable to write, the receipt shall be attested by some person able to do so.

16. When a distraint is withdrawn under Section 136, the notification of distraint, published under Section 124, shall be taken down.

17. All officers deputed to distrain property under this chapter, shall, if there is a post-office in the vicinity, report to the Court by letter immediately the distraint is made, or if there is no such post-office, shall, immediately on his return, report in writing the nature and extent of the crop or produce distrained, the day on which the distraint was made, the name of the person (if any) placed in charge of the crop, and the day fixed for the sale, or if the sale has taken place the day on which it took place. He shall also immediately on his return file an account of all money received and disbursed by him, together with the receipts for the same and the record of the biddings at the sale, if a sale has taken place.

18. Every person, distraining produce by virtue of the authority conferred on him under Section 141 of Act VIII, 1885, shall give notice of such restraint to the Civil Court having jurisdiction to entertain an application for the distraint of such produce, in a tabular form which shall contain the following particulars:—

(*a*) The name and address of the person at whose instance the distraint was made and a description of his interest in the property, whether as proprietor, tenure-holder, or raiyat.

(*b*) The name of the defaulter, and of the place in which he resides, or was known to be last residing.

(*c*) The amount of the arrear with interest, if any, and the period in respect of which it is claimed.

(*d*) The holding in respect of which the arrear is claimed, the boundaries thereof, or such other particulars as may suffice for its identification.

(*e*) The description and approximate value of the produce distrained, and if the same has been reaped or gathered, the place in which it is stored.

(*f*) The name of the person by whom the distraint was actually made, and the name and address of the person in whose charge the produce has been placed.

(*g*) The date on which the distraint was made.

(*h*) If the crop or produce is standing or ungathered, the time at which it is likely to be cut or gathered.

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SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 26th February 1886.

No. 539.—Consequent on the deputation of Major A. W. Baird, R.E., Officiating Deputy Superintendent, 3rd Grade, Survey of India, to officiate as Mint Master of Calcutta, the follow-

ing temporary promotions are made, with effect from the afternoon of the 20th January 1886 :—

Major E. H. Steel, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. F. W. Kelly, Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 540.—Major W. J. Heaviside, R.E., Deputy Superintendent, 2nd Grade, Survey of India, having proceeded on subsidiary leave on the forenoon of the 3rd February 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 20, dated the 8th January 1886, the following temporary promotions are made, with effect from the same date :—

Lieutenant-Colonel W. F. Badgley, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Lieutenant-Colonel H. S. Hutchinson, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant H. M. Jackson, R.E., Assistant Superintendent, 1st Grade to officiate as Deputy Superintendent, 4th Grade.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 25th February 1886.

No. 13.—Mr. W. M. Shaw, Assistant Superintendent, 1st Grade, is allowed furlough on medical certificate for twelve months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 7th February 1886.

J. H. LANE,
Offg. Dy. Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 2nd February 1886.

No. 41.—Babu Bidhu Bhusan Biswas, Assistant Engineer, 1st Grade, transferred temporarily to Beluchistan, reported his arrival at Rindli on the afternoon of the 10th January 1886, and is posted to the 3rd Division, Frontier Road.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl., Beluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Camp Bhopal, the 21st February 1886.

No. 239.—Lieutenant L. Herbert, of 1st Central India Horse, is granted sixty days' privilege leave from the 8th February 1886, or from such date as he may avail himself of it.

No. 245 (*a*).—Pandit Bala Prashad, Assistant Superintendent of Police, Kajputana-Malwa Railway, Central India Section, is granted privilege leave for three months, with effect from 1st March 1886, or such subsequent date as he may avail himself of it.

By Order,
F. L. PETRE,
1st Asstt. Agent to the Govr. Genl. for Central India

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 20th February 1886.

No. 310 *G.*—Lieutenant G. H. J. Moore, Adjutant, Merwara Battalion, is granted sixty days privilege leave from the 1st March 1886, or such subsequent date as he may avail himself of the same.

By Order,
E. G. COLVIN,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 20th February 1886.

No. 170—390.—Assistant Surgeon Gopal Chunder Mukerjea, M.B., availed himself on the forenoon of the 4th February 1886 of the privilege leave granted him in this Office Notification No. 40—390, dated 16th January 1886.

By Order,
E. G. COLVIN,
1st Asst. to the Agent to the Govr. Genl.

RESIDENT IN MYSORE.

IN THE COURT OF THE RESIDENT IN MYSORE, CIVIL AND MILITARY STATION OF BANGALORE

CRIMINAL SIDE.

Rule of Practice No. 1, dated Camp Mercara, the 12th February 1886.

The Officiating Resident is pleased to direct that every Criminal Court in the Civil and Military Station of Bangalore shall adopt the accompanying form of diary in connection with each case coming before it, whether for preliminary enquiry or for trial. This diary shall be called the A Diary, in which every step taken in each case or proceeding shall be recorded and attested with the initials of the Magistrate on the same day that the proceedings take place

2. The diary must be kept in English, if that language be the vernacular of the presiding officer of the Court, or if he is sufficiently conversant with it. In other cases, it may be kept in the Canarese language.

3. The Head Ministerial Officer of each Court will be held responsible for the correctness of the entries made in the diary.

4. A complete transcript from this diary is to be placed with the record whenever a case is committed for trial before a Court of Session or called for an appeal, or referred for the orders of a Magistrate with full powers.

5. The form appended shows in a general way the manner in which the diary is to be kept, but the entries will vary according to the circumstances of each case.

By Order of the Court,
J. H. NEWILL,
Assistant to the Resident.

Form of Diary.

In the Court of the _____ Magistrate of _____

Criminal Case No. _____ of

_____ Complainant.

_____ Accused.

Dates :—

Complaint filed by the Police _____
Hearing fixed for . . . _____
Summons issued . . . _____
The accused appeared by an Advocate . . . _____
Summons issued to witnesses for prosecution . . _____
Summons issued to witnesses for defence . . . _____
Witnesses examined for prosecution . . . . _____
The accused examined . _____
Witnesses for defence examined . . . . . _____
Judgment and sentence .

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 24th February 1886.

No. 13.—Mr. C. F. Gilbert, Executive Engineer, 4th Grade, temporary rank, is granted eight months' furlough with the usual subsidiary leave, with effect from such date as he may be permitted to avail himself of the same.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Statement of Silver Balance in the Calcutta Mint for the week ending 24th February 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 17th February 1886 . .	1,28,928	
Value of Government silver in the Mint on the same date .	8,32,140	
		9,61,068
ADD—		
Silver received by the Mint during the week on account of the Currency Department	1,488	
Ditto ditto Government	...	
		1,488
		9,62,556
DEDUCT—		
New coin paid to Reserve Treasury during the week .	...	
Petty items issued for miscellaneous purposes . . .	...	
		...
Balance on the evening of the 24th February 1886 . .	...	9,62,556
The Balance comprises—		
Silver held on account of the Currency Department .	1,30,416	
Ditto ditto Government	8,32,140	
		9,62,556
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	23	
Ditto ditto Government	...	
		23

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 25th February 1886.

Report of a Deserter from the 2nd Battalion, East Yorkshire Regiment, dated at Colaba, this 22nd day of February 1886.

Number, Rank, and Name, No. 5B.—2472, Private George Lee Law.	Parish and County in which Born,—South Kirley, Pontefract, Yorkshire.
Age,—30 years 10 months.	Marks,—Cicatrix of boil right side, lower jaw. Mole, right side of lumbilious. Two vaccination marks, right arm.
Size,—5 feet 6 inches.	Trade,—Gardener.
Colour of—	Coat or Jacket,—Regimental.
Complexion, fresh ; Hair, brown ; Eyes, grey.	Waistcoat,—*Nil.*
Date of Desertion,—16th February 1886.	Breeches or Trowsers,—Regimental.
Place of Desertion,—Deesa.	REMARKS,—
Date of Enlistment,—15th March 1880.	Under 6 years' service.
At what Place Enlisted,—Beverley.	

A. E. H. SMYTH, *Lt.-Col.*,
Comdg. 2nd Battn., East Yorkshire Regt

No. 2056.—*Account of Revenue and Expenditure of the Government of India for the first seven months of the year 1885-86, as compared with the corresponding period of 1884-85.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1885-86.	April 1884 to October 1884.	April 1885 to October 1885.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	8,818,732	9,080,464	261,732	...
II	Opium	9,025,500	5,056,382	5,161,280	104,898	...
III	Salt	6,400,000	3,553,059	3,568,584	15,525	...
IV	Stamps	3,633,400	2,050,888	2,124,877	73,989	...
V	Excise	4,070,000	2,300,275	2,400,078	99,803	...
VI	Provincial Rates	2,856,800	1,169,380	1,285,428	116,048	...
VII	Customs	1,175,000	506,539	602,857	96,318	...
VIII	Assessed Taxes	514,900	452,770	449,636	...	3,134
IX	Forest	1,060,100	387,399	383,513	...	3,886
X	Registration	281,800	170,423	188,098	17,675	...
XI	Tributes from Native States	691,300	234,006	225,166	...	8,840
XII	Post Office	1,101,700	602,408	647,579	45,171	...
XIII	Telegraph	540,100	251,384	305,977	54,593	...
XIV	Mint	125,000	54,220	140,684	86,464	...
XV	Law and Justice	595,300	286,285	303,372	17,087	...
XVI	Police	311,600	176,565	171,530	...	5,035
XVII	Marine	176,400	70,423	91,495	21,072	...
XVIII	Education	201,800	109,127	109,305	178	...
XIX	Medical	52,600	23,298	23,788	490	...
XX	Scientific and other Minor Departments.	86,100	39,804	32,494	...	7,310
XXI	Interest	659,400	382,577	378,831	...	3,746
XXII	Receipts in aid of Superannuation, &c.	257,700	80,828	103,933	23,105	...
XXIII	Stationery and Printing	54,100	22,775	26,492	3,717	...
XXIV	Miscellaneous	267,700	147,832	155,239	7,407	...
		57,002,900	26,947,379	27,960,700	1,013,321	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,841,700	1,962,458	2,199,450	236,992	...
	East Indian Railway (Gross Earnings).	4,550,000	2,374,989	2,657,535	282,546	...
	Eastern Bengal Railway (Gross Earnings).	550,000	...	232,305	232,305	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	2,384,202	2,759,667	375,465	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	577,911	397,121	...	180,790
	Unproductive Public Works.					
XXIX	State Railways	148,400	127,593	153,021	25,428	...
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	11,675	45,709	34,034	...
XXXI	Irrigation and Navigation	135,400	68,821	67,757	...	1,064
XXXII	Military Works	40,800	20,791	20,391	...	400
XXXIII	Civil Buildings, Roads, and Services	474,600	269,483	258,800	...	10,683
XXXIV	Army	814,000	403,800	440,819	37,019	...
				20,884	20,884	
		71,892,500	35,149,102	37,214,159	2,065,057	...
	England, including Army, Public Works, &c.	197,900	148,076	113,347	...	34,729
	GRAND TOTAL	72,090,400	35,297,178	37,327,506	2,030,328	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

	Expenditure.	Estimates, 1885-86.	April 1884 to October 1884.	April 1885 to October 1885.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	2,264,186	2,264,660	474	...
2	Do. on other Obligations	411,000	108,052	103,864	...	4,188
3	Refunds and Drawbacks	224,400	107,444	143,211	35,767	...
4	Assignments and Compensations	1,248,500	554,781	550,405	...	4,376
5	Land Revenue	3,443,800	1,823,193	1,832,200	9,007	...
6	Opium (including cost of production)	2,473,700	2,648,745	2,763,825	115,080	...
7	Salt (do. do.)	492,300	273,613	250,689	...	22,924
8	Stamps	84,800	50,629	49,031	...	1,598
9	Excise	123,500	56,169	71,155	14,986	...
10	Provincial Rates	113,500	28,721	26,631	...	2,090
11	Customs	133,200	81,411	75,290	...	6,121
12	Assessed Taxes	13,400	8,484	7,916	...	568
13	Forests	725,300	324,448	335,628	11,180	...
14	Registration	181,100	104,175	110,225	6,050	...
15	Post Office	1,161,300	642,931	672,478	29,547	...
16	Telegraph	607,900	287,934	286,945	...	989
17	Mint	77,500	42,368	56,058	13,690	...
18	General Administration	1,335,700	770,143	804,625	34,482	...
19	Law and Justice	3,437,500	1,881,058	1,913,676	32,618	...
20	Police	2,855,700	1,575,549	1,604,736	29,187	...
21	Marine (including River Navigation)	365,800	182,264	189,418	7,154	...
22	Education	1,291,900	656,711	664,928	8,217	...
23	Ecclesiastical	169,700	94,218	95,695	1,477	...
24	Medical	760,400	410,428	412,104	1,676	...
25	Political	629,800	318,696	726,684	407,988	...
26	Scientific and other Minor Departments	477,900	287,588	294,274	6,686	...
27	Territorial and Political Pensions	654,900	371,752	364,754	...	6,998
28	Civil Furlough and Absentee Allowances	5,200	9,482	1,532	...	7,950
29	Superannuation Allowances and Pensions	763,400	488,400	495,795	7,395	...
30	Stationery and Printing	374,000	209,772	217,396	7,624	...
31	Miscellaneous	263,700	152,442	167,691	15,249	...
32	Famine Relief	33,000	2,184	31,988	29,804	...
33	Protective Works—Railways	500,000	539,937	...	...	539,937
34	Do do. Irrigation	287,300	107,056	94,313	...	12,743
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,377,752	1,014,097	...	363,655
		33,774,400	18,842,716	18,693,917	...	148,799
	Productive Public Works.					
36	State Railways (Working Expenses)	2,270,500	1,156,723	1,290,770	134,047	...
	East Indian Railway (Working Expenses)	1,826,500	1,109,402	948,353	...	161,049
	Eastern Bengal Railway (ditto)	232,500	...	161,553	161,553	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	70,220	45,457	...	24,763
38	Irrigation and Navigation (Working Expenses)	593,100	315,414	323,393	7,979	...
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	10,016	24,886	14,870	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	76,482	125,152	48,670	...
41*	Do. (Working & Maintenance)	119,900	88,411	84,606	...	3,805
42	Subsidized Railways	39,800	19,280	14,746	...	4,534
	Southern Mahratta Railway	80,300	83,968	38,988	...	44,980
43	Frontier Railways	100,000	90,222	...	...	90,222
44	Irrigation and Navigation	706,100	364,766	377,028	12,262	...
45	Military Works	1,088,300	457,211	422,765	...	34,446
46	Civil Buildings, Roads, and Services	4,040,600	1,835,892	1,713,736	...	122,156
47	Army	12,161,500	6,819,192	7,023,092	203,900	...
	Military operations in N.-W. Frontier	...	...	1,664,970	1,664,970	...
	Do. Burmah	...	...	724	724	...
		57,951,900	31,339,915	32,954,136	1,614,221	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	9,388,289	9,486,288	97,999	...
	Productive Public Works—Capital Expenditure.	72,306,500	40,728,204	42,440,424	1,712,220	...
	In India—					
50	State Railways	1,900,600	789,791	1,570,786	780,995	...
	East Indian Railway	340,000	163,165	196,749	33,584	...
	Eastern Bengal Railway	132,100	...	69,247	69,247	...
51	Irrigation and Navigation	813,700	310,419	319,813	9,394	...
	In England—					
	State Railways	862,100	1,409,912	566,278	...	843,634
	East Indian Railway	...	222,388	...	...	222,388
	Eastern Bengal Railway	350,900	...	...	...	...
	Irrigation and Navigation	6,000	3,687	5,177	1,490	...
		4,405,400	2,899,362	2,728,050	...	171,312
	GRAND TOTAL	76,711,900	43,627,566	45,168,474	1,540,908	...

* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 26th February 1886.

E. W. KELLNER,
Deputy Comptroller General.

E. GAY,
Offg. Comptroller General.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th February 1886.

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. LOAN OF 1856-57.	GRAND TOTAL.
		Of 1833-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	Of 1870.	Of 1878.			
Balance of 31st January 1886 .	54,100	13,72,587	27,42,600	2,21,72,100	91,43,100	2,58,18,400	2,32,04,000	8,44,52,787	44,19,000	78,00,900	1,23,000	32,200	19,19,73,987
Stock transferred to London Books . .	...	...	...	...	...	7,000	...	7,000	...	...	...	...	...
Stock transferred in London . .	...	...	...	...	...	...	...	...	...	...	...	...	1,36,000
Add—													
Amount enfaced at Madras between 1st and 15th February 1886 . .	...	...	...	...	24,000	1,000	8,500	33,500	...	...	...	...	72,000
Amount enfaced at Bombay between 1st and 15th February 1886 . .	...	...	21,500	73,500	3,000	4,29,000	3,000	5,30,000	...	21,500	...	...	7,34,500
Amount enfaced at Calcutta between 1st and 15th February 1886 . .	...	...	1,500	2,54,700	19,500	4,10,500	27,500	7,13,700	...	14,000	...	...	11,15,500
	54,100	13,72,587	27,65,600	2,25,00,300	91,89,600	2,66,65,900	2,32,43,000	8,57,36,987	44,19,000	78,36,400	1,23,800	32,200	19,40,51,987
Deduct—													
Amount written off in the London Registers . .	...	...	...	...	1,93,200	1,95,500	47,000	4,58,200	...	2,01,000	...	...	7,39,700
Balance on 15th February 1886 . . .	54,100	13,72,587	27,65,600	2,23,07,100	91,67,100	2,64,70,400	2,31,96,000	8,52,78,787	44,19,000	76,35,400	1,33,800	32,200	19,33,12,287

Note.—From 9th June 1867 to 15th Dec. 1885 enfaced from India 5,178 lakhs; re-transferred from London 4,612 lakhs.
" 16th Dec. 1885 to 31st " " " 5 "
" 1st Jan. 1886 to 15th Jan. 1886 " " 3 "
" 16th " " to 31st " " " 7 "
" 1st Feb. " to 15th Feb. " " 6 "
4,633 lakhs.

Balance against India	5,208 lakhs.
	4,633 "
	575 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 16th February 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd February 1886.

LIABILITIES.	₹	a.	p.	ASSETS.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	45,45,162	8	0
Reserve Fund	41,56,744	15	0	Other authorized Investments	55,71,486	4	0
Public Deposits at Head Office ₹ 74,81,261 12 2	1,90,33,897	8	2	Loans on Government and other authorized Securities	92,72,329	0	8
Public Deposits at Branches 1,15,52,635 12 0				Accounts of Credit on Government and other authorized Securities	75,89,142	6	10
Other Deposits at Head Office and Branches	3,23,17,171	6	10	Bills discounted and purchased	2,10,30,519	2	2
Bank Post Bills, &c.	4,49,492	9	2	Balances with other Banks	6,30,953	2	10
Sundries	13,42,828	4	9	Bullion	653	11	0
				Dead Stock	11,33,197	14	2
				Stamps	10,451	5	0
				Sundries	8,51,284	9	0
					5,06,35,179	15	8
				Cash and Currency Notes at Head Office ₹ 93,36,630 3 6	2,66,64,954	12	3
				Cash and Currency Notes at Branches 1,73,28,324 8 9			
RUPEES	7,73,00,134	11	11	RUPEES	7,73,00,134	11	11

By order of the Directors,

BANK OF BENGAL,
Calcutta, 25th February 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 50·1.

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. 1886.	No. of Notes.	Value. ₹	Name of Claimant.
W1	M 85—70298	100	Shewapah, Nagpur.
	" —75362	100	
	" —24305	100	
	M 94—58310	100	
	" —13792	100	
	" —69203	100	
W2	M 38—77173	500	Noosaji Ismalji Nalwalla, Bombay.
W3	M 38—73706	500	Dayabhai Tribhowandas, Surat.
W4	M 94—80999	100	E. V. Jordon, Bombay.
	" —64504	100	
W5	M 85—43388	100	N. M. Patell, Bombay.
W6	M 94—63350	100	Karim Bux, Bombay.
	" —47580	100	
W7	M 94—69911	100	Muncherji Pallonji, Writer.
	" —43810	100	
	M 66—97090	100	
	M 85—99054	100	
	" —48088	100	
	" —77185	100	
W8	M 85—66709	100	H. C. Lockhart, Badami.
W9	M 76—79803	1,000	Shapurji Burjorji, Bombay.
	" —80197	1,000	
	" —81308	1,000	
	" —78230	1,000	
	" —78843	1,000	
	" —77828	1,000	
	" —74443	1,000	
	" —76006	1,000	
	" —62799	1,000	

BOMBAY,
The 18th February 1886.

R. A. STERNDALE,
Asst. Acct. Genl., Paper Currency Dept.

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
21	D 8—54702	500	F. G. Steward, Esq., Agra Club, Agra.

ALLAHABAD,
The 24th February 1886.

A. H. ANTHONY,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Rangoon, B. B., Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
W4	Q 6—04931	100	District Superintendent of Police, Rangoon Town Division, Rangoon.
	5—04233	50	
	" 6—04140	50	
	" —05106	50	

RANGOON,
The 19th February 1886.

W. D. COWLEY,
Assistant Comptroller, Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 19th February 1886.

No. 14962.—Mr. Vaman Gonesh, District Post Inspector, Poona Sub-Division, is appointed to officiate as a Superintendent of the 2nd Grade, Kathiawar Division.

The 20th February 1886.

No. 15046.—An extension of twenty-five days' privilege leave has been granted to Mr. C. A. Stuart, Presidency Post Master, Bombay.

The 24th February 1886.

No. 15215.—Mr. G. A. Peters, Post Master, Secunderabad, is appointed to officiate as Post Master, Hyderabad.

Mr. G. Ramasawmy Chetty, Manager, Post Master General's Office, Madras, is appointed to officiate as Manager, Dead Letter Office, Madras.

Mr. T. C. D'Rozario, Post Master, Trichinopoly, is appointed to be in charge of the duties of the Superintendent, Trichinopoly Division, in addition to his own.

Mr. W. A. Higgins, Probationer, North-Western Provinces, is appointed to officiate as Examiner, Coconada Division.

H. E. M. JAMES,
Depy. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 24th February 1886.

Finlay, H.	Leechman & Co.	Trower, H. B. H.
Hearsey, L. D.	Lewin, N.	Simons, Miss M. A.
Jamrack, W.		

Letters marked "Care of Post Office."

Abercromby, Hon. Ralph.	G. P. O.	Portland, Mrs. B.
A. B.	Gilmour, Capt. D. C.	Pyle, Mrs. C. I.
Atkinson, Mrs. T.	Goldberg, H.	Reece, Mrs. A.
Atkinson, Thos.	Gordon, George.	Roberts, J. R.
Babington, Major.	Grant, Mrs. M.	Robinson, E. A.
Baggs, H. W.	Gusture, Esq.	S. M.
Bailey, Mon. Frank.	Haly, Mrs. C.	Scott, C. E. C.
Barclay, J. J. T.	Heath, Mrs.	Shaw, H. J.
Barnett, Mrs. Ann.	Henderson, Joseph.	Simpson, Percy.
Barnett, Mrs. E.	Henstrom, E. W.	Singleton, C. W.
Bateman, S. H.	Hughes, Capt.	Smallwood, Geo.
Bennett, J. B.	Inman, Capt. C.	Smart, Mrs. R. B.
Blaker, Mr.	Irvine, Esq.	Smith, Mrs. F. E.
Bogle, Miss.	Jetterson, J. J. D.	Speer, A. E.
Bose, P. N.	K. P. M.	Stanislaus, Walter.
Brown, Rev. J. J.	Kirkbride, J.	Straw, Mrs. R.
Burke, Master W. T.	Litke, de Louis G.	Sternbergh, A.
Butler, T.	Lloyd, E. T.	Storey, A.
Carpenter, A.	Lord, Esq.	Symons, W. S.
C. B. H.	Lowe, Mrs.	Thorpe, Sydney.
Chelton, H.	MacDougall, D.	Thurman, W. A.
Clark, James.	McLaughlin, John.	Tighe, James.
Clarke, F. G.	Manfield, J. J.	Toomis, Charles.
Coleman, R. J.	Mason, F. S.	Transche, Herm. J. Von.
Crawford, J.	Mattin, Mrs.	Tudor, T. G.
Crighan, W. J.	May, J. A.	Turner, Mrs. H. G.
"Dee."	"Midas."	Tyrrell, David.
Derham, Henry.	Minaeff, Mr.	Vinall, J. N.
Dessa, H. T.	N. Nellie, Miss.	Vob, Mrs.
Dundas, Mrs.	Naish, P. L.	Volpi Beaucourt, et.
Dwarris, J. H.	Newham, A. W.	Walker, G. A.
E.	Norris, H.	Walker, P. C.
E. M. K., Miss.	Norville, Mrs. L.	Way, F. H.
Easton, Percy H.	Orme, R. W.	Webster, Fred.
Ellis, Mrs. Jus.	Page, George.	Webster, T. E.
Entwisle, R.	Palmer, Col. A. P.	Wessendorff, Henri.
Fez, Lt. Col.	Parker, Mrs. A. H.	Whimster, J.
Flinsch, Ferdinand.	Phillips, W. G. St. V.	Wittdstraus, W.
Franklin, R. O.	Philips, Henry.	Wood, Tempest.
Freise, C.	Pike, H. R.	Yancovici, Mendel.

Registered Letters.

Barclay, J.	Harris, Ashby.	Ross, A.
Cesare, Mon. F.	Larmini, J. S. C.	Sternbergh, M.
Crookshank, T.	Nilson, Mrs.	Thiband, T.
Godfrey, J. B.	Paul, H.	

Unclaimed Letters held in the Barrackpore Post Office on the 15th February 1886.

Bennett, G. A. T.	Harvey, J. R.	Riddell, Capt.
Fagan, H. R.	L. T.	Roy, Nil Madhub.
Hart, C. H.	Ormond, Henry.	Shaik Dall.

E. HUTTON,
Presidency Postmaster, Calcutta.

SEA AND FOREIGN MAILS.

The 27th February 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Rangoon	28th Feb.	Govt. Str. *Canning.*
Madras and Ceylon	6th Mar.	P. & O. Str. *Shannon.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	2nd ,,	From Bombay.
Foreign Mails *viâ* Bombay	2nd ,,	From Bombay.*
Ditto Book Post and Pattern Packets	1st ,,	From Bombay.
Rangoon and Moulmein	3rd ,,	Str. *Canara.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	3rd ,,	Str. *Oriental.*
Straits and Hong-Kong	6th ,,	Str. *Wingtang.*

* Also for Cape of Good Hope and Natal 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.

The 27th February 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during March 1886:—

Date of Closing.	Route.
2rd March 1886	By P. & O. Steamer from Bombay.
3rd March 1886*	By B. I. S. N. Co.'s Private Vessel.
6th March 1886	By P. & O. Steamer from Calcutta.
9th March 1886*	By Star Line Private Vessel.
16th March 1886	By P. & O. Steamer from Bombay.
17th March 1886*	By B. I. S. N. Co.'s Private Vessel.
20th March 1886	By P. & O. Steamer from Calcutta.
23rd March 1886*	By Star Line Private Vessel.
26th March 1886	By French Steamer.
30th March 1886	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. (pre-payment compulsory).

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

E. HUTTON,
Presidency Post Master.

NOTICE.

SALE OF GOVERNMENT STEEL AND IRON.

I. Sealed tenders will be received by the Commissary of Ordnance in charge Arsenal, Madras, up to 10th March 1886, for purchase from the Arsenal of the undermentioned articles (more or less) in whole or in part.

II. The tenders should be in duplicate, and in English, and should specify in words as well as in figures the rate at which the article named in them will be taken.

III. Tenders should be accompanied by a deposit of R10 per cent. in Bank receipt as earnest money, which deposit will be returned on rejection of the tenders.

IV. Tenders not complying with these conditions will be rejected.

V. The approval or rejection of tenders rests with the Inspector-General of Ordnance, who reserves to himself the right of rejecting any tender without explanation, or any items in a tender the rates of which are not approved.

VI. Tenders will be opened at this office at 12 o'clock on 11th March 1886.

Description of articles.	Quantity.
Iron, wrought, angle 2 × 5/8	21 1 7 cwt.
" " " 2½ × ⅜	13 0 0 "
" " bolt or round 3½	49 3 11 "
" " " " 2¾	9 0 0 "
" " " " 6	46 0 0 "
" " " " 1⅞	117 0 0 "
" " " " 1¼	231 0 0 "
" " " " 1⅝	112 0 0 "
" " " " 1⅜	428 0 0 "
" " " " 4	42 0 21 "
" " " " 5	12 2 14 "
" " flat 9 × ⅜	1 0 20 "
" " " 8 × 2½	129 3 21 "
" " " 8 × 2	257 3 23 "
" " " 7⅛ × 1⅝	48 1 21 "
" " " 7 × 1¼	73 1 3 "
" " " 7 × ¼	8 0 14 "
" " " 6⅝ × 1⅜	95 1 19 "
" " " 6½ × 2	138 3 2 "
" " " 6⅜ × 1½	2 1 11 "
" " " 6¼ × 1¾	10 1 35 "
" " " 6⅛ × 1¼	4 2 0 "
" " " 6 × ⅜	1 3 7 "
" " " 6 × ½	31 2 23 "
" " " 6 × ⅛	85 0 0 "
" " " 5⅞ × ⅝	2 0 7 "
" " " 5¾ × ¾	30 1 7 "
" " " 5⅝ × ¼	37 2 14 "
" " " 5¼ × ¾	68 3 24 "
" " " 5 × 2¼	90 3 26 "
" " " 5 × 1⅛	63 2 8 "
" " " 5 × ¼	9 0 0 "
" " " 4⅞ × 1⅛	0 3 18 "
" " " 4½ × ¾	26 0 0 "
" " " 4½ × 1⅛	96 0 26 "
" " " 4 × 1½	118 2 13 "
" " " 3⅞ × 1	44 1 14 "
" " " 3½ × ¾	80 0 0 "
" " " 3½ × ¼	31 0 0 "
" " " 3⅜ × ¾	138 3 20 "
" " " 3⅜ × ⅜	74 1 27 "
" " " 3¼ × ⅝	244 3 17 "
" " " 3 × ½	6 2 18 "
" " " 2½ × ¾	21 3 22 "
" " " 2¼ × ⅜	93 0 0 "
" " " 2½ × 1	28 2 21 "
" " " 2⅛ × ½	7 0 0 "
" " " 2 × ⅝	43 0 0 "
" " " 1⅞ × ⅜	13 3 27 "
" " " 1¾ × ⅝	8 1 25 "
" " " 1⅝ × ⅜	4 1 14 "
" " " 1½ × ⅝	16 0 0 "
" " " 1⅜ × 7/11	18 3 0 "
" " hoop 1⅛ ×	5 0 27 "
" " square B. B. 6	455 0 0 "
" " " 4½	244 0 0 "
" " " 4¼	304 0 0 "
" " " 4	265 0 0 "
" " " 3¾	127 3 13 "
" " " 3⅝	22 0 14 "
" " " 3½	6 1 0 13 "
" " " 3¼	2 56 2 0 "
" " " 3⅛	0 20 "
" " " 2⅞	53 1 1 "
" " " B. B. 2½	1 2 1 18 "
" " " " 2¼	106 0 0 "
" " " " 1¾	13 1 6 "
" " " " 1½	9 0 14 "
" " T 3" to 2⅛"	12, 1 24 "
Europe, plate 12 × ⅞	4 3 4 "
" " 10 × ⅝	32 1 26 "
" " 10 × ½	11 0 23 "
" " 9 × ½	52 0 25 "
" " 7⅞ × 1/16	0 2 0 "
" " 7⅛ × 1/16	190 1 24 "
" " 7 × ½	19 2 4 "
" " 7 × 3/16	156 2 21 "
" " 6⅛ × 1/16	29 3 0 "
" " 6 × ¼	11 3 7 "
Iron, Europe, plate 5½ × 3/16	45 0 5 cwt.
" " " 5½ × 3/16	4 3 2 "
" " " 4½ × 1/16	39 0 1 "
" " " 4½ × 3/16	30 0 13 "
" " " 4½ × ¼	9 3 10 "
" " " 4 × 1/16	29 1 13 "
" " " 4 × ¼	81 1 0 "
" " " 3½ × 1/16	9 3 25 "
" " " 3½ × 3/16	48 0 23 "
" " " 3 × ¼	8 2 21 "
" " " 3½ × ¼	26 0 2 "
" sheet 7½ × 3½ × 1/16	223 3 18 "
" " 6 × 4 × 1/16	3 2 23 "
" " 6 × 2 × 3/16	16 1 18 "
" " 6 × 2 × ¼	5 1 5 "
" " 6 × 1½ × 3/16	9 3 24 "
" " 5¼ × 3½ × 1/16	21 2 18 "
" " 4 × 2½ × 1/16	78 2 7 "
" " 4 × 2½ × 3/16	313 3 0 "
" " 4 × 2½ × 1/16	8 1 20 "
" " 4 × 2 × 1/16	17 1 0 "
" Europe, sheet 4 × 2 × ⅜	384 0 8 "
" " " 3½ × 3½ × 5/16	33 0 4 "
" wrought, triangular, soll'd 1¼	2 3 15 "
" Europe, bar 2 × ⅜	252 0 3 "
" " " 1½ × ⅛	234 1 15 "
Steel, blister, flat 3½ × 3¼	5 2 6 "
" " " 3½ × ⅜	0 2 5 "
" " " 3¼ × ¾	26 3 13 "
" " " 3¼ × ⅜	2 3 7 "
" " " 1⅛ × ⅝	42 2 13 "
" " " 3 × ½	10 0 0 "
" " " 2⅝ × ½	1 0 24 "
" " " 2½ × 2	1 2 27 "
" " " 2½ × ¾	7 3 3 "
" " " 2½ × ⅝	23 2 19 "
" " " 2½ × ½	20 0 0 "
" " " 3 × ⅜	14 1 8 "
" " " 2¾ × 5/16	0 3 20 "
" " " 2½ × ¾	0 0 18 "
" " " 1 × ½	9 0 0 "
" " " 2 × ⅜	0 2 10 "
" " square 2 7/16	0 3 18 "
" " " 2½	5 0 23 "
" " " 2⅜	3 3 24 "
" " " 2¼	3 0 26 "
" " " 2 "	1 1 18 "
" " " 3 "	3 3 19 "
" " " 1⅝ "	0 0 14 "
" " " 1½ "	0 0 17 "
" cast bolt or round 3	10 3 10 "
" " " " 2	12 3 26 "
" " " " 1½	6 2 13 "
" " " 5	4 3 9 "
" " flat 3½ × ¾	4 0 10 "
" " " 3¼ × ⅝	1 3 7 "
" " " 3 × ½	26 3 13 "
" " " 3 × ⅜	27 1 7 "
" cast, flat 1 × ⅜	6 0 0 "
" " " 2 × ⅛	0 0 24 "
" " " 3½ × ⅝	0 2 26 "
" shear, flat 3¾ × ½	1 1 18 "
" " " 3½ × 5/16	3 1 19 "
" " " 3½ × ¼	5 0 14 "
" " " 3½ × 3/16	3 1 18 "
" " " 3¼ × ⅜	5 2 0
" " " 3¼ × ¼	19 1 21
" " " 3¼ × ¼	7 2 1
" " " 3 × ⅛	11 2 23
" " " 3 × ⅛	48 3 12
" " " 3 × ⅛	73 0 0
" " " 3 × ¼	46 3 12
" " " 2⅞ × ⅝	5 0 8
" " " 2 × ¾	5 3 21
" " " 2 × ⅜	192 0 2
" " " 1⅝ × ¾	247 3 0
" " " 1½ × ½	10 3 2
" " " 2 × ⅝	7 2 19
" " " 1½ × ⅜	7 3 18
" " " 1 × ½	170 0 0
" " " 1 × ⅜	200 0 19
" " " 1 × ¼	185 0 0
" " " ¾ × ¼	5 0 0
" " " ¾ × ⅜	8 1 16
" " " 2½ × ½	33 1 26
" " " 2½ × ¼	45 2 8
" " " 2⅜ × ½	0 3 6

Description of articles.	Quantity.
Steel, shear, flat, $2\frac{1}{2}\times\frac{5}{8}$ . . . cwt.	0 1 5
" " " $2\frac{1}{4}\times\frac{1}{4}$ . . . "	0 1 6
" " " $2\frac{1}{4}\times\frac{1}{2}$ . . . "	7 1 9
" " " $2\frac{1}{4}\times\frac{5}{8}$ . . . "	8 0 24
" " " $1\times\frac{3}{0}\frac{0}{8}$ . . . "	56 0 11
" " " $2\frac{1}{4}\times\frac{3}{8}$ . . . "	4 3 5
" cast, square $4\frac{1}{2}$ . . . "	1 0 23
" " " $3\frac{1}{2}$ . . . "	12 1 20
" " octagonal $1\frac{1}{4}$ . . . "	5 0 26
" shear, square $3\frac{1}{2}$ . . . "	1 3 11
" " " $2\frac{1}{4}$ . . . "	1 0 16
" " " 2 . . . "	8 1 9
" " " $1\frac{3}{4}$ . . . "	3 1 9
" " " $\frac{3}{4}$ . . . "	13 1 17
" " " $\frac{5}{8}$ . . . "	4 1 26
" " " $\frac{7}{8}$ . . . "	10 3 5
" " " 1 . . . "	1 1 12
" " " $1\frac{1}{2}$ . . . "	0 2 8
" " " $\frac{3}{8}$ . . . "	7 0 1
" double, square $1\frac{3}{4}$ . . . "	22 1 3
" " " $1\frac{1}{2}$ . . . "	22 3 3

VII. In the case of an accepted tender, the tenderer must be prepared to pay the value of the quantity tendered for and remove the article within a time specified by him in his tender.

VIII. In the event of the party whose tender is accepted failing to take it up, his earnest money will be forfeited.

IX. Parties tendering are particularly requested to give their address in full.

F. MORTIMER, *Lieut.-Col., R.A.*,
Commissary of Ordnance in Charge.

ARSENAL, MADRAS,
3rd February 1886.

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, Botanic Garden, 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, Botanic Garden, *for cash only*, at the undernoted 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, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يہہ دوا کوئينائين کا خوب قائم مقام هی اور کلکتہ 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 تت سے نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا چار روپيہ آٹھہ آنہ ; آٹھہ اونس کے ٹين کا آٹھہ روپيہ آٹھہ آنہ اور ايک پونڈ کے ٹين کا سولہ روپيہ آٹھہ آنہ '

اور عوام‌الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس ٹين کا پانچ روپيہ آٹھہ آنہ ; آٹھہ اونس کے ٹين کا دس روپيہ آٹھہ آنہ ; ايک پونڈ کے ٹين کا بيس روپيہ '

يہہ دوا کلکتہ کے بڑے بڑے ولايتي اور ديسي دوا خانونمين بکتي هی ماسوائے قيمت مذکورۂ بالا کے محصول ڈاک چار روز آٹھہ اونس کے ٹين کا آٹھہ آنہ ; اور ايک پونڈ کے ٹين کا بارہ آنہ ,

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, R6-8; per eight-ounce tin, R12-8; per pound tin, R24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, R8-8; per eight-ounce tin, R16-8; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلين سنکونا دوائي سفار'

لال سنکونا بارک کي ايک نئي اور عمدہ دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کونين کے لئے يہہ بہت خوب قايم مقام هی اور سيب پور متصل کلکتہ کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وہ لوگ جو ايک مشت بيس پونڈ لين نقد اس بھاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چھہ روپيہ آٹھہ آنہ ; آٹھہ آونس کے ٹين کا بارہ روپيہ آٹھہ آنہ ; اور ايک پونڈ کے ٹين کا چوبيس روپيہ—

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹھہ روپيہ آٹھہ آنہ ; آٹھہ آونس کي ٹين کا سولہ روپيہ آٹھہ آنہ اور ايک پونڈ ٹين کا بتيس ٣٢ روپيہ يہہ دو کلکتہ کے بڑي بڑي ولايتي اور ديسي دواخانون مين بھي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنہ ; آٹھہ آونس کي ٹين کے لئے آٹھہ آنہ اور ايک پونڈ کي ٹين کے لئے بارہ آنہ علاوہ اوپر لکھے هوئے نرخ کے هی '

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

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 17th October 1885.

From the 14th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 7th November, all Notifications and other matter intended for publication in the *Gazette*, should be addressed to the Publisher, 8, Hastings Street, Calcutta.

	R	a.	p.
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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

Publisher, Gazette of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 22nd February 1886.

No. 5.—In modification of Notification No. 1, dated 13th January 1886, published in the *Gazette of India*, Part II, page 41, 3rd Grade Assistant Surgeon Doorga Das Bhuttacharjee is promoted to the 2nd Grade, with effect from 1st May 1886.

B. SIMPSON, M.D.,

Surgeon-General with the Govt. of India.

HIGH COURT.

NOTIFICATION.

Calcutta, the 22nd February 1886.

The following draft Rules, which the High Court propose to make under the provisions of the Bengal Tenancy Act, VIII of 1885, are published for general information, as required by Section 190 of the said Act.

These draft rules will be taken into further consideration on or after the 24th day of March 1886.

By order of the High Court,

C. A. WILKINS,
Registrar.

Rules under Section 100.

1. Every manager, appointed under Chapter IX of the Bengal Tenancy Act, shall in all matters act in accordance with such orders as may, from time to time, be issued by the District Judge.

2. The manager shall pay the Government revenue, rent, and other demands of the like nature, as also all just liabilities upon the estate, in due and proper time.

3. No manager shall have power to sell or mortgage any property, nor shall he grant or renew a lease for any period exceeding three years without the express sanction of the District Judge. Provided that this rule shall not render valid any lease for a shorter time than three years, if such lease is disapproved of by the District Judge, or if the District Judge directs that his sanction is to be obtained as regards all leases granted by the manager.

4. The manager shall apply for the sanction of the District Judge to any act which may involve extraordinary expense.

Rules under Chapter XII.

5. All applications to distrain shall be presented and heard in open Court. The examination mentioned in Section 123, Sub-Section (2), shall be on oath or affirmation.

6. All such applications and all notices of distraint under Section 141 shall be entered in a register to be called the "Distraint Register," which shall be kept in the form annexed. A copy of every such application, to be furnished by the applicant, shall be given to the officer appointed to make the distraint, and a copy of the notice under Section 141, to be similarly furnished by the applicant, shall be given to the officer placed in charge of the distrained property.

Form of Distraint Register prescribed by Rule 6.

Serial No. of		1	2	3	4	5	6	7	8	9	10	11	Amount realized by sale.				16	17	18
Application under Section 123.	Notice under Section 141.	Date of application to distrain or of notice of distraint under Section 141.	Name and address of the applicant under Section 123 or of the person giving notice under Section 141.	Name and address of the Defaulter.	Amount of arrear claimed and period in respect of which it is claimed.	Purport of the order passed and date on which it is passed.	Name of the Officer deputed to distrain, or to take charge of property distrained.	Date of Distraint.	Date of sale proclamation.	Date of sale.	Arrear.	Costs.	Surplus.	Total.	Amount (if any) deposited under Section 136. Arrear.	Costs.	Remarks.

7. The officer deputed to make a distraint under Section 124, or to take charge of produce distrained under Section 141, must in all cases be able to read and write the language of the district.

8. The written demand under Section 125 shall be framed in accordance with the entries contained in the application or notice referred to in Rule 2.

9. The notification of distraint directed in Section 124, Act VIII, 1885, shall be published—

By fixing up in a conspicuous part of the holding, or other place, in which the produce is, a notice that such produce has been distrained, and by proclaiming at the same time the contents of the notice by beat of drum.

10. The notice shall specify the name of the person at whose instance the distraint is made, the name of the defaulter, the name of the person in whose charge the produce has been placed, and the amount of the arrear due, and it shall direct any person intending to reap, gather, or store the crop or produce, if unreaped or ungathered, or intending to do any other act necessary for its preservation, to give due notice of his intention to the person who has been placed in charge.

11. The notice shall be fixed up in the presence of not less than two persons, in addition to the agent of the distrainer, who points out the crop or produce.

12. In the event of it being necessary for the distraining officer, or the officer placed in charge of distrained property, to reap, gather, or store any crops or produce, or to do any other acts for the due preservation of the same, as provided by Section 126, the person at whose instance the distraint was made shall advance the funds necessary to this end.

13. The officer holding a sale under Section 131, shall record a description of the property offered for sale, the names of all persons bidding for the same, and the amount bid by each; and if the sale is postponed, he shall record an order to this effect, and shall then and there notify the place where and the time when the sale will be held.

14. When the sale is concluded and the sale-proceeds are realized, the officer who held the sale shall, after paying the costs of the distraint and sale, as directed in Section 134, forthwith pay the balance into Court.

15. The officer holding the sale shall take separate receipts for all sums paid by him as costs of the distraint and sale under Section 134, Sub-Section (1), and if the person giving the receipt is unable to write, the receipt shall be attested by some person able to do so.

16. When a distraint is withdrawn under Section 136, the notification of distraint, published under Section 124, shall be taken down.

17. All officers deputed to distrain property under this chapter, shall, if there is a post-office in the vicinity, report to the Court by letter immediately the distraint is made, or if there is no such post-office, shall, immediately on his return, report in writing the nature and extent of the crop or produce distrained, the day on which the distraint was made, the name of the person (if any) placed in charge of the crop, and the day fixed for the sale, or if the sale has taken place the day on which it took place. He shall also immediately on his return file an account of all money received and disbursed by him, together with the receipts for the same and the record of the biddings at the sale, if a sale has taken place.

18. Every person, distraining produce by virtue of the authority conferred on him under Section 141 of Act VIII, 1885, shall give notice of such restraint to the Civil Court having jurisdiction to entertain an application for the distraint of such produce, in a tabular form which shall contain the following particulars :—

(*a*) The name and address of the person at whose instance the distraint was made and a description of his interest in the property, whether as proprietor, tenure-holder, or raiyat.

(*b*) The name of the defaulter, and of the place in which he resides, or was known to be last residing.

(*c*) The amount of the arrear with interest, if any, and the period in respect of which it is claimed.

(*d*) The holding in respect of which the arrear is claimed, the boundaries thereof, or such other particulars as may suffice for its identification.

(*e*) The description and approximate value of the produce distrained, and if the same has been reaped or gathered, the place in which it is stored.

(*f*) The name of the person by whom the distraint was actually made, and the name and address of the person in whose charge the produce has been placed.

(*g*) The date on which the distraint was made.

(*h*) If the crop or produce is standing or ungathered, the time at which it is likely to be cut or gathered.

RICHARD GARTH.
H. S. CUNNINGHAM.
W. F. McDONELL.
A. WILSON.
L. R. TOTTENHAM.
CHARLES D. FIELD.
J. O'KINEALY.
CHUNDER M. GHOSE.

HIGH COURT.—Original Side.

NOTIFICATION.

Calcutta, the 27th February 1886.

The following Rules have been passed by the High Court of Judicature at Fort William in Bengal under Section 104 of the Transfer of Property Act, 1882, and are now published for general information :—

By Order,

R. BELCHAMBERS,
Registrar.

It is ordered, under the provisions of Section 104 of the Transfer of Property Act, IV of 1882, that Rule 555 in Belchambers' Rules and Orders be amended by substituting the words "the period allowed for payment by Section 86, 88 or 92 of the Transfer of Property Act, IV of 1882," for the words "the date of the decree;" and that the following rule be passed as a rule of the High Court of Judicature at Fort William in Bengal, with effect from the first day of March 1886:—

Every certificate or report of the Registrar or other referee, stating what is due to the mortgagee in a mortgage suit, shall, on being confirmed by effluxion of time or otherwise, be submitted in open Court to a Judge exercising Original Civil Jurisdiction, in order that it may be countersigned by him; and the period for payment under Section 86, 88 or 92 of the Transfer of Property Act shall run from the date of such countersignature, which shall be deemed to be a declaration of the amount under the provisions of those sections.

RICHARD GARTH.
ROMESH CHUNDER MITTER.
H. S. CUNNINGHAM.
W. FRASER McDONELL.
H. T. PRINSEP.
A. WILSON.
L. R. TOTTENHAM.
C. D. FIELD.
JOHN F. NORRIS.
JONES Q. PIGOT.
J. O'KINEALY.
W. MACPHERSON.
E. J. TREVELYAN.
CHUNDER MADHUB GHOSE.
H. BEVERLEY.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 26th February 1886.

No. 541.—Mr. F. P. Walsh is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from the date on which he reports himself for duty.

No. 542.—Mr. C. G. Lee is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from 1st March 1886.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 20th February 1886.

No. 47.—Mr. H. Phillips, Assistant Engineer, 1st Grade, transferred temporarily to Beluchistan, reported his arrival at Quetta on the afternoon of the 19th instant, and is posted to the 4th Division, Frontier Road.

The 24th February 1886.

No. 50.—Babu Kirth Chunder Chowdry, Executive Engineer, 4th Grade, temporary rank, is transferred from the 2nd to 1st Division, Frontier Road.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl, Beluchistan, P. W. D.

RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 1st March 1886.

No. 422 *S.*—The Agent to the Governor General and Chief Commissioner is pleased to confer, under Public Works Department Code, Chapter I, paragraph 78 A, the distinction of Honorary Assistant Engineer on Mr. William Causley, Sub-Engineer, 1st Grade, attached to the Ajmere Provincial Division.

By Order,
WM. G. CUMMING, *Major, R.E.*,
Offg. Secy. to the Govr. Genl.'s Agent & Chief Commr. in the P. W. Dept.

RESIDENT IN MYSORE.

NOTIFICATION.

Camp Ahtur, the 18th February 1886.
Despatched from Bangalore, the 26th February 1886.

No. 382.—In accordance with the power granted in Section 18 of Act II of 1886 (an Act for imposing a tax on income derived from sources other than Agriculture), the Officiating Resident in Mysore is pleased to make the following rule:—

1. The Collector of the Civil and Military Station, Bangalore, is authorized to cause a general notice to be published inviting every person under Part IV (as represented in Schedule II of the beforementioned Act) to deliver or cause to be delivered to him at Bangalore, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March.

2. The Collector is authorized to prescribe such a form as he may think requisite for the purpose of clause *b* of Section 18 of the beforementioned Act.

J. H. NEWILL,
Assistant to the Resident.

Statement of the Affairs of the Bank of Bengal for the week ending 2nd March 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,744	15	0
Public Deposits at Head Office (₹. 74,46,684 a. 0 p. 2)	1,96,79,522	4	6
Public Deposits at Branches (1,22,32,838 4 4)			
Other Deposits at Head Office and Branches	3,03,25,194	5	0
Bank Post Bills, &c.	4,50,775	1	6
Sundries	13,42,330	14	6
RUPEES	7,59,54,567	8	6

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				39,01,081	12	0
Other authorized Investments				53,79,435	0	0
Loans on Government and other authorized Securities				85,32,826	7	5
Accounts of Credit on Government and other authorized Securities				74,83,415	8	5
Bills discounted and purchased				2,14,02,396	10	9
Balances with other Banks				7,48,215	5	11
Bullion				463	11	6
Dead Stock				11,33,318	14	2
Stamps				10,080	2	6
Sundries				8,45,524	5	11
				4,94,36,757	14	7
Cash and Currency Notes at Head Office	96,48,564	8	7	2,65,17,809	9	11
Cash and Currency Notes at Branches	1,68,69,245	1	4			
RUPEES				7,59,54,567	8	6

By order of the Directors,

BANK OF BENGAL,
Calcutta, 4th March 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 51·1.

CEMETERY NOTICE.

* When a monument needs repairing, the officer in charge of the cemetery should communicate with the friends of the deceased or, when such communication is not possible, advertise three times in the *Gazette of India* and the Gazette of the Province; and if it falls into a ruinous condition, and no person will undertake to restore it, the ruined monument shall be made level with the ground during the next repairs, and any slab it contained will be placed over the grave in simple masonry, or be inserted in the wall of the cemetery.

List of monuments in the Lahore Cemetery published with reference to Rule XIX,* Part I of the revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 20th June 1885:—

Inscription.	*Date.*
Philip Melville	1854
Edward Banker	1851
Large grave. (No name.)	
Pillar on pedestal. (No name.)	
Daniel Sandford	1849
Lieutenant Augustus Thompson	1849
August Thompson	1848
Richard Thompson	1848
Sarah Ann Godwin	1849
John George Bowser	1849
James Ray	1849
Francis Tibbets	1849
Double grave. (No name.)	
Archer	1848
Grave. (No name.)	
Owens	1849
Macnamara	1849
Edith Carter	1849
Elizabeth Read	1848
Ensign Giles	1848
Large grave. (No name.)	
Large grave. (No name.)	
Elizabeth Bodel	1849
Letitia Whitaker	1847
Three upright pillars. (Inscription illegible.)	
Large grave. (Inscription illegible.)	
Juliana Francis Lamb	1850
Large grave. (Inscription illegible.)	
Joseph Travis	1846
Large grave. (Inscription illegible.)	
Frank Montagu Ryves	1850
Harry Robert Ryves	1850
Elizabeth Rees	1850

J. F. MONTGOMERY,
Chaplain of Lahore.

LAHORE,
The 6th February 1886.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 3rd March 1886.

No. 14.—Captain R. Gardiner, R.E., Class II, Superior Revenue Establishment of State Railways, is granted leave for one month, under Public Works Department Code, Volume I, Chapter V, 14 B, with effect from the 1st March 1886.

The 4th March 1886.

No. 15.—Mr. G. Moyle, Executive Engineer, 4th Grade, is granted furlough for eighteen months, with the necessary subsidiary leave, from such date as he may be permitted to avail himself of the same.

No. 16.—Mr. E. G. J. McCudden, Executive Engineer, 3rd Grade, is granted eight months' furlough, together with the usual subsidiary leave, with effect from such date as he may be permitted to avail himself of the same.

No. 17.—Mr. P. P. Dease, Executive Engineer, 2nd Grade, sub. *pro tem.*, was granted special leave on urgent private affairs for eighteen days, with effect from the forenoon of 6th November 1885.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Statement of Silver Balance in the Calcutta Mint for the week ending 3rd March 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 24th February 1886 .	1,30,416	
Value of Government silver in the Mint on the same date .	8,32,140	
		9,62,556
ADD—		
Silver received by the Mint during the week on account of the Currency Department	1,772	
Ditto ditto Government	...	
		1,772
		9,64,328
DEDUCT—		
New coin paid to Reserve Treasury during the week .	47,000	
Petty items issued for miscellaneous purposes . . .	474	
		47,474
Balance on the evening of the 3rd March 1886 . . .	...	9,16,854
The Balance comprises—		
Silver held on account of the Currency Department .	1,32,188	
Ditto ditto Government	7,84,666	
		9,16,854
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	55	
Ditto ditto Government	...	
		55

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 4th March 1886.

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 Note.	Value. ₹	Name of Claimant.
22	N 4—13986 .	5	The District Superintendent of Police, Etah.
23	D 8—54102 .	500	Babu Shib Chandra Banarji, Badaun.

ALLAHABAD,
The 25th February 1886.

A. H. ANTHONY,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
34	. E 1—82045 .	1,000	Pundit Ishri Pershad, Agent of Raja Hurbans Singh, Lahore.
	,, —82046 .	1,000	

WILLIAM H. DOBBIE,
for *Deputy Commissioner of Currency.*

LAHORE,
The 26th February 1886.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
54	. B 86—22177 .	100	A. Gopalasawmy Naidu, Bangarupett.
	,, —22178 .	100	
	,, —22179 .	100	
	,, —22180 .	100	
	,, —22181 .	100	
55	. B 86—32621 .	100	H. Shrinivas Kamti, Kondapur.

FORT ST. GEORGE,
The 22nd February 1886.

H. S. GROVES,
Asst. Accountant Genl.,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 4th March 1886.

Finlay, H. Simons, Miss M. A. Trower, H. B. H.

Letters marked "Care of Post Office."

Abercromby, Hon. Ralph.
A. B.
Atkinson, Mrs. T.
Atkinson, Thos.
Babington, Major.
Baggs, H. W.
Barclay, J. J. T.
Barnett, Mrs. Ann.
Barnett, Mrs. E.
Bateman, S. H.
Bennett, J. B.
Bicknell, A. S.
Blaker, Mr.
Blunt, W. R.
Bogle, Miss.
Bose, P. N.
Bowers, S.
Brown, Rev. J. J.
Butler, T.
Capel, Lt.-Col.
Carpenter, A.
C. B. H.
Chelton, H.
Clark, James.
Clarke, F. G.
Coleman, R. J.
Crawford, J.
Croghan, W. J.
Dawkins, W. G.
"Dee."
Derham, Henry.
Desse, H. T.
Dundas, Mrs.
Dwarris, J. H.
E.
E. M. K., Miss.
Easton, Percy H.
Ellis, Mrs. Jus.
Entwisle, R.
Fez, Lt. Col.
Flinsch, Ferdinand.
Forrester, W.
Franklin, R. O.
Freise, C.
G. P. O.
Gilmour, Capt. D. C.
Ginchet, Mrs.
Goldberg, H.
Grant, Mrs. M.
Greenhill, E. G.
Griffiths, Norris.
Gusture, Esq.
Haly, Mrs. C.
Heath, Mrs.
Henderson, Joseph.
Henstrom, E. W.
Hughes, Capt.
Jefferson, J. J. D.
K. P. M.
Kirkbride, J.
Kirk, J.
Litke, de Louis G.
Lloyd, E. T.
Lord, Esq.
Love, J. W.
Lowe, Mrs.
M. O.
MacDougall, D.
McLaughlin, John.
Manfield, J. J.
Mason, F. S.
Mathieson, L.
Mattin, Mrs.
May, J. A.
Minaeff, Mr.
Nellie, Miss N.
Newham, A. W.
Norris, H.
Norville, Mrs. L.
Orme, R. W.
Page, George.
Palmer, Col. A. P.
Parker, Mrs. A. H.
Phillips, W. G. St. V.
Philips, Henry.
Pike, H. R.
Portland, Mrs. B.
Pyle, Mrs. C. I.
Reece, Mrs. A.
Roberts, J. R.
Robinson, E. A.
Robinson, W.
Rode, Capt. J. H.
S. M.
Sandland, T. S.
Saxavany, K.
Schmid, Otto.
Schuster, Maurice.
Scotland, Mrs. W. A.
Shaw, H. J.
Simpson, Percy.
Singleton, C. W.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, Capt. S. Spencer.
Smith, Mrs. F. E.
Speer, A. E.
Stanislaus, Walter.
Straw, Mrs. R.
Sternbergh, A.
Storey, A.
Symons, W. S.
Thorpe, Sydney.
Thurman, W. A.
Tooms, Charles.
Transche, Herm. J. Von.
Tudor, T. G.
Turner, Mrs. H. G.
Tyrrell, David.
Vinall, J. N.
Vob, Mrs.
Volpi Beaucourt, st.
Walker, G. A.
Walker, P. C.
Webster, Fred.
Webster, T. E.
Wessendorff, Henri.
Whimster, J.
Wilson, Mrs. Mark.
Wittelstraus, W.
Wood, Tempest.
Yancovici, Mendel.

Registered Letters.

Barclay, J.
Cesare, Mon. F.
Chapman, B'Arcy.
Gambali, Augustus.
Godfrey, J. B.
Harris, Ashby.
Nilson, Mrs.
Paul, H.
Ross, A.
Sarkies, J. W.
Steruzilles, David.
Sternbergh, M.
Thibaud, T.

Unclaimed Letters held in the Barrackpore Post Office on the 1st March 1886.

Bennett, G. A. T.
Bhattacharjee, Indra Bhusan.
Chackravarti, Ram Chandra.
Cook, Alexander.
Fagan, H. R.
Fraser, Miss L.
Garrett, Capt. E. A.
Ghosh, Hari Churn.
Hampton, F. J.
Gomes, Edwin.
Hart, E. H.
Harvey, J. R.
Isad Ali.
Landale, J.
Lyon, J.
Macdougald, P.
Maseyk, A. D.
Moses, D. H. R.
N. Gyonnyan, Prince.
Owen, C. J.
Riddell, Capt.
Roy, Nil Madhub.

E. HUTTON,
Presidency Postmaster, Calcutta.

SEA AND FOREIGN MAILS.
The 6th March 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	6th Mar.	P. & O. Str. *Shannon.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	16th ,,	From Bombay.
Foreign Mails *viâ* Bombay	9th ,,	From Bombay.*
Ditto Book Post and Pattern Packets .	8th ,,	From Bombay.
Rangoon and Moulmein	10th ,,	Str. *Africa.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	10th ,,	Str. *Mahratta.*
Rangoon	9th ,,	Govt. Str. *Clive.*
Straits and Hong-Kong	6th ,,	Str. *Wingsang.*
Port Blair and Camorta	11th ,,	Str. *Maharani.*

* Also for Cape of Good Hope and Natal through United Kingdom, also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nosi Be and Réunion 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.

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An examination of candidates to fill vacancies (present and future) in the staff of Extra Translators on the Court's Establishment on the Appellate Side, will be held at the High Court on Friday, the 2nd April 1886, at 10 o'clock A.M.

Of the candidates who may pass in Oordoo and Kythi-hindi two, of those who will pass in Bengalee and Kythi-hindi two, of those who pass in Asamese and Bengalee one, and of those who pass in Uryah and Bengalee one, will be selected for appointment as probationers.

Forms of application for admission to the examination (in respect of which a fee of R10 will be charged) are obtainable, together with copies of the rules prescribing the tests for the examination, on application at this Office. The forms, when duly filled up and accompanied by copies of certificates, will be received by the undersigned.

C. A. WILKINS,
Registrar.

The 22nd February 1886.

The following draft Rules, which the High Court propose to make under the provisions of the Bengal Tenancy Act, VIII of 1885, are published for general information, as required by Section 190 of the said Act.

These draft rules will be taken into further consideration on or after the 24th day of March 1886.

By order of the High Court,

C. A. WILKINS,

Registrar.

Rules under Section 100.

1. Every manager, appointed under Chapter IX of the Bengal Tenancy Act, shall in all matters act in accordance with such orders as may, from time to time, be issued by the District Judge.

2. The manager shall pay the Government revenue, rent, and other demands of the like nature, as also all just liabilities upon the estate, in due and proper time.

3. No manager shall have power to sell or mortgage any property, nor shall he grant or renew a lease for any period exceeding three years without the express sanction of the District Judge. Provided that this rule shall not render valid any lease for a shorter time than three years, if such lease is disapproved of by the District Judge, or if the District Judge directs that his sanction is to be obtained as regards all leases granted by the manager.

4. The manager shall apply for the sanction of the District Judge to any act which may involve extraordinary expense.

Rules under Chapter XII.

5. All applications to distrain shall be presented and heard in open Court. The examination mentioned in Section 123, Sub-Section (2), shall be on oath or affirmation.

6. All such applications and all notices of distraint under Section 141 shall be entered in a register to be called the "Distraint Register," which shall be kept in the form annexed. A copy of every such application, to be furnished by the applicant, shall be given to the officer appointed to make the distraint, and a copy of the notice under Section 141, to be similarly furnished by the applicant, shall be given to the officer placed in charge of the distrained property.

Form of Distraint Register prescribed by Rule 6.

Serial No. of		Date of application to distrain or of notice of distraint under Section 141.	Name and address of the applicant under Section 121 or of the person giving notice under Section 141.	Name and address of the Defaulter.	Amount of arrear claimed and period in respect of which it is claimed.	Purport of the order passed and date on which it is passed.	Name of the Officer deputed to distrain, or to take charge of property distrained.	Date of Distraint.	Date of sale proclamation.	Date of sale.	Amount realized by sale.				Amount (if any) deposited under Section 136.		Remarks.
Application under Section 121.	Notice under Section 141.										Arrear.	Costs.	Surplus.	Total.	Arrear.	Costs.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

7. The officer deputed to make a distraint under Section 124, or to take charge of produce distrained under Section 141, must in all cases be able to read and write the language of the district.

8. The written demand under Section 125 shall be framed in accordance with the entries contained in the application or notice referred to in Rule 2.

9. The notification of distraint directed in Section 124, Act VIII, 1885, shall be published—

By fixing up in a conspicuous part of the holding, or other place, in which the produce is, a notice that such produce has been distrained, and by proclaiming at the same time the contents of the notice by beat of drum.

10. The notice shall specify the name of the person at whose instance the distraint is made, the name of the defaulter, the name of the person in whose charge the produce has been placed, and the amount of the arrear due, and it shall direct any person intending to reap, gather, or store the crop or produce, if unreaped or ungathered, or intending to do any other act necessary for its preservation, to give due notice of his intention to the person who has been placed in charge.

11. The notice shall be fixed up in the presence of not less than two persons, in addition to the agent of the distrainer, who points out the crop or produce.

12. In the event of it being necessary for the distraining officer, or the officer placed in charge of distrained property, to reap, gather, or store any crops or produce, or to do any other acts for the due preservation of the same, as provided by Section 126, the person at whose instance the distraint was made shall advance the funds necessary to this end.

13. The officer holding a sale under Section 131, shall record a description of the property offered for sale, the names of all persons bidding for the same, and the amount bid by each; and if the sale is postponed, he shall record an order to this effect, and shall then and there notify the place where and the time when the sale will be held.

14. When the sale is concluded and the sale-proceeds are realized, the officer who held the sale shall, after paying the costs of the distraint and sale, as directed in Section 134, forthwith pay the balance into Court.

15. The officer holding the sale shall take separate receipts for all sums paid by him as costs of the distraint and sale under Section 134, Sub-Section (1), and if the person giving the receipt is unable to write, the receipt shall be attested by some person able to do so.

16. When a distraint is withdrawn under Section 136, the notification of distraint, published under Section 124, shall be taken down.

17. All officers deputed to distrain property under this chapter, shall, if there is a post-office in the vicinity, report to the Court by letter immediately the distraint is made, or if there is no such post-office, shall, immediately on his return, report in writing the nature and extent of the crop or produce distrained, the day on which the distraint was made, the name of the person (if any) placed in charge of the crop, and the day fixed for the sale, or if the sale has taken place the day on which it took place. He shall also immediately on his return file an account of all money received and disbursed by him, together with the receipts for the same and the record of the biddings at the sale, if a sale has taken place.

18. Every person, distraining produce by virtue of the authority conferred on him under Section 141 of Act VIII, 1885, shall give notice of such restraint to the Civil Court having jurisdiction to entertain an application for the distraint of such produce, in a tabular form which shall contain the following particulars:—

(*a*) The name and address of the person at whose instance the distraint was made and a description of his interest in the property, whether as proprietor, tenure-holder, or raiyat.

(*b*) The name of the defaulter, and of the place in which he resides, or was known to be last residing.

(*c*) The amount of the arrear with interest, if any, and the period in respect of which it is claimed.

(*d*) The holding in respect of which the arrear is claimed, the boundaries thereof, or such other particulars as may suffice for its identification.

(*e*) The description and approximate value of the produce distrained, and if the same has been reaped or gathered, the place in which it is stored.

(*f*) The name of the person by whom the distraint was actually made, and the name and address of the person in whose charge the produce has been placed.

(*g*) The date on which the distraint was made.

(*h*) If the crop or produce is standing or ungathered, the time at which it is likely to be cut or gathered.

RICHARD GARTH.
H. S. CUNNINGHAM.
W. F. McDONELL.
A. WILSON.
L. R. TOTTENHAM.
CHARLES D. FIELD.
J. O'KINEALY.
CHUNDER M. GHOSE.

The 4th March 1886.

It is ordered under the provisions of Section 6 of the Evidence by Commission Act, 1859 [22 Vic., c. 20], and Section 5 of the Evidence by Commission Act, 1885 [48 and 49 Vic., c. 74], that the following rules be passed for regulating the procedure under the said Acts:—

1. The provisions of the Civil Procedure Code relating to the summoning, attendance,

and examination of witnesses, shall apply in the case of persons required to give evidence or produce documents under the said Evidence by Commission Acts.

2. The provisions of the Civil Procedure Code, and, so far as they are applicable, the rules and tables of fees and circular orders of the Calcutta High Court now in force, or which may hereafter from time to time be in force, relating to the costs of or incidental to the examination of witnesses including the remuneration of the Examiner, shall apply to cases where persons are required, under the said Evidence by Commission Acts, to give evidence, or produce documents, within the local limits of the jurisdiction of the Calcutta High Court, or beyond such limits and within its general jurisdiction.

RICHARD GARTH.

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

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

In para. 7 of the Regulations for the degree of Bachelor of Arts under the head of Honour subjects in the A Course (Calendar, 1886, page 40) the word "either" after "and" and the words "or a second classical language" after the words "a second course in the classical language" have been omitted.

In para. 6 of the Regulations for the Entrance examination (Calendar, 1886, page 34) after the words "translation into the other language" the following words have been inserted : "and where a candidate takes up an oriental language for his second language he shall be required to translate sentences in English into one of the following vernacular languages :—Bengali, Hindi, Uriya, Mahratti, Urdu, Burmese, Armenian, Parbatia and Assamese. The Syndicate shall have power to add to this list."

In para. 9 of the Regulations for the degree of M.A. (Calendar, 1886, page 50) the word "two" between "alternatively" and "out of" has been omitted and the word "one" has been substituted for it; the words "group of" between "following" and "subjects" have been omitted; the word "Heat" has been inserted before the words "Electricity and Magnetism"; after the word "Magnetism" the following words have been added "as principal subjects with light and sound as subsidiary subjects"; before the word "Heat" the following words have been inserted "Light and Sound as principal subjects with"; after the word "Heat" the words "and the Elements of Molecular Physics" have been omitted, and the following words have been substituted for them "Electricity and Magnetism as subsidiary subjects"; the words "or two out of the following group" have been omitted; and the definitions marked "(B)" and "(C)" have been omitted and the following words have been substituted for them "candidates will have to show a thorough knowledge of the principal subjects and a general acquaintance with the subsidiary subjects, treating the subjects mathematically and experimentally."

In the foot-notes appended to the Regulations for the F.A. and B.A. examinations (Calendar, 1886, pages 35, 38,) the words "Sub-Inspector of Schools" have been inserted after the words "Deputy Inspectors of Schools" and before the words "and School Masters."

The Vice-Chancellor and Syndicate have appointed the following portions of the text-books in English to be read and to be committed to memory for the Entrance Examination, 1887 :—

To be read.

PROSE.

Southey . . Life of Nelson, chapters I, II, III, VIII, and IX.

POETRY.

Palgrave . . The Student's Treasury of English Lyrics—
Not a drum was heard. *Wolfe.*
Of Nelson and the North. *Campbell.*
Oft I had heard of Lucy Gray. *Wordsworth.*
Sweet to the morning traveller. *Southey.*
The deep affections of the breast. *Campbell.*
The glories of our blood and state. *Shirley.*
The noon was shady. *Cowper.*
The sun descending in the west. *Blake.*
Turn, turn thy hasty foot aside. *Gisborne.*
When Britain first, at Heaven's command. *Thomson.*
Who would true valour see. *Bunyan.*
In the sweet shire of Cardigan. *Wordsworth.*
How happy is he born and taught. *Wotton.*

To be committed to memory.

When Britain first at Heaven's command.
Not a drum was heard.
How happy is he.
Sweet to the morning traveller.

The following text-books have been appointed for the M.A. Physical Science Courses :—

M A. EXAMINATION, 1888, AND SUBSEQUENT YEARS.

Physical Science.

(*B*) Heat, Electricity and Magnetism as principal subjects with light and sound as subsidiary subjects.

Principal Subjects.

Cumming . . Introduction to the Theory of Electricity, 2nd edition, omitting arts. 124—136.
Maxwell . . Elementary Treatise on Electricity.
Faraday . . Experimental Researches on Electricity, vol. I.
Fleeming Jenkin . Electricity and Magnetism.
Baynes . . Lessons on Thermodynamics, omitting arts. 49, 50, 58, 59, 61, 68, 96 and remaining articles.
Maxwell . . Theory of Heat, 5th edition, omitting pages 195—208.
Fourier . . Theory of Heat, chapters I and II.
Balfour Stewart . A Treatise on Heat.

Subsidiary Subjects.

Daniell . . Text-book of the Principles of Physics 1st edition, chapter V, pages 74—133, chapters XIV and XV, or corresponding chapters of 2nd edition.

(*C*) Light and Sound as principal subjects, with Heat, Electricity and Magnetism as subsidiary subjects.

Principal Subjects.

Everett . . Vibratory Motion and Sound.
Donkin . . Acoustics, omitting appendix to chapter IV, appendix to chapter VI, and arts. 125, 131—135, 138—145, 162—214.
Airy . . On the Undulatory Theory of Optics.
Aldis . . A Chapter on Fresnel's Theory of Double Refraction.
Glazebrook . . Physical Optics.
Stone . . Elementary Lessons on Sound, 1st edition, omitting pages 144—160.
Parkinson . . A Treatise on Optics.

Subsidiary Subjects.

Daniell . . Text-book of the Principles of Physics, chapters VII, XIII and XVI, 1st edition, or corresponding chapters of 2nd edition.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 10th March 1886.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 16th March 1886.

No. 543.—With reference to Military Department Notifications No. 60, dated 29th January, and No. 140, dated 5th March 1886, the following Officers are appointed to officiate as Assistant Surveyors General, from the date of taking over charge of their respective offices :—

Colonel D. Macdonald, S.C., Deputy Superintendent, 2nd Grade, *vice* Major M. W. Rogers, R.E.

Lieutenant-Colonel W. F. Badgley, S.C., Deputy Superintendent, 3rd Grade, *vice* Lieutenant-Colonel J. Waterhouse, S.C.

The 9th March 1886.

No. 544.—Colonel D. Macdonald, S.C., Deputy Superintendent, 2nd Grade, Survey of India, having returned from furlough, is appointed to officiate as Deputy Superintendent, 1st Grade, with effect from the forenoon of the 9th March 1886.

No. 545.—The following reversions will take effect from the same date :—

Lieutenant-Colonel F. Coddington, S.C., Officiating Deputy Superintendent, 1st Grade, to revert to his substantive appointment of Deputy Superintendent, 2nd Grade.

Lieutenant-Colonel W. F. Badgley, S.C., Officiating Deputy Superintendent, 2nd Grade, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

Lieutenant-Colonel H. S. Hutchinson, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Lieutenant H. M Jackson, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 5th March 1886.

No. 524.—Mr. J. D. Davies, Executive Engineer, 1st Division, Frontier Road, is granted privilege leave for three months with effect from March 15th, or such subsequent date as he may avail himself of it.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl.,
Beluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

Extract from Regimental Orders by Colonel J. Miller, Commanding Bhopal Battalion, dated Sehore, the 3rd February 1886.

Captain E. S. Masters, having, in accordance with instructions received from the Agent to the Governor General for Central India, proceeded on Boundary Settlement duty, Lieutenant and Acting Adjutant P. A. Watson will perform the duties of 2nd-in-Command, in addition to his other duties, until Major C. Ransford reports his arrival at Sehore.

True Extract,

P. A. WATSON, *Lieutenant,*
Offg. Adjutant, Bhopal Battalion.

Countersigned,

L. S. NEWMARCH, *Lieut.,*
for *Agent to the Govr. Genl.*
for Central India.

Statement of Silver Balance in the Calcutta Mint for the week ending 10th March 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 3rd March 1886 . .	1,32,188	
Value of Government silver in the Mint on the same date .	7,84,666	
		9,16,854
ADD—		
Silver received by the Mint during the week on account of the Currency Department	20,361	
Ditto ditto Government	21,953	
		42,314
		9,59,168
DEDUCT—		
New coin paid to Reserve Treasury during the week .	1,51,044	
Petty items issued for miscellaneous purposes . . .	...	
		1,51,044
Balance on the evening of the 10th March 1886	...	8,08,124
The Balance comprises—		
Silver held on account of the Currency Department .	1,52,550	
Ditto ditto Government	6,55,574	
		8,08,124
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	2,407	
Ditto ditto Government	...	
		2,407

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 11th March 1886.

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 5th March 1886.

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	Punjab	Dec. 1885	Feb. 22, 1886
2	Rajputana	Dec. 1885	Feb. 22, 1886
3	Bombay	Do. ,,	Do. 24, ,,
3	Central India	Do. ,,	Do. 24, ,,
5	Central Provinces	Do. ,,	Do. 25, ,,
6	Bengal	Do. ,,	Mar. 2, ,,
6	Hyderabad (Assigned Districts).	Do. ,,	Mar. 2, ,,
6	Madras	Do. ,,	Mar. 2, ,,
6	Military Works Branch	Do. ,,	Mar. 2, ,,
6	North-Western Provinces and Oudh.	Do. ,,	Mar. 2, ,,
6	Port Blair	Do. ,,	Mar. 2, ,,
12	Hyderabad (Imperial)	Do. ,,	Do. 3, ,,
13	Coorg	Nov. ,,	Jan. 28, ,,
14	British Burma	Do. ,,	Do. 29, ,,
15	Assam	Do. ,,	Feb. 4, ,,
IRRIGATION.			
1	Rajputana	Dec. 1885	Feb. 15, 1886
2	Punjab	Do. ,,	Do. 22, ,,
3	Bombay	Do. ,,	Do. 24, ,,
4	Bengal	Do. ,,	Mar. 2, ,,
4	Madras	Do. ,,	Mar. 2, ,,
4	Military Works Branch	Do. ,,	Mar. 2, ,,
7	North-Western Provinces and Oudh.	Do. ,,	Do. 3, ,,
8	British Burma	Nov. ,,	Jan. 29, ,,
TELEGRAPH DEPARTMENT.			
1	Indo-European	Nov. 1885	Feb. 18, 1886
2	Indian	Do. ,,	Do. 23, ,,
3	General	Oct. ,,	Do. 1, ,,
GUARANTEED RAILWAYS.			
1	Bombay	Dec. 1885	Feb. 22, 1886
1	North-Western Provinces and Oudh.	Dec. 1885	Feb. 22, 1886
1	Punjab	Dec. 1885	Feb. 22, 1886
4	State Railway Stores Branch.	Do. ,,	Do. 23, ,,
5	Madras	Do. ,,	Mar. 2, ,,
6	Bengal	Nov. ,,	Feb. 4, ,,
STATE RAILWAYS (CAPITAL).			
1	Nagpur-Bengal	Dec. 1885	Feb. 16, 1886
2	Punjab Rly. Surveys	Do. ,,	Do. 19, ,,
3	Amritsar-Pathankot	Do. ,,	Do. 20, ,,
4	N.-W. P. and Oudh Subsidised Rys.	Do. ,,	Do. 22, ,,
4	Punjab Northern	Do. ,,	Do. 22, ,,
4	Sindh-Sagar	Do. ,,	Do. 22, ,,
4	Umaria Colliery	Do. ,,	Do. 22, ,,
4	Wardah Coal	Do. ,,	Do. 22, ,,
9	Bombay Railway Surveys	Do. ,,	Do. 23, ,,
9	State Ry. Stores Branch	Do. ,,	Do. 23, ,,
11	Bengal & North-Western	Do. ,,	Do. 25, ,,
11	Nalhati	Do. ,,	Do. 25, ,,
11	Tirhoot	Do. ,,	Do. 25, ,,
14	Assam Railway Surveys	Do. ,,	Mar. 2, ,,
14	Bengal Central	Do. ,,	Mar. 2, ,,
14	Bhopal	Do. ,,	Mar. 2, ,,
14	Chittagong-Daoodkandi	Do. ,,	Mar. 2, ,,
14	Dacca-Mymensing	Do. ,,	Mar. 2, ,,
14	Dhond and Manmad	Do. ,,	Mar. 2, ,,
14	Eastern Bengal	Do. ,,	Mar. 2, ,,
14	Kaunia-Dhurla	Do. ,,	Mar. 2, ,,
14	Northern Bengal	Do. ,,	Mar. 2, ,,
14	Nagpur-Chhati-garh	Do. ,,	Mar. 2, ,,
14	Ranaghat-Bhagwangola	Do. ,,	Mar. 2, ,,
25	Holkar	Do. ,,	Do. 3, ,,
25	Madras Railway Surveys	Do. ,,	Do. 3, ,,
25	Rajputana-Malwah	Do. ,,	Do. 3, ,,
25	Rewari-Ferozepore	Do. ,,	Do. 3, ,,
29	British Burmah	Nov. ,,	Jan. 25, ,,
29	Cawnpore-Achneyra	Nov. ,,	Jan. 25, ,,
31	Assam Subsidized Rys.	Do. ,,	Do. 29, ,,
31	Jhansi-Manikpur	Do. ,,	Do. 29, ,,
33	Indus Valley	Do. ,,	Feb. 1, ,,
33	Belaspur-Etawah	Do. ,,	Feb. 1, ,,
33	Sutlej Bridge Division	Do. ,,	Feb. 1, ,,
33	Bhopal Extension Survey	Do. ,,	Feb. 1, ,,
37	Southern-Mahratta	Do. ,,	Do. 3, ,,
38	Chirra Punji Mt.	Do. ,,	Do. 4, ,,
39	Bengal Provincial Surveys	Do. ,,	Do. 8, ,,
40	East Indian	Do. ,,	Do. 15, ,,
41	Patna-Gya	Do. ,,	Do. 16, ,,
41	Sindia	Do. ,,	Do. 16, ,,
41	Ghazipur-Dildarnagar	Do. ,,	Do. 16, ,,
44	Cuddapah-Nellore	Do. ,,	Do. 18, ,,
45	N.-W. Provinces Provincial Rys.	Do. ,,	Do. 22, ,,
45	Sindh-Pishin	Oct. ,,	Dec. 22, 1885
47	Jorhat	Do. ,,	Jan. 25, 1886
48	Bellary-Kistna	Do. ,,	Feb. 15, ,,
49	Sind-Pishin	Sept. ,,	Do. 13, ,,
50	Boian	Do. ,,	Do. 13, ,,
STATE RAILWAYS (REVENUE).			
1	Amritsar-Pathankot	Dec. 1885	Feb. 20, 1886
2	Punjab Northern	Do. ,,	Do. 22, ,,
2	Umaria-Colliery	Do. ,,	Do. 22, ,,
4	Bhopal	Do. ,,	Mar. 2, ,,
4	Eastern Bengal	Do. ,,	Mar. 2, ,,
4	Bengal Administrative Charges.	Do. ,,	Mar. 2, ,,
7	Rajputana-Malwah	Do. ,,	Do. 4, ,,
8	British Burmah	Nov. ,,	Jan. 25, ,,
9	Cawnpore-Achneyra	Nov. ,,	Jan. 25, ,,
9	Dacca-Mymensing	Nov. ,,	Jan. 25, ,,
9	Kaunia-Dhurla	Nov. ,,	Jan. 25, ,,
9	Nalhatti	Nov. ,,	Jan. 25, ,,
9	Northern Bengal	Nov. ,,	Jan. 25, ,,
9	Nagpur-Chhattisgarh	Nov. ,,	Jan. 25, ,,
9	Tirhoot	Nov. ,,	Jan. 25, ,,
9	Wardah Coal	Nov. ,,	Jan. 25, ,,
17	Indus Valley	Do. ,,	Feb. 2, ,,
17	Southern Mahratta	Do. ,,	Feb. 2, ,,
19	East Indian	Do. ,,	Do. 15, ,,
20	Dildarnagar-Ghazipur	Do. ,,	Do. 16, ,,
20	Sindia	Do. ,,	Do. 16, ,,
20	Patna-Gya	Do. ,,	Do. 16, ,,
23	Jorhat	Do. ,,	Mar. 2, ,,
FOREIGN STATES.			
RAILWAYS—CAPITAL.			
1	Bhavnagar-Gondal	Dec. 1885	Feb. 22, 1886
RAILWAYS—REVENUE.			
1	Bhavnagar-Gondal	Dec. 1885	Mar. 2, 1886

FORT WILLIAM,
The 10th March 1886.

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to Indic, and outstanding in the Books of the Bank of Bengal on the 28th February 1886.

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. 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 February 1886	54,100	13,72,587	27,65,600	2,23,07,100	91,67,100	2,64,70,400	2,31,96,000	8,52,78,787	44,19,000	76,35,400	9,57,59,000	10,78,13,400	1,33,800	32,200	19,33,12,287
Add—															
Amount enfaced at Madras between 16th and 28th February 1886	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Bombay between 16th and 28th February 1886	...	...	1,000	7,500	500	73,000	3,000	85,000	...	21,000	1,22,500	1,43,500	...	...	2,28,500
Amount enfaced at Calcutta between 16th and 28th February 1886	...	...	4,000	1,13,300	...	3,40,600	25,500	4,83,400	...	10,000	1,11,000	1,21,000	...	...	6,04,400
	54,100	13,72,587	27,70,600	2,24,27,900	91,67,600	2,68,84,000	2,32,24,500	8,58,47,187	44,19,000	76,66,400	9,59,92,500	10,80,77,900	1,33,800	32,200	19,41,45,187
Deduct—															
Amount written off in the London Registers	...	...	...	29,100	600	73,100	25,500	1,28,300	...	30,000	1,32,000	1,62,000		...	2,90,300
Balance on 28th February 1886	54,100	13,72,587	27,70,600	2,23,98,800	91,67,000	2,68,10,900	2,31,99,000	8,57,18,887	44,19,000	76,36,400	9,58,60,500	10,79,15,900	1,33,800	32,200	19,38,54,887

NOTE.—From 9th June 1867 to 31st Dec. 1885 enfaced from India 5,179 lakhs; re-transferred from London 4,618 lakhs.
,, 1st Jan. 1886 to 15th Jan. 1886 ,, ,, 1 ,, ,, ,, 2 ,,
,, 16th ,, ,, to 31st ,, ,, ,, ,, 9 ,, ,, ,, 7 ,,
,, 1st Feb. ,, to 15th Feb. ,, ,, ,, 19 ,, ,, ,, 6 ,,
,, 16th ,, ,, to 28th ,, ,, ,, ,, 8 ,, ,, ,, 3 ,,

5,216 lakhs. 4,636 lakhs.
4,636 ,,
Balance against India . 580 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 2nd March 1886.

R. HARDIE,
Secretary and Treasurer.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	Description.	Metal.	Value. ₹	a.	p.	Number available for sale.	Remarks.
	Found in the Fattehgarh District.						
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1 each	0	26	These coins will be available for sale up to and not later than the 4th September 1886.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver .	0	4 each	0	245	Do. 7th December 1886.
	Found in the Gujrat District (Punjab).						
22	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates.	Copper.	0	1 each	0	83	Do. 17th January 1887.
23	Ditto with illegible dates . .	Do.	0	0 each	6	108	

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

Statement of the Affairs of the Bank of Bengal for the week ending 9th March 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,744	15	0
Public Deposits at Head Office . ₹. 72,11,214 8 9			
Public Deposits at at Branches . 1,32,08,107 11 0	2,04,19,322	3	9
Other Deposits at Head Office and Branches	2,82,26,798	11	7
Bank Post Bills, &c.	5,33,514	12	6
Sundries	14,23,882	15	8
RUPEES	7,47,60,263	10	6

ASSETS.	₹	a.	p.
Government Securities . . .	40,55,176	12	0
Other authorized Investments . .	51,92,200	0	0
Loans on Government and other authorized Securities . . .	98,08,763	6	3
Accounts of Credit on Government and other authorized Securities .	74,72,468	6	1
Bills discounted and purchased .	2,19,35,095	8	3
Balances with other Banks . .	6,46,860	14	9
Bullion	426	3	11
Dead Stock	11,31,678	6	5
Stamps	9,066	1	6
Sundries	8,36,291	15	3
	5,10,88,627	10	5
Cash and Currency Notes at Head Office . ₹ 83,05,396 4 10			
Cash and Currency Notes at Branches . 1,53,66,239 11 3	2,36,71,636	0	1
RUPEES	7,47,60,263	10	6

BANK OF BENGAL,
Calcutta, 11th March 1886.

J. GORDON,
Chief Acott. & Dy. Secy.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.

Percentage 46·7.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 31st December 1885.

Provinces.	Number of Banks oper.	Deposits. No.	Deposits. Amount ₹ a. p.	Withdrawals. No.	Withdrawals. Amount of Principal. ₹ a. p.	Withdrawals. Amount, Interest. ₹ a. p.	Balance. ₹ a. p.
India . . .	10	1,082	70,022 13 7	414	74,319 5 4	226 6 6	6,26,654 7 6
Central Provinces .	18	704	53,273 7 0	227	68,519 9 2	169 9 4	5,31,735 11 11
British Burmah .	14	430	33,258 9 6	244	37,766 9 9	74 4 10	2,34,350 6 7
Assam . . .	11	330	24,395 2 8	198	36,940 13 9	256 14 1	3,96,157 10 1
Bengal . . .	47	2,169	2,59,540 10 0	1,510	2,35,394 15 11	1,097 2 6	25,53,316 10 6
N.-W. P. and Oudh	49	2,990	1,85,121 1 1	1,154	2,25,168 15 7	954 2 0	17,67,503 3 9
Punjab . . .	25	719	1,14,728 0 11	436	1,24,667 1 3	661 13 4	10,90,839 4 10
Berar . . .	6	118	12,517 7 0	78	15,853 13 8	27 15 5	1,94,876 1 2
State Railways .	13	30,515	2,25,759 4 6	1,057	87,101 5 5	610 12 6	16,74,274 14 1
TOTAL .	193	39,057	9,78,616 8 3	5,318	9,06,032 9 10	4,079 0 6	90,69,708 6 5

E. GAY,
Offg. Comptroller General.

CALCUTTA,
The 11th March 1886.

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 Note.	Value. ₹	Name of Claimant.
23	N 4—07214 . .	50	The District Superintendent of Police, Lucknow.

ALLAHABAD,
The 10th March 1886.

A. H. ANTHONY,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
35	E 25—02290 .	50	Sarni Mul, Sub-Divisional Clerk, N. W. F. Road Division, P. W. Department, Bannu.

WILLIAM H. DOBBIE,
for *Deputy Commissioner of Currency.*

LAHORE,
The 6th March 1886.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 5th March 1886.

No. 18.—Mr. T. Wood, Class III, Superior Revenue Establishment of State Railways, Stores Department, was attached to the Office of the Port Store-keeper, State Railway Department, Bombay, from the 13th to the 19th February 1886.

Mr. T. Wood, Class III, Superior Revenue Establishment of State Railways, Stores Department, is appointed Port Store-keeper at Bombay, with effect from the 20th February 1886, until further orders.

No. 19.—Mr. F. J. Pope, Assistant Engineer, 1st Grade, passed the Lower Standard Examination in Hindustani, prescribed in Public Works Department Code, Volume I, Chapter II, Section i, paragraph 21, on the 7th September 1885.

No. 20.—Baboo Preo Nath Ghose, Assistant Engineer, 1st Grade, passed the Lower Standard Examination in Hindustani, prescribed in Public Works Department Code, Volume I, Chapter II, Section i, paragraph 21, on the 4th January 1886.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

CEMETERY NOTICE.

* When a monument needs repairing, the officer in charge of the cemetery should communicate with the friends of the deceased or, when such communication is not possible, advertise three times in the *Gazette of India* and the Gazette of the Province; and if it falls into a ruinous condition, and no person will undertake to restore it, the ruined monument shall be made level with the ground during the next repairs, and any slab it contained will be placed over the grave in simple masonry, or be inserted in the wall of the cemetery.

List of monuments in the Lahore Cemetery published with reference to Rule XIX,* Part I of the revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 20th June 1885:—

Inscription.	*Date.*
Philip Melville	1854
Edward Banker	1851
Large grave. (No name.)	
Pillar on pedestal. (No name.)	
Daniel Sandford	1849
Lieutenant Augustus Thompson . .	1849
August Thompson	1848
Richard Thompson	1848
Sarah Ann Godwin	1849
John George Bowser	1849
James Ray	1849

Inscription.	*Date.*
Francis Tibbets	1849
Double grave. (No name.)	
Archer	1848
Grave. (No name.)	
Owens	1849
Macnamara	1849
Edith Carter	1849
Elizabeth Read	1848
Ensign Giles	1848
Large grave. (No name.)	
Large grave. (No name.)	
Elizabeth Bodel	1849
Letitia Whitaker	1847
Three upright pillars. (Inscription illegible.)	
Large grave. (Inscription illegible.)	
Juliana Francis Lamb	1850
Large grave. (Inscription illegible.)	
Joseph Travis	1846
Large grave. (Inscription illegible.)	
Frank Montagu Ryves	1850
Harry Robert Ryves	1850
Elizabeth Rees	1850

J. F. MONTGOMERY,

Chaplain of Lahore.

LAHORE,

The 6th February 1886.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 10th March 1886.

No. 15924.—Mr. J. B. Short, who has been appointed Deputy Post Master General, British Burma Circle, received charge of his circle from Mr. G. B. Groves, before noon, on the 14th December 1885.

The 11th March 1886.

No 15978.—Mr. F. B. Oshea is appointed to officiate as a 2nd grade Superintendent.

Mr. Narayan Chimnaji is appointed to officiate as a 3rd grade Superintendent.

Mr. Vaman Ganesh is appointed to officiate as a 4th grade Superintendent.

No 15981.—In the chain of arrangements consequent on Mr. H. E. M. James going on furlough, Mr. L. G. Wait is appointed to officiate as Assistant Director General of the Post Office, *vice* Mr. G. J. Hynes.

Mr. E. C. O'Brien is appointed to officiate as Assistant Director General *vice* Mr. L. G. Wait.

Mr. L. A. Massa is appointed to officiate as Secretary to the Director General of the Post Office *vice* Mr. E. C. O'Brien.

Messrs. Wait, O'Brien and Massa assumed charge of their respective offices on the 10th March before noon.

No. 15984.—Mr. C. A. Stuart, Presidency Post Master, Bombay, resumed charge of his duties from Mr. W. Merrett, on the 1st March 1886, before noon.

G. J. HYNES,

Asst. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 11th March 1886.

Blaney, A. E.

Letters marked "Care of Post Office."

A. B.	Grant, Mrs. M.	Roberts, J. R.
Angell, D.	Greenhill, E. G.	Robinson, E. A.
Atkinson, Mrs. T.	Griffiths, Norris.	Robinson, W.
Atkinson, Thos.	Haly, J. J.	Rode, Capt. J. H.
Baggs, H. W.	Harmer, J. A.	S. M.
Barclay, J. J. T.	Heath, Mrs.	Saxavany, K.
Bennett, J. B.	Herrmann, M.	Schuster, Maurice.
Blaker, Mr.	Henderson, Joseph.	Shaw, H. J.
Blunt, W. R.	Henstrom, E. W.	Simpson, Percy.
Bose, P. N.	Hughes, Capt.	Singleton, C. W.
Bowers, S.	Jefferson, J. J. D.	Smallwood, Geo.
Brown, Rev. J. J.	K. P. M.	Smart, Mrs. R. B.
Butler, T.	Kirkbride, J.	Smith, Mrs. F. E.
Capel, Lt.-Col.	Litke, de Louis G.	Speer, A. E.
Carpenter, A.	Lloyd, E. T.	Stanislaus, Walter.
C. B. H.	Lord, Esq.	Straw, Mrs. R.
Chelton, H.	Love, J. W.	Sternbergh, A.
Clark, James.	M. O.	Storey, A.
Clarke, F. G.	MacDougall, D.	Street, W.
Coleman, R. J.	McLaughlin, John.	Symons, W. S.
Crawford, J.	Manfield, J. J.	Thorpe, Sydney.
Croghan, W. J.	Martin, C. N.	Toomas, Charles.
Dawkins, W. G.	Mathieson, L.	Transche, Herr. J. Von.
"Dee."	Mattin, Mrs.	Turner, Mrs. H. G.
Derham, Henry.	May, H. B.	Tyrrell, David.
Dessa, H. T.	May, J. A.	Uren, Capt. T.
Dickie, Capt J. E.	Minaeff, Mr.	Vinall, J. N.
Dimmock, Basil.	Nellie, Miss N.	Vivian, Miss Kate.
Dover, Miss Edith.	Newham, A. W.	Vob, Mrs.
Dulres, Mrs.	Norris, H.	Volpi Beaucourt, et.
Dundas, Mrs.	Norville, Mrs. L.	Walker, G. A.
Dwarris, J. H.	Orme, R. W.	Walker, P. C.
E.	Page, George.	Waterton, Guy.
E. M. K., Miss.	Palmer, Col. A. P.	Webster, Fred.
Easton, Percy H.	Parker, Mrs. A. H.	Webster, T. E.
Ellis, Mrs. Jus.	Patton, Capt. A.	Wessendorff, Henri.
Entwisle, R.	Percy, A.	Whiteley, H.
Fez, Lt. Col.	Phillips, W. G. St. V.	Whimster, J.
Flinsch, Ferdinand.	Phillips, Henry.	Wilson, Mrs. Mark.
Franklin, R. O.	Pike, H. R.	Wittelstraus, W.
Freise, C.	Pyle, Mrs. C. I.	Wood, Tempest.
Gilmour, Capt. D. C.	Reece, Mrs. A.	Yancovici, Mendel.
Goldberg, H.		

Registered Letters.

Cesare, Mon. F.	Harris, Ashby.	Steruzillies, David.
Chapman, D'Arcy.	Nilson, Mrs.	Sternbergh, M.
Gambal l, Augustus.	Ross, A.	Thiband, T.
Godfrey, J. B.	Sarkies, J. W.	

Unclaimed Letters held in the Barrackpore Post Office on the 8th March 1886.

Bennett, G. A. T.	Fagan, N. R.	Macdougald, P.
Bhattacharjee, Indra Bhusan.	Fraser, Miss L.	Masciyk, I. D.
Boyd, E. A.	Garrett, Capt. E. A.	Moses, D. H. R.
Brown, F.	Ghosh, Hari Churn.	Robertson, J.
Chater, L.	Hart, E. H.	Rodgers, George Pte.
Cook, Alexander.	Landale, J.	Roy, Nil Madhub.
Dickson, D.	Lyon, J.	Sutton and Ramsay.
	Macdonell, R.	

E. HUTTON,

Presidency Postmaster, Calcutta.

SEA AND FOREIGN MAILS.

The 13th March 1886.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	20th Mar.	P. & O. Str. *Ballaarat.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	16th ,,	From Bombay.
Foreign Mails *vid* Bombay	16th ,,	From Bombay.*
Ditto Book Post and Pattern Packets	15th ,,	From Bombay.
Rangoon and Moulmein	17th ,,	Str. *Ethiopia.*†
Akyab, Kyouk Phyoo, Sandoway and Rangoon	17th ,,	Str. *Bushear.*
Straits and Hong-Kong	18th ,,	Str. *A. Apcar.*

* Also for Cape of Good Hope and Natal 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.

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8;* per eight-ounce tin, *₹8-8;* per pound tin, *₹16-8.* The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8;* per eight-ounce tin, *₹10-8;* per pound tin, *₹20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه هوا كوئيناڤيوں كا خوب قائم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سواے اونكے جو كوئي ايك سمت بيس پونڈ خريد ليڤے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هيں يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سولة روپيه آٹهه آنه ،

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

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانوں مين بكتي هى ماسواے قيمت مذكورهٔ بالا كے محصول ڈاك چار روز آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارة آنه ،

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

كرسٹلين سنكونا دوائي بخار

لال سنكونا بارك كي ايك نئي اور عمدة دوا گورنمنٹ فاكٹري مين تيار هوئي هى معمولي سے صاف كي هوئي دوائي بخار سے كونين كے لئے يهه بهت خوب قايم مقام هى اور سيب پور متصل كلكته كے بوٹانكل گارڈن يعني كمپني باغ كے سپرنٹنڈنٹ صاحب سے هر ايك ملازم سركاري كام اور خيرات كے لئے اور وه لوگ جو ايك مشت بيس پونڈ لين نقد اس بهاو سے خريد سكتے هين يعنے چار آونس كے ٹين كا چهه روپيه آٹهه آنه ; آٹهه آونس كے ٹين كا بارة روپيه آٹهه آنه ; اور ايك پونڈ كے ٹين كا چوبيس روپيه—

اور عام لوگون كو بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سكتا هى يعنے چار آونس ٹين كا آٹهه روپيه آٹهه آنه ; آٹهه آونس كي ٹين كا سولة روپيه آٹهه آنه اور ايك پونڈ ٹين كا بتيس ٣٢ روپيه يهه د كلكته كے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بكتي هى محصول ڈاك چار آونس كي ٹين كے لئے چار آنه ; آٹهه اونس كي ٹين كے لئے آٹهه آنه اور ايك پونڈ كي ٹين كے لئے بارة آنه علاوة اوپر لكهے هوئے نرخ كے هى ،

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:—

Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts. R8.

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Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts. R8.

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Rainfall Map of India (in two sheets, scale 64 miles to one inch), showing the annual distribution of rainfall (in colours). R3.

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The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]. R3.

The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]. R5.

Tables for the Reduction of Meteorological Observations in India. R2.

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.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,
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HIGH COURT.

NOTIFICATIONS.

Calcutta, the 9th March 1886.

An examination of candidates to fill vacancies (present and future) in the staff of Extra Translators on the Court's Establishment on the Appellate Side, will be held at the High Court on Friday, the 2nd April 1886, at 10 o'clock A.M.

Of the candidates who may pass in Oordoo and Kythi-hindi two, of those who will pass in Bengalee and Kythi-hindi two, of those who pass in Asamese and Bengalee one, and of those who pass in Uryah and Bengalee one, will be selected for appointment as probationers.

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C. A. WILKINS,
Registrar.

The 22nd March 1886.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor-General in Council, appointed Mr. W. H. Joyce, Private Secretary and Clerk to the Chief Justice, to be Assistant Registrar on the Appellate Side of the High Court of Judicature at Fort William in Bengal, with effect from the forenoon of the 16th March 1886, *vice* Mr. T. C. Ledlie, retired.

C. M. W. BRETT,
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SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 16th March 1886.

No. 6.—ERRATUM.—In this Office Notification No. 5, dated 22nd February 1886, published in the *Gazette of India*, Part II, page 115, promoting 3rd Grade Assistant Surgeon Doorga Das Bhuttacharjee to the 2nd Grade, with effect from 1st May 1886, "read 1st May 1885."

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 22nd March 1886.

No. 547.—Major J. R. McCullagh, R.E., Officiating Deputy Superintendent, 3rd Grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 15th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 174, dated 19th March 1886, the following temporary promotions are made, with effect from the same date :—

Lieutenant-Colonel H. S. Hutchinson, S.C. Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant H. M. Jackson, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 548.—Lieutenant-Colonel J. Waterhouse, S.C., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 140, dated 5th March 1886, the following temporary promotions are made, with effect from the same date :—

Mr. E. C. Barrett, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant W. H. Pollen, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 549.—Major M. W. Rogers, R.E., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 60, dated 29th January 1886, the following temporary promotions are made, with effect from the same date :—

Major R. Beavan, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade

Lieutenant G. B. Hodgson, S.C., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 550.—With reference to Military Department Notification No. 60, dated 29th January 1886, Major R. Beavan, S.C., Officiating Deputy Superintendent, 3rd Grade, Survey of India, is appointed to officiate temporarily as Assistant Surveyor General, *vice* Major C. Strahan, R.E., from the date on which he takes over charge of the office.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

The 22nd March 1886.

No. 2.—Mr. G. P. Yate, Assistant Surveyor, 2nd Grade, is granted privilege leave for two months under the provisions of Section 138, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 15th May 1886.

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 17th March 1886.

No. 958.—Under orders conveyed in Foreign Department No. 2642 G., dated 22nd December 1885, Surgeon-Major R. Caldecott, Medical Officer, 2nd Regiment, Central India Horse, was employed in medical charge of the Camp of the Agent to the Governor-General for Central India, from the 10th November 1885 to the 23rd February 1886, both days inclusive.

By Order,
L. S. NEWMARCH,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

The 20th March 1886.

No. 1006.—Captain A. Masters, Officiating Squadron Commander, 2nd Regiment, Central India Horse, is granted privilege leave for ninety days, with effect from the 20th March 1886, or such subsequent date as he may avail himself of it.

No. 1007.—Lieutenant L. Herbert, Squadron Officer, 1st Regiment, Central India Horse, availed himself of the sixty days' privilege leave, granted in this Office Notification No. 239 A., dated the 21st February 1886, on the 9th idem.

No. 1008.—Lieutenant P. A. Watson, Officiating Adjutant of the Bhopal Battalion, held charge of the Sehore Treasury, in addition to his own duties, from the forenoon of the 1st January to the forenoon of the 8th March 1886, during the absence of the Political Agent on tour in the district.

The 22nd March 1886.

No. 1026.—Lieutenant E. C. B. Cotgrave, Officiating Squadron Officer, 2nd Regiment, Central India Horse, returned to duty on 12th March 1886, from the four months' language leave granted him in Foreign Department Notification No. 71 G., dated the 11th January 1886.

By Order,
F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 16th March 1886.

No. 476 *G.*—Surgeon-Major T. ffrench Mullen, M.D., Agency Surgeon, Ulwar, is granted privilege leave for one month from the forenoon of the 10th March 1886.

The 20th March 1886.

No. 508 *G.*—Captain C. Herbert, Assistant to the Agent to the Governor General, Rajputana, and Magistrate of Abu, is granted one month's examination leave under Section 77, Clause (*b*), of the Civil Leave Code, with effect from the 18th of March 1886.

No. 48 *M.*—The following appointment is made in the Deoli Irregular Force :—

Jemadar Girdharee, A Company, to be Native Adjutant, with effect from the 4th January 1886, *vice* Jemadar Bhoja, promoted.

The 23rd March 1886.

No. 531 *G.*—With reference to this Office Notification No. 3224 G., dated the 16th of October 1885, Lieutenant-Colonel J. H. L. Greenfield returned from furlough and resumed charge of his duties as 2nd-in-Command and Squadron Commander, Deoli Irregular Force, from Lieutenant J. A. Bell, on the 16th of March 1886.

By Order,
HUGH DALY,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 20th March 1886.

No. 273—115-*II.*—In exercise of the powers conferred by section 5, Act XIV of 1874 (the Scheduled Districts Act) the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to extend Act XIX of 1883 (the Land Improvement Loans Act) to the Scheduled District of Ajmere-Merwara, with effect from the 1st of January 1886.

The following rules are made by the Chief Commissioner of Ajmere-Merwara with the previous sanction of the Governor-General in Council, under section 10, Act XIX of 1883 :—

Rules made by the Chief Commissioner of Ajmere-Merwara, with the previous sanction of the Governor-General in Council, under section 10, Act IX of 1883.

I.—The Chief Commissioner will inform the Commissioner of Ajmere what amount will be placed at his disposal for loans under the Act for each financial year. The Commissioner will divide the sum between Ajmere and Merwara at his discretion, and may transfer for expenditure in either of the tracts any part of the amount allotted by him for expenditure in the other. But the total expenditure in the two tracts must be kept within the amount assigned by the Chief Commissioner. If an additional grant is required, application should at once be made for it.

II.—Subject to the provisions of these rules, the Commissioner may sanction loans not exceeding ₹5,000 for purposes specified in the Act. Loans exceeding ₹5,000 require the sanction of the Chief Commissioner. The Commissioner or Chief Commissioner may call for such detailed plans and estimates or such professional opinion with respect to a project as may seem to him to be necessary.

III.—An application for a loan may be made to any Revenue Officer of or above the rank of a Tahsildar.

IV.—The application, if made in writing, should be as nearly as possible in Form A If an oral application is made, the officer to whom it is made shall cause it to be recorded as nearly as possible in that form.

V.—The officer to whom the application is made shall either make an enquiry himself, or cause one to be made by a Revenue officer not below the rank of a Naib Tahsildar or supervising Kanungo, for the purpose of ascertaining the particulars mentioned on the reverse of Form A. If, in the opinion of the officer to whom the application is made, it is expedient that public notice of the application should be given under section 5 of the Act, he will publish a notice thereof by fixing it up in a conspicuous place in the village, or in each village, which will be affected by the proposed improvement. If he determines not to give public notice of the application, he shall record with his own hand his reasons for considering such notice not to be expedient.

VI.—When the value of the applicant's interest in the land to be improved is sufficient to cover the loan, collateral security need not be required. Personal security may be accepted when the sureties are a body of village residents who bind themselves jointly and severally to the Government for the payment of the whole amount payable in respect of the loan. Moveable property should rarely be accepted as security.

VII.—The date for the repayment of the first instalment shall be fixed with reference to the time when the improvement will begin to yield a return.

VIII.—The date for the repayment of the last instalment shall not, without the sanction of the Chief Commissioner, exceed fifteen years from the date on which the loan, or the last instalment of it, was advanced. The amount of the instalments shall be fixed with reference to the annual profit likely to accrue from the improvement.

IX.—If the Chief Commissioner has prescribed tables consolidating principal and interest in instalments, the repayment of the loan shall be arranged in accordance with those tables. If such tables have not been prescribed, the instalments of principal may be so arranged as to increase approximately in proportion as the charge for interest decreases.

X.—On completion of the enquiry and verification of the security, the officer to whom the application was made may sanction the loan himself if empowered to do so, otherwise he shall forward the application with his report through such channel as the Chief Commissioner may prescribe, to the officer who is empowered to sanction the loan.

XI.—An order granting a loan shall be in Form B hereto annexed, and shall be signed by the applicant in token that he understands and agrees to the conditions contained therein. When the sureties (if any) whom the applicant is required to furnish give personal security only, the bond to be executed by them shall be in Form C hereto annexed. When immoveable property is required to be given as collateral security, the security bond shall be in Form D hereto annexed.

XII.—A copy of the order shall be given to the applicant, and payment of the loan, or where the loan is advanced in instalments, of each instalment of the loan, shall be made at the tahsil on its presentation.

XIII.—(*a*) The rate of interest shall be one anna in the rupee, or 6¼ per cent. per annum.

(*b*) But the Chief Commissioner may, for special reasons, sanction a loan at a lower rate of interest or without interest.

(*c*) If an instalment of principal is not paid when it falls due, the Commissioner may, if he thinks fit, charge interest on it at any rate not exceeding 6¼ per cent. per annum from the date of its falling due to the date of payment.

XIV.—The dates for repayment of instalments of a loan should usually be the dates fixed for payment of instalments of land revenue.

XV.—Instalments may be suspended by order and at the discretion of the Commissioner on proof of failure of crops or other exceptional calamity.

XVI.—When any portion of a loan made under these rules is found to be irrecoverable, special report shall be made to the Chief Commisioner.

XVII.—Any Revenue officer not inferior in rank to the Tahsildar may at any time enter on and inspect any land for the benefit of which a loan has been granted, and any work in progress thereon.

XVIII.—As soon as may be after a loan has been granted, the officer or authority granting it shall cause the patwari of the circle in which the land to be improved is situated to copy into his *roznamcha* so much of the order granting the loan as relates to the amount of the loan, the manner in which the loan is to be advanced, the nature of the improvement for the purpose of which it has been granted, and the time or times by which the whole or parts of the improvement is or are to be completed.

XIX.—At such intervals as the Chief Commissioner may by general order prescribe in this behalf, the patwari shall submit, through the supervising kanungo, the tahsildar, and the Assistant Commissioner, to the Commissioner a report as to the expenditure of the loan and the progress of the work for the purpose of which the loan was granted.

XX.—The Chief Commissioner shall regulate the forms of all returns, registers, and accounts relating to advances under the Act.

FORM A.

Form of Application.

Name, residence, &c., of Applicant.	Amount of loan required.	Nature of security offered.	Nature of proposed improvement.	Situation of the land.	Applicant's rights in the land.	Proposed dates of repayment.

Applicant's Signature.

NOTE—

(1) The State will advance money to landlords and cultivators for the construction of wells or tanks, the reclamation of waste, or any work by which the value of the land will be permanently increased.

(2) Application for a loan may be made to the tahsildar in the above form free of stamp duty.

(3) The rate of interest will be one pie per rupee per month (*e.i.*, 6¼ per cent. per annum), and instalments will be distributed over a number of years.

(4) If the value of the applicant's interest in the land to be improved is sufficient to cover the loan, collateral security will not ordinarily be required. When collateral security is required, the personal security of a body of village residents, jointly and severally bound to the Government for the payment of the whole amount payable in respect of the loan, will be accepted.

Particulars to be filled in by Inspecting Officers.

(REVERSE OF FORM A.)

I.—Mahal and the field number and area of the land to be improved.

II.—Status of applicant, that is to say, proprietor or tenant. If a tenant, and the landlord's consent is required, whether the landlord consents.*

III.—Security—

(1) If the land itself or an interest therein, the value of the land, or the nature and value of the interest, as the case may be.

(2) If personal, the names and status of the sureties.

(3) If property other than the land itself or an interest therein, the nature of the property, the pre-existing encumbrances (if any) thereon, and its value.

IV.—The improvement—

(1) Its estimated utility and value.

(2) Objections, if any, of third parties.

(3) Date on which it will begin to yield profit.

V. Repayment—

(1) Suitable date for first instalment, with reference to IV (3).

(2) Proposed instalments and period of repayment.

VI.—Date or dates on which the loan, or instalments of it, should be received by the applicant. Recommendations of Inspecting Officer after verification of the above in the registration and revenue offices of the tahsil.

* When the loan is applied for by a person who has not the right to make the improvement, the person having that right should give in writing the consent required by section 4 of the Act, and the record of his consent should be signed by him and attested by at least two witnesses.

FORM B.

Order granting a loan under the Land Improvement Loans Act, 1883.

1. The sum of ₹ is hereby granted to A B, son of [*with the consent of C D

* To be inserted when the person to whom the loan is made has no right to make the improvement without the consent of another person.

, the record whereof is hereto annexed] as a loan under the Land Improvement Loans Act, 1883, for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) subject to the following conditions.

2. The conditions referred to are as follows:—

(*a*) That the amount of this loan shall be paid to the aforesaid A B on the production of this order at the treasury of † in the instalments and on the dates specified below:—

† To be inserted only when the loan is payable in instalments.

Dates.	Instalments.

(*b*) That the amount of this loan, with interest chargeable thereon and costs (if any) incurred in the making thereof, shall be repayable to the person named, and at the place on the dates and by the amounts specified below:—

Name.	Place.	Date.	Principal.	Interest.	Costs (if any).	Total.

(*c*) That this loan shall be applied solely to the purpose specified above, and that if it shall be proved to the satisfaction of the Commissioner that any part of the loan has been misapplied, the whole amount of the loan shall, with such interest as may have become due thereon, as well as costs (if any), be deemed to at once become due.

These clauses to be used only when needed.

(*d*) That unless (*here enter any conditions as to the period or periods appointed for completing the work*) has been completed by (date) the loan shall be held to have been misapplied.

(*e*) That for the repayment of the loan with interest and costs (if any) due on the same, the immoveable property specified in the margin is, in addition to the land for the benefit of which the loan is granted, hypothecated as collateral security to the Government.

NOTE.—All immoveable property hypothecated as collateral security, whether by the borrower himself or by a surety or sureties, should be specified in the margin of this clause of the order granting the loan, and should, as well as the land to be improved, be described as nearly as may be in the manner prescribed in section 21 of the Indian Registration Act, 1877.

Signature of the Commissioner.

I have understood and agreed to the aforesaid terms and conditions.

Signature of the person to whom the loan is granted.

FORM C.

Security bond to be used when sureties give personal security only.

Whereas has on received from the Commissioner of Ajmere an order under the Land Improvement Loans Act, 1883, in virtue of which he is entitled to receive the aggregate sum of rupees as a loan from the Government for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) we hereby agree that if the said shall fail to repay any instalment of the said loan, or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, we will be jointly and severally liable to the Government for such sum not exceeding as may be necessary to make good the amount which in consequence of his default he may have become liable to pay.

FORM D.

Security bond to be used when immoveable property is given as collateral security.

Whereas has received from the Commissioner of Ajmere an order under the Land Improvement Loans Act, 1883, in virtue of which he is entitled to receive the aggregate sum of R as a loan from the Government for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) and whereas collateral security for the punctual repayment of the loan according to the terms of the order is demanded from the said

* To be used when the borrower alone gives collateral security.
† To be used when the borrower and his sureties all give collateral security.
‡ To be used when the collateral security is given by sureties only.

* I the said (*or* † I the said and we *or* ‡ we) mortgage to the Government the immoveable property mentioned in the schedule below as a collateral security, and agree that if I fail (or the said fails) to repay any instalment of the said loan or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, it shall be lawful for the Collector to recover from the said property such sum as may be necessary to make good the amount which in consequence of my (*or* the said 's) default may be due from me (*or* him).

The 23rd March 1886.

No. 282-687.—In exercise of the powers conferred by Section 40, Act II of 1886, the Chief Commissioner is pleased, with effect from 1st April 1886, to empower the Assistant Commissioner, Merwara, the Deputy Magistrate, Kekri, and Pandit Jia Lal to exercise andper form, in the Ajmere-Merwara District, all the powers and duties conferred or imposed on a Collector by Sections 41, 42, 43, and 44 of the Act and by the rules made under the Act.

By Order,
HUGH DALY,
for 1st Asst. to the Agent to the Govr. Genl., Rajputana.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 16th March 1886.

No. 620.—The Civil and Sessions Judge of the Civil and Military Station of Bangalore is hereby empowered, under Section 197, Clause (*c*) of the Code of Civil Procedure (Act XIV of 1882), to appoint an officer of his Court to administer the oath of the declarant in the case of affidavits under the said Code.

By Order,
J. H. NEWILL, *Major,*
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 22nd March 1886.

No. 25.—In supersession of Director General of Railway's Notification No. 12, dated the 16th February 1886, which is hereby cancelled, Mr. E. C. Elliot, Assistant Engineer, 1st Grade, is posted to the North-Western Railway.

No. 26.—Mr. R. W. Egerton, Assistant Engineer, 1st Grade, has been granted by Her Majesty's Secretary of State for India, a further extension of six months' leave on medical certificate.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

NORTH-WESTERN RAILWAY.

NOTIFICATIONS.

The 18th March 1886.

No. 1.—Mr. P. J. Dudgeon, Assistant Locomotive Superintendent, Class III, of the Superior Revenue Establishment of the North-Western Railway, has been granted furlough for twelve months to Europe with the necessary subsidiary leave, with effect from 1st May 1886, or from such date as he may avail himself of it.

No. 2.—Mr. David Ross, C.I.E., Deputy Traffic Superintendent, Class I, Grade III, of the Superior Revenue Establishment, attached to the Sind Section of the North-Western Railway, has been granted furlough for eighteen months to Europe, with the usual subsidiary leave, with effect from 1st May 1886, or from such date as he may avail himself of it.

L. CONWAY-GORDON,
Manager, North-Western Railway.

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 Note.	Value.	Name of Claimant.
		R	
25	D 8—54673	500	Prag Das Mangal Sen, Delhi.
26	D 20—22426	100	The Sub-Post Master, Allahabad.

ALLAHABAD,
The 24th March 1886.

A. H. ANTHONY,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
57	B 83—24869	50	Superintendent of Police, Bellary.

FORT ST. GEORGE,
The 15th March 1886.

F. H. HAMNETT,
Asst. Accountant Genl.,
In charge of Paper Currency Dept.

Statement of Silver Balance in the Calcutta Mint for the week ending 24th March 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 17th March 1886	1,55,079	
Value of Government silver in the Mint on the same date	6,56,175	8,11,254
ADD—		
Silver received by the Mint during the week on account of the Currency Department	2,18,052	
Ditto ditto Government	6,519	2,24,571
		10,35,825
DEDUCT—		
New coin paid to Reserve Treasury during the week	...	
Petty items issued for miscellaneous purposes	...	...
Balance on the evening of the 24th March 1886	...	10,35,825
The Balance comprises—		
Silver held on account of the Currency Department	3,46,745	
Ditto ditto Government	6,89,080	10,35,825
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	11,57,303	
Ditto ditto Government	...	11,57,303

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 25th March 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd March 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,704	15	0
Public Deposits at Head Office ₹. 61,73,435 7 6	1,81,99,610	14	0
Public Deposits at at Branches 1,20,26,175 6 6			
Other Deposits at Head Office and Branches	2,98,62,085	3	4
Bank Post Bills, &c.	6,67,087	9	5
Sundries	15,21,096	8	5
RUPEES	7,44,06,585	2	2

ASSETS.	₹	a.	p.
Government Securities	45,65,543	13	0
Other authorized Investments	49,70,811	4	0
Loans on Government and other authorized Securities	99,25,494	9	7
Accounts of Credit on Government and other authorized Securities	78,26,035	15	8
Bills discounted and purchased	2,17,07,864	14	9
Balances with other Banks	9,10,456	4	10
Bullion	4,422	11	4
Dead Stock	11,31,337	10	6
Stamps	10,046	9	6
Sundries	8,23,550	7	9
	5,18,75,564	4	11
Cash and Currency Notes at Head Office ₹. 1,04,91,381 4 5	2,25,31,020	13	3
Cash and Currency Notes at Branches 1,20,39,639 8 10			
RUPEES	7,44,06,585	2	2

By order of the Directors,

BANK OF BENGAL, *Calcutta, 25th March 1886.*

J. GORDON, *Chief Acctt. & Dy. Secy.*

R. HARDIE, *Secretary & Treasurer.*

Rate for Demand Loans 6 per cent.

Percentage 44·8.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 23rd March 1886.

Gardiner, H.
Grunberg Brothers.
Simons, Miss M. A.
Wall, Stephen D.

Letters marked "Care of Post Office."

A. B.
Atkinson, Thos.
Baggs, H. W.
Beattie, M. H.
Bedell, E. A.
Bennett, J. B.
Blaker, Mr.
Blissett, W. V.
Bose, P. N.
Bowers, S.
B. R.
Butler, T.
Capel, Lt.-Col.
Carpenter, A.
C. B. H.
Chelton, H.
Clark, James.
Clarke, F. G.
Coleman, R. J.
Crawford, J.
"Dse."
Dessa, H. T.
Dickie, Capt J. E.
Dimmock, Basil.
Donaldson, J. W.
Dowling, D. G. A.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
E. M. K., Miss.
Easton, Percy H.
Ellis, Mrs. Jas.
Entwisle, R.
Fez, Lt. Col.
Flitsch, Ferdinand.
Franklin, R. O.
Freise, C.
Gacture, Esq.
Gilmour, Capt. D. C.
Gow, Capt. J. F.
Grant, Mrs. M.
Grant, Mrs. D. St. John.
Grey, John.
Griffiths, Norris.
Guerrier, H. J.
Harmer, J. A.
Heath, Mrs.
Herrmann, M.
Hughes, Capt.
Jefferson, J. J. D.
K. P. M.
Kirk, J.
Kirkbride, J.
Lea, Jay.
Lomaitre, A.
Litke, de Louis G.
Lloyd, E. T.
Lord, Esq.
M. O.
MacDougall, D.
MacLeod, John.
McDonald, Miss.
McGregor, Miss M.
McLaughlin, John.
Manfield, J. J.
Marshall, Hon. Mrs. Geo.
Mathieson, L.
Mattin, Mrs.
May, J. A.
Mellard, G. N.
Minaeff, Mr.
Moore, W.
Nellie, Miss N.
Nicholson, Miss A.
Norris, H.
Norville, Mrs. L.
Officer Commanding 7th N. I.
Page, George.
Palmer, Col. A. P.
Parker, Mrs. A. H.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Philips, Henry.
Pike, H. R.
Preston, R. C. Campbell
Pyle, Mrs. C. I.
Reece, Mrs. A.
Remmington, Capt. F. A.
Rice, W. G. L.
Roberts, J. R.
Robinson, E. A.
Robinson, W.
Rode, Capt. J. H.
Shaw, H. J.
Simpson, Percy.
Skine, Major.
Smallwood, Geo.
Smart, J. C.
Smith, J. C.
Speer, A. E.
Stanislaus, Walter.
Sternbergh, A.
Stewart, C.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Street, W.
Symons, W. S.
Thorpe, Sydney.
Tooms, Charles.
Townsend, Surg.-Major E.
Transche, Hern. J. Von.
Turner, Mrs. H. G.
Uren, Capt. T.
Vivian, Miss Kate.
Vob, Mrs.
Volpi Beaucourt, et.
Wagner, Charles.
Walker, G. A.
Walker, P. C.
Webster, T. E.
Webster, C. J.
Wesendorff, Henri.
Wilson, Mrs. Mark.
Wittelstraus, W.
Wood, Tempest.
Zaff, Corl.

Registered Letters.

Burnet, W.
Chapman, D'Arcy.
Godfrey, J. B.
Guerrier, H. J.
Harris, Ashby.
Martin, C.
Nilson, Mrs.
Peterson, A.
Ross, A.
Scott, Mrs. G. C.
Steruzilles, David.
Sternbergh, M.
Taylor, Mrs. Cecil.

Unclaimed Letters held in the Barrackpore Post Office on the 22nd March 1886.

Anderson, R. D.
Arrakiel, M.
Boyd, E. A.
Brown, F.
Charter, L.
Chowdhari, P. L.
Crawley, Mrs. P. G.
Cress, J.
Dalzlish, E. B.
Doctor, P. C.
Fagan, H. R.
Ghose, J. M.
Good, Miss.
Hart, Mrs.
Hart, Mr. and Mrs.
Harvey, J. R.
Hobson, R. A.
Knight, H. B.
Landale, J.
Mozumdar, Bepin Behari
Nichols, J.
Rodgers, George Pte.
Roy, Nil Madhub.
Swinter, S.
Taylor, G. W.

E. HUTTON, *Presidency Postmaster, Calcutta.*

Calcutta, the 27th March 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	3rd April	P. & O. Str. *Chusan.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	30th Mar.	From Bombay.
Foreign Mails *vid* Bombay	30th ,,	*From Bombay.**
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 3, 1886.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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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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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 30th March 1886.

The Hon'ble the Chief Justice has, with the approval of His Excellency the Governor-General of India in Council, appointed Mr. S. Tremearne, Assistant Registrar, Original Side, to officiate as Chief Clerk, and Mr. J. H. Hechle to officiate as Assistant Registrar, such appointments to have effect from the 22nd instant and to continue during the absence on leave of Mr. Fink, the Chief Clerk, or until further orders.

R. BELCHAMBERS,
Registrar.

No. 14.—*Account of Revenue and Expenditure of the Government of India for the first eight months of the year 1885-86, as compared with the corresponding period of 1884-85.*

N.B.—Amounts are converted into Sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1885-86.	April 1884 to November 1884.	April 1885 to November 1885.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	9,895,905	10,017,911	122,006	...
II	Opium	9,025,500	5,775,277	5,832,777	57,500	...
III	Salt	6,400,000	4,174,815	4,102,810	...	72,005
IV	Stamps	3,633,400	2,341,467	2,381,182	39,715	...
V	Excise	4,070,000	2,610,479	2,712,854	102,375	...
VI	Provincial Rates	2,856,800	1,417,741	1,465,637	47,896	...
VII	Customs	1,175,000	561,930	666,543	104,613	...
VIII	Assessed Taxes	514,900	463,422	463,421	...	1
IX	Forest	1,060,100	445,082	450,998	5,916	...
X	Registration	281,800	191,683	208,912	17,229	...
XI	Tributes from Native States	691,300	255,136	259,508	4,372	...
XII	Post Office	1,101,700	633,998	734,376	50,378	...
XIII	Telegraph	540,100	280,708	347,351	66,643	...
XIV	Mint	125,000	66,188	152,961	86,773	...
XV	Law and Justice	595,300	333,392	341,812	8,420	...
XVI	Police	311,600	200,930	200,955	25	...
XVII	Marine	176,400	86,385	112,835	26,450	...
XVIII	Education	201,800	122,624	120,789	...	1,835
XIX	Medical	52,600	30,377	28,275	...	2,102
XX	Scientific and other Minor Departments.	86,100	45,791	40,544	...	5,247
XXI	Interest	659,400	392,187	387,387	...	4,800
XXII	Receipts in aid of Superannuation, &c.	257,700	91,598	120,338	28,740	...
XXIII	Stationery and Printing	54,100	25,703	29,281	3,578	...
XXIV	Miscellaneous	267,700	164,440	186,553	22,113	...
		57,002,900	30,657,258	31,366,010	708,752	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,841,700	2,299,985	2,571,597	271,612	...
	East Indian Railway (Gross Earnings).	4,550,000	2,705,868	3,047,692	341,824	...
	Eastern Bengal Railway (Gross Earnings).	550,000	...	286,571	286,571	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	2,684,324	3,013,630	329,306	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	611,704	412,644	...	199,060
	Unproductive Public Works.					
XXIX	State Railways	148,400	150,918	161,175	10,257	...
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	14,782	57,280	42,498	...
XXXI	Irrigation and Navigation	135,400	83,683	78,023	...	5,660
XXXII	Military Works	40,800	24,201	22,788	...	1,413
XXXIII	Civil Buildings, Roads, and Services	474,600	307,435	297,028	...	10,407
XXXIV	Army	814,000	463,493	500,019	36,526	...
XXXV	Military Preparations in N. W. Frontier.	...	...	24,054	24,054	...
		71,892,500	49,003,591	41,838,451	1,834,860	...
	England, including Army, Public Works, &c.	197,900	172,451	147,019	...	25,432
	GRAND TOTAL	72,090,400	49,176,042	41,985,470	1,809,428	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 31st April 1886.

	Expenditure.	Estimates, 1885-86.	April 1884 to November 1884.	April 1885 to November 1885.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	2,709,257	2,709,876	619	...
2	Do. on other Obligations	411,000	192,785	112,690	...	80,095
3	Refunds and Drawbacks	224,400	126,903	155,268	28,365	...
4	Assignments and Compensations	1,248,500	569,903	587,028	17,125	...
5	Land Revenue	3,443,800	2,023,491	2,069,029	45,538	...
6	Opium (including cost of production)	2,473,700	2,664,068	2,780,984	116,016	...
7	Salt (do. do.)	402,300	303,792	277,884	...	25,908
8	Stamps	84,800	57,399	55,265	...	2,134
9	Excise	123,500	65,313	79,628	14,315	...
10	Provincial Rates	113,500	71,636	30,179	...	41,457
11	Customs	133,200	92,184	86,086	...	6,098
12	Assessed Taxes	13,400	9,529	8,886	...	643
13	Forests	725,300	368,661	379,561	10,900	...
14	Registration	181,100	117,968	124,124	6,156	...
15	Post Office	1,161,300	734,815	766,144	31,329	...
16	Telegraph	607,900	330,324	326,669	...	3,655
17	Mint	77,500	47,569	62,236	14,667	...
18	General Administration	1,335,700	880,736	912,448	31,712	...
19	Law and Justice	3,437,500	2,155,321	2,183,946	28,625	...
20	Police	2,855,700	1,805,501	1,839,209	33,708	...
21	Marine (including River Navigation)	365,800	212,251	221,161	8,910	...
22	Education	1,291,900	756,939	762,951	6,012	...
23	Ecclesiastical	169,700	108,468	109,284	816	...
24	Medical	760,400	467,862	471,192	3,330	...
25	Political	629,800	396,293	810,649	414,356	...
26	Scientific and other Minor Departments	477,900	332,109	337,960	5,791	...
27	Territorial and Political Pensions	654,900	422,400	413,543	...	8,917
28	Civil Furlough and Absentee Allowances	5,200	9,752	1,734	...	8,018
29	Superannuation Allowances and Pensions	763,400	558,459	555,057	...	3,402
30	Stationery and Printing	374,000	230,968	252,644	12,676	...
31	Miscellaneous	263,700	167,777	184,398	16,621	...
32	Famine Relief	33,000	3,124	34,067	30,943	...
33	Protective Works—Railways	500,000	61,570	...	...	611,576
34	Do. do. Irrigation	287,300	121,344	106,469	...	14,875
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,625,811	1,337,230	...	288,581
		33,774,400	21,362,308	21,145,479	...	216,829
	Productive Public Works.					
36	State Railways (Working Expenses)	2,270,500	1,326,164	1,491,638	165,474	...
	East Indian Railway (Working Expenses)	1,826,500	1,293,596	1,215,848	...	77,748
	Eastern Bengal Railway (ditto)	237,500	...	185,547	185,547	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	518,000	459,211	446,005	...	13,206
38	Irrigation and Navigation (Working Expenses)	593,100	354,359	358,798	4,439	...
39	Charges in respect of Capital— Guaranteed Railways Interest	4,400	10,015	24,886	14,871	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	83,838	137,184	53,346	...
41	Do. (Working & Maintenance)	119,900	102,609	90,485	...	12,124
42	Subsidized Railways	39,800	22,590	16,663	...	5,927
	Southern Mahratta Railway	80,300	87,478	45,443	...	42,035
43	Frontier Railways	100,000	115,938	...	...	115,938
44	Irrigation and Navigation	706,100	397,277	411,388	14,111	...
45	Military Works	1,088,300	517,730	480,406	...	37,324
46	Civil Buildings, Roads, and Services	4,040,600	2,118,023	1,976,304	...	141,719
47	Army	12,161,500	7,811,256	8,069,426	258,170	...
48	Military Preparations in N.-W. Frontier	...	...	1,810,526	1,810,526	...
	Do. Operations, Burmah	...	...	4,607	4,607	...
		57,951,900	36,062,392	37,910,633	1,848,241	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	10,235,388	10,813,458	578,070	...
		72,306,500	46,297,780	48,724,091	2,426,311	...
	Productive Public Works - Capital Expenditure.					
	In India—					
50	State Railways	1,900,600	823,297	1,142,201	318,904	...
	East Indian Railway	340,000	225,365	209,852	...	15,513
	Eastern Bengal Railway	132,100	...	74,169	74,169	...
51	Irrigation and Navigation	813,700	357,685	351,862	...	5,823
	In England—					
	State Railways	862,100	490,062	648,810	158,748	...
	East Indian Railway	...	277,238	63,464	...	213,774
	Eastern Bengal Railway	359,900	972,680	137,181	...	835,499
	Irrigation and Navigation	6,000	3,756	5,222	1,766	...
		4,405,400	3,150,083	2,633,061	...	517,022
	GRAND TOTAL	76,711,900	49,447,863	51,357,152	1,909,289	...

* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

E. GAY,
Offg. Comptroller General.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st March 1886.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS								
		Of 1831-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.	5 PER CENT LOAN OF 1856-57.	GRAND TOTAL.
Balance of 15th March 1886 .	54,100	13,73,653	27,71,000	2,24,23,200	91,75,000	2,68,65,300	2,30,68,200	8,56,76,353	32,200	19,48,33,953
Add—										
Amount enfaced at Madras between 16th and 31st March 1886 . .	...	...	...	54,700	5,800	21,500	20,700	1,03,700	...	1,02,700
Amount enfaced at Bombay between 16th and 31st March 1886 . .	...	...	...	9,400	3,000	7,600	1,000	20,400	...	4,46,400
Amount enfaced at Calcutta between 16th and 31st March 1886 . .	...	...	1,500	76,200	4,300	1,21,000	87,800	2,90,800	...	5,99,300
	54,100	13,73,653	27,72,500	2,25,63,500	91,88,100	2,70,14,800	2,31,77,700	8,60,90,253	32,200	19,59,82,353
Deduct—										
Amount written off in the London Registers . .	...	...	6,200	2,02,800	1,88,500	53,600	1,19,500	5,70,600	...	9,98,200
Balance on 31st March 1886 . .	54,100	13,73,653	27,66,300	2,23,60,700	89,99,600	2,69,61,200	2,30,58,200	8,55,19,653	32,200	19,49,84,153

NOTE.—From 9th June 1885 to 31st Jan. 1886 enfaced from India 5,189 lakhs; re-transferred from London 4,627 lakhs.

1st Feb. 1886 to 15th Feb.	6	5,245 lakhs.	
16th Feb. ,, to 28th ,,	3	4,654 ,,	
1st Mar. ,, to 15th Mar.	9	591 lakhs.	
16th ,, ,, to 31st ,,	9		
	27		

Balance against India . 591 lakhs.

W. D. CRUICKSHANK,
Deputy Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 1st April 1886.

EXAMINER OF MEDICAL AND FUND ACCOUNTS.

Statement of unclaimed sums deposited since the year 1842 with the Bengal Military Orphan Fund in trust for Soldiers' Children, exclusive of those of minors who have not attained the age of 21.

Date of Deposit.	Name and Rank of Father.	Corps.	Names of Children.	Amount.
				R a. p.
Feb. , 1842	McCarthy,—, Qr. Mr. Sergt.	...	John	61 2 8
Mar. 24, 1843	Nowlan, L. Farrier Sergt.	4th Troop, 2nd B. H. A.	Ellen	112 9 0
Apl. 3, 1843	Farrell, James, Gunner	2nd Co., 5th B. Arty.	Charlotte	4 2 8
,, 3, 1843	Roach, Edward, Private	1st En. Lt. Infy.	David and Austel	7 13 3
Mar. 9, 1844	Shichan, B., Gunner	3rd Co., 3rd B. Arty.	John and Patrick	2 1 8
June 21, 1844	Evans, George, Sergt.	1st Co., 2nd Bn. Arty.	Mary-Ann and Catherine	19 14 0
Sep. 19, 1844	Andrews,—, Private	4th Foot	George	200 0 0
Nov. 16, 1844	Gale,—, Private	10th Foot	John Thomas	28 12 0
,, 20, 1844	Sullivan, John, Bombardier	1st Co., 2nd B. Arty.	John	130 0 0
Jan. 6, 1845	Dawe, John, Gunner	3rd ,, ,, ,,	William-Henry	55 12 9
,, 6, 1845	Barnes, Peter, Corporal	1st ,, ,, ,,	Mary-Ann	64 2 11
,, 6, 1845	Monaghan, Michael, Sergt.	1st ,, ,, ,,	James	156 12 5
,, 6, 1845	Godfrey,—, Sergt. Major	...	Harriett-M., and James	31 14 1
,, 15, 1845	Fry,—, Bugle Major	6th B. Arty.	James	12 6 9
Feb. 14, 1845	Hay, A., Sergt. Major	...	Thomas	101 5 4
July 7, 1845	Meaney, John, Sergt. Major	2nd B. H. A.	Henry, and James	292 15 8
,, 9, 1845	Murply, Thomas, Bombardier	2nd T., 3rd Bde. H. A.	Ellen	77 4 11
,, 9, 1845	Fate, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine-Ann	167 15 5
,, 9, 1845	Daley, Owen, Gunner	3rd ,, ,, ,,	Owen	7 8 7
,, 9, 1845	Ryan,—, Sergt.	...	Julia-B. and George-J.	120 13 0
Sep. 1, 1845	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline. and Eliza	28 10 10
Jan. 7, 1846	McEnerny, Thomas, Conductor	...	Hannah	152 0 0
Aug. 8, 1846	Glasscoa, John, Corporal	...	Ellen-Sarah	66 10 3
	Rideley, Henry, Gunner	...	Henry	34 9 3
Oct. 16, 1846	Fowles, John, Sergt.	Arty.	Sarah, Terrence, and James	3 2 0
,, 16, 1846	Lewis, Thomas, Gunner	,,	Thomas	20 5 3
July 6, 1847	Dobbins, Francis, Gunner	...	Martha	83 3 5
,, 19, 1847	Lunn, Adam, Farrier	...	Adam-T., and John	79 14 0
,, 19, 1847	Clarke, William, Bombardier	1st T., 3rd B. H. Arty.	Not recorded	104 10 8
,, 19, 1847	Prince, W., Sergt.	,, 1st ,, ,,	Ditto	125 15 10
Jan. 7, 1848	Willford, C., Qr. Mr. Sergt.	...	Mary	66 15 8
,, 11, 1848	Pyrnes,—, Corporal	...	Maria	59 0 0
June 26, 1848	Matthews, M., Sub-Conductor	...	Rachael	12 2 2
July 6, 1848	Braithwaite, W., Staff Sergt.	...	C.-William, and William H.	148 3 5
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johannah, Frederick, and David-Edwin.	99 6 1
Jan. 13, 1849	Doherty, Michael, Sergt.	...	Oliver-H.	38 12 5
May 9, 1849	Sheehan, D., Private	2nd En. Regt.	James	36 5 6
June 2, 1849	Moore, Benjamin, Private	1st En. B. F.	Sarah-C.	9 8 4
,, 2, 1849	Crowley, Charles, Private	,, ,,	John	7 6 1
Oct. 12, 1849	Deare, W., Conductor	...	Emeline	50 0 0
Nov. 21, 1849	Moget,—, Sergt. Major	...	George	69 14 4
Feb. 18, 1850	Boote, Daniel, Gunner	1st Co., 4th B. Arty.	James and another	26 3 5
June 29, 1850	Uniack, Patrick, Sergt	,, 3rd ,,	John	29 15 0
July 18, 1850	Barker, J., Sergt.	...	William-Robert	97 14 2
	Sheehan, P., Gunner	Arty.	Patrik	23 5 6
Oct. 29, 1850	Lees, James, Corporal	2nd En. Regt.	Elizabeth	25 14 6
Sep. 14, 1852	Wade, William, Sergt.	1st Co., 4th B. Arty.	Sarah-Ann, William-Henry, Elizabeth, Esther, Jane-Wallis, and Ann.	72 9 5
Nov. 4, 1852	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	William	9 11 11
Feb. 1, 1853	Edwards. Michael, Gunner	,, ,, ,,	Jane and Bridget	36 5 9
Apl. 21, 1853	Staples, Edward, Sergt.	Sappers and Miners	E. W. H.	97 2 6
Sep. 13, 1853	Brown, Michael, Sergt.	Arracan Bn.	John	49 10 3
Jan. 24, 1854	Galway, Robert. Bombardier	1st Co., 2nd B. Arty.	William	206 1 2
,, 15, 1855	Munrowd, George, Sub-Conductor	Ordnance Dept.	Georgiana	61 10 3
Sep. 24, 1855	Franks, G., Bazar Sergt.		Mary	566 3 10
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	William-Edward	209 14 0
Dec. 4, 28, 1850	McDonnel, John, Private	97th Foot	Charles	25 15 6
Feb. 13, 1861	Scott, William, Sergt.	2nd Frs.	William, Annie and Emma	314 2 9
Mar. 20, 1862	McDonald, John, Sergt.	Ordnance Dept	Catherine	118 11 10
June , 1862	Pope, John Sergt.	Commissariat Dept.	Jane and James	86 0 0
July 22, 1863	Keddie, J., Private	2nd En. B. Frs.	William and Joseph	152 14 2
Jan. 25, 1864	Lawton, William, Color Sergt.	24th Foot	Henrietta-Dalzell	39 5 10
	Jones, John, Gunner	G. Battery., 22nd B. R. Arty.		
Mar. 10, 1864	Anderson, William, Gunner	5th B., 2 5th B. R. Arty.	Duncan	35 4 11
May 19, 1864	Rowland, J., Private	2nd Dragoon Guards	Sophia-M., Elizabeth Ann and George-Edward.	12 0 0
July 18, 1865				
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Mary-Ann and Thomas	4 0 0
Oct. 31, 1867	Hutchinson, John, Sergt.	Army Comt. Dept.	Rose	26 2 0
Feb. 14, 1868	Coates, Robert, Corporal	R. Arty.	Ann Frances and Rosina-Mary	141 15 1
Oct. 9, 1871	York, R., Sergt.	Arty.	Henry, J.	21 1 2
Feb. 21, 1880	Donohue, Andrew, Private	59th Regt.	Ann	50 0 0

Applications for payment of the deposits should be made to the Examiner of Medical and Fund Accounts, Calcutta.

G. S. SUTHERLAND, *M.D., Brigade-Surgeon,*
Examiner of Medical and Fund Accounts.

Statement of the Affairs of the Bank of Bengal for the week ending 30th March 1886.

LIABILITIES.			₹	a.	p.
Capital paid-up			2,00,00,000.	0	0
Reserve Fund			41,56,694	15	0
Public Deposits at Head Office	₹. 60,08,939	a. p. 1 9	1,74,84,907	5	8
Public Deposits at Branches	1,14,75,968	3 11			
Other Deposits at Head Office and Branches			3.22,23,224	2	8
Bank Post Bills, &c.			15,67,646	4	6
Sundries			15,71,166	9	11
RUPEES			7,70,03,639	5	9

ASSETS.			₹	a.	p.
Government Securities			50,89,244	8	0
Other authorized Investments			49,21,926	4	0
Loans on Government and other authorized Securities			1,02,38,417	9	11
Accounts of Credit on Government and other authorized Securities			83.78,975	15	10
Bills discounted and purchased			2,23,15,221	2	3
Balances with other Banks			8,13.897	8	5
Bullion			6,073	11	4
Dead Stock			11,31,829	0	4
Stamps			9,872	7	6
Sundries			8,19,795	14	10
			5,37,25,254	2	5
Cash and Currency Notes at Head Office	₹ 91,82,889	a. p. 10 6	2,32,78,385	3	4
Cash and Currency Notes at Branches	1,40,95,495	8 10			
RUPEES			7,70,03,639	5	9

By order of the Directors,

BANK OF BENGAL,
Calcutta, 1st April 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 44·04.

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

The following Candidates have passed the examinations for the Degree of Bachelor in Medicine and for the Licence in Medicine and Surgery:—

SECOND M. B. EXAMINATION.

FIRST DIVISION.

In alphabetical order.

Bandyopadhyay, Trailokyanath	Medical College.
Barat, S. N.	Ditto.
Basu, Chunilal	Ditto.
„ Niradbihari	Ditto.
Chakrabarti, Kshetrapal	Ditto.
De, Sasibhushan	Ditto.
Ghatak, Annadaprasanna	Ditto.
Ghosh, Bipinbihari	Ditto.
Laha, Lalitmohan	Ditto.
Mukhopadhyay, Srischandra	Ditto.
Nallatomby, C. W.	Ditto.
Raychaudhuri, Saratkumar	Ditto.

SECOND DIVISION.

In alphabetical order.

Basu, Gobindachandra	Medical College.
Datta, Durlabhchandra	Ditto.
„ Jadunath	Ditto.
De, Kalikamal	Ditto.
Haldar, Gopallal	Ditto.
Mitra, Upendranath	Ditto.
Mukhopadhyay, Akshaykumar	Ditto.
Nandi, Purnachandra	Ditto.
Ray, Isanchandra	Ditto.
„ Phatikchandra	Ditto.
Sanyal, Dinanath	Ditto.

SECOND L. M. S. EXAMINATION.

In alphabetical order.

Datta, Nitaichand	Medical College.
De, Phakirchandra	Ditto.
Ghosh, Radhubhushan	Ditto.
Lahiri, Prakaschandra	Ditto.
Mukhopadhyay, Jnanendranath	Ditto.

FIRST M. B. EXAMINATION.

FIRST DIVISION.

In order of merit.

Nandi, Akshaykumar	Medical College.
Sarkar, Nilratan	Ditto.
Dasgupta, Syamnirad	Ditto.
Vethecan, F.	Ditto.

SECOND DIVISION.

In alphabetical order.

Basu, Sureschandra	Medical College.
Chaudhuri, Janmejay	Ditto.
Das, Saradaprasad	Ditto.
Majumdar, Trailokyanath	Ditto.
Nandi, Purnachandra	Ditto.
Pal, Akshaykumar	Ditto.
Ray, Debendranath	Ditto.
Sarkar, Bipinbihari	Ditto.

FIRST L. M. S. EXAMINATION.

Moung Yan Hmu	Medical College.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 22nd March 1886.

The undermentioned Students have passed the B. L. Examination:—

FIRST DIVISION.

In Order of Merit.

1	Mitra, Saratchandra (Junior)	M'politan Instn.
2	Sen, Bankimchandra	Ditto.
3	Dhar, Abinashchandra	Ditto.

SECOND DIVISION.

In Order of Merit.

1	Bankabihari Lal	Patna College.
2	Niyogi, Gatikrishna	Ditto.
3	Syud Wazir Hassan	Ditto.

4	Adhya, Bipinbihari	M'politan Instn.
5	Sen, Narayanchandra	Ditto.
	De, Dinanath	Ditto.
7	Syam, Saradacharan	Ripon College.
	Das, Gangadhar	M'politan Instn.
9	Ray, Bhabanath	City College.
10	Chakrabarti, Umeschandra	Ditto.
11	Sen, Satischandra	M'politan Instn.
12	Datta, Lamb dar	Ditto.
	Chaudhuri, Syamasundar	Ditto.
	Ram Sahay	Patna College.
15	Chattopadhyay, Surapati	M'politan Instn.
16	„ Nagendranath	Ditto.
17	Basu, Manindranath	Ditto.
18	Asghur Ali Khan	Patna College.
19	Lahiri, Rajendralal	M'politan Instn.
20	Bagchi, Debendraprasad	City College.
21	Biswas, Srischandra	M'politan Instn.
22	Bandyopadhyay, Asutosh	Ditto.
23	Srimani, Jogindranath	Ditto.
24	Ray, Bamacharan	Ditto.
25	Palit, Amritalal	City College.
26	Bandyopadhyay, Kalidhan	Ditto.
	„ Jadunath	M'politan Instn.
	Ray, Syamacharan	Ditto.
29	Das, Kalikamal	Dacca College.
30	Sarkar Adharchandra	M'politan Instn.
31	Kundu, Bhagabaticharan	Ditto.
	Mukhopadhyay, Nagendranath	Ditto.
33	Mitra, Achintanath	Ditto.
	Gangopadhyay, Makhanlal	Ditto.
35	Mukhopadhyay, Upendrachandra	City College.
36	Ghosh, Biharilal	Presdy. College.
37	Gujam Hyder Khan	City College.
	Chakrabarti, Harihar	M'politan Instn.
39	De, Saratchandra	Ditto.
40	Mukhopadhyay, Jogindranath	City College.
41	Guha, Kaliprasanna	Ditto.
42	Majumdar, Jogeshchandra	M'politan Instn.
43	Chakrabarti, Mahimchandra	Ditto.
44	Ghosh, Surendranath	Ditto.
45	Dattaray, Anandakissor	Ripon College.
46	Sen, Kalicharan	M'politan Instn.
47	Chattopadhyay, Haridas	Ditto.
48	De, Narendralal	City College.
	Chakrabarti, Manmohan	M'politan Instn.
50	Mahib-uddin Ahmed	City College.
51	Mitra, Saratchandra (Senior)	M'politan Instn.
52	Chattopadhyay, Haranchandra	Ditto.
53	Chakrabarti, Siddheswar	Hughli College.
54	Bandyopadhyay, Harilal	M'politan Instn.
55	Chaudhuri, Satischandra	City College.
	Mukhopadhyay, Biseswar	Ditto.
	Basu, Haridas	M'politan Instn.
58	Majumdar, Mugerilal	Ditto.
	Mahomed Ainul Haq	Patna College.
60	Mitra, Upendranath	City College.
61	Datta, Maheschandra	Dacca College.
62	Basu, Abinaschandra	M'politan Instn.
	Ray, Hemendranath	Ditto.
64	Bhatta, Tridharacharan	Ditto.
	Lahiri, Mahendranath	Ditto.
65	Bandyopadhyay, Kshetramohan	City College.
67	Himmat Ali	Dacca College.
68	Sil, Aghornath	City College.
69	Lahiri, Gopalgobinda	M'politan Instn.
70	Mahabir Sahay	Ditto.
71	Sil, Makhanlal	Hughli College.
	Sen, Mahinimohan	M'politan Instn.
	Basu, Priyanath	Ditto.
74	Sen, Dakshinacharan	Ditto.
	Guha, Harendranarayan	Ditto.
76	„ Rohinikumar	City College.
	Datta, Amritalal	M'politan Instn.
78	„ Pratulchandra	Ditto.
79	Ray, Maheschandra	R'shahyeCollege
80	Basu, Bijaygobinda	Presdy. College.
81	Sanyal, Nagendrath	Ripon College.
	Pal, Radhanath	M'politan Instn.
	Datta, Jugalkisor	City College.
84	Sen, Satiskamal	M'politan Instn.
	Mukhopadhyay, Upendrachandra	Ditto.
89	Bhattacharyya, Jogindrachandra	City College.
87	Chakrabarti, Lalitmohan	Ditto.
88	Syed Ahmed Hassain	Patna College.
	Mukhopadhyay, Sasibhushan, No. II.	M'politan Instn.
90	Majumdar, Nilmadhab	Hughli College.
91	Chakrabarti, Mohinimohan	M'politan Instn.
	Chattopadhyay, Upendranath	Ditto.
93	Bandyopadhyay, Rakhaldas	City College.
94	Chaudhuri, Kisorimohan	M'politan Instn.
95	Yaquinuddin Ahmed	City College.
96	Mukhopadhyay, Jayhari	K'nagarCollege.
97	Mitra, Akshaykumar	Patna College.
	Tapeswari Prasad	Ditto.
	Abdul Majid	Dacca College.
	Bhattacharyya, Jajneswar	Hughli College.
	Dutt, Jogen Chunder	City College.
	Shams-ul-Huda	Ditto.
	Syud Mahamad Yusuf Ali	Ditto.
	Ray, Saratchandra	M'politan Instn.
	Ghosh, Sasimohan	Ditto.
	Bandyopadhyay, Srischandra	Ditto.
	De, Basantakumar	Ditto.
	Gupta, Inanchandra	Ditto.
	Chattopadhyay, Gopalchandra	Ditto.
	Mitra, Sureschandra	Ditto.
	„ Charuchandra	Ditto.
	Mukhopadhyay, Piyarilal	Ditto.
	Mitra, Asutosh	Ditto.
	Sanyal, Ramchandra	Ditto.
	Mukhopadhyay, Sasibhusan No. I.	Ditto.
	Maiti, Upendranath	Ditto.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 30th March 1886.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 29th March 1886.

No. 551.—The following temporary promotion is made, with effect from the 23rd March 1886, *vice* Mr. P. A. G. Cowley, on furlough:—

Mr. C. Tapsell, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*
Offg. Surveyor General of India.

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 31st March 1886.

No 1.—Mr. B. R. Hughes, Assistant Surveyor, 3rd Grade, is granted privilege leave for two months and fifteen days.

J. SCONCE, *Colonel, S.C.,*
Depy. Surveyor General,
In charge Revenue Branch, Survey of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 23rd March 1886.

No. 1053.—Lieutenant E. E. Robertson, Squadron Officer, 1st Regiment, Central India Horse, is granted thirty days' privilege leave, with effect from the 20th March 1886, or date of departure.

The 27th March 1886.

No. 1115.—In pursuance of the Foreign Department Notification No. 545 G., dated the

18th March 1886, Lieutenant R. D. C. Davies assumed charge of the Office of Assistant Cantonment Magistrate, Mhow, on the afternoon of the 18th idem.

By Order,

F. L. PETRE,

1st Asst. Agent to the Govr. Genl. for Central India.

RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Mount Abu, the 23rd March 1886.

No. 675 *S.*—Under Sections 6, 9 and 10 of Act XV of 1873, the Chief Commissioner has been pleased to appoint the undermentioned officers and gentlemen to be members of the Beawar Municipal Committee, with effect from 1st April 1886:—

President.

(1) The Assistant Commissioner of Merwara.

Vice-President.

(2) The Tahsildar of Beawar.

Official Members.

(3) The Assistant Surgeon, Beawar.

(4) The Assistant Engineer, Ajmere Provincial Division at Beawar.

Non-Official Members.

(1) Revd. Dr. W. Shoolbred.

(2) Girdhari Mal Seth Oswal Surana, son of Jiv Raj.

(3) Fateh Chund, son of Hazari Mal Kankire.

(4) Gulab Rai Aggarwala, son of Tula Ram.

(5) Kishen Dyal Aggarwala, son of Jit Mull.

(6) Ram Ratan Mahesri, son of Ganesh Das.

(7) Phul Chund, son of Birdhi Chund Saraogi.

(8) Lakha, son of Khangara Gujar Lamberdar.

(9) Kasim, son of Jani Chhipa.

(10) Anwar Khan, brother of Mangal Khan.

(11) Kasim, son of Kwaj Baksh Multan.

(12) Babu Amar Singh, son of Akhaji.

(13) Sheth Ramchunder, Honorary Magistrate, Beawar.

The 25th March 1886.

No. 689 *S.*—Mr. A. E. Lowrie, Assistant Conservator of Forests, Ajmere and Merwara, is granted two months and twenty-five days' privilege leave of absence, with effect from the 5th April 1886.

By Order,

WM. G. CUMMING, *Major, R.E.,*
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. Dept.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 22nd March 1886.

No. 698.—In accordance with the provisions of Section 40 of Act II of 1886, an Act for imposing a tax on income derived from sources other than agriculture, the Officiating Resident in Mysore is pleased to authorize the Assistant to the Resident in Mysore to exercise, in respect of the Civil and Military Station of Bangalore, the powers conferred on the Commissioner of Division by Sections 27, 28, and 34(2) of the aforesaid Act.

By Order,

J. H. NEWILL, *Major,*
Assistant to the Resident.

CEMETERY NOTICE.

For the friends of the undermentioned officers deceased, whose monuments, in the Raniganj Old Cantonment Cemetery, need repairing:—

Thomas Harvey, late Assistant Surgeon, 6th Royal Regiment, who died April 1858, age 31 years.

Charles Johnson Nicholson, late Captain, Bengal Staff Corps, who died December 1862, age 33 years.

F. L. WYBERGH,
A. C. S. Chaplain of Raniganj.

Statement of Silver Balance in the Calcutta Mint for the week ending 31st March 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 24th March 1886	3,46,745	
Value of Government silver in the Mint on the same date	6,89,080	
		10,35,825
ADD—		
Silver received by the Mint during the week on account of the Currency Department	4,45,516	
Ditto ditto Government	...	
		4,45,516
		14,81,341
DEDUCT—		
New coin paid to Reserve Treasury during the week	1,45,000	
Petty items issued for miscellaneous purposes	...	
		1,45,000
Balance on the evening of the 31st March 1886	...	13,36,341
The Balance comprises—		
Silver held on account of the Currency Department	6,88,460	
Ditto ditto Government	6,47,881	
		13,36,341
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	7,33,328	
Ditto ditto Government	...	
		7,33,328

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 1st April 1886.

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.
1886.			
W10	M 38—67112	500	Jadu Kristna Dey, Jodhpur.
W11	M 94—52693	100	District Superintendent of Police, Ahmednagar.
	,, —62925	100	
	,, —64825	100	
W12	M 38—77933	500	Ganpatrao Pandurang, Bombay.
W13	M 85—04124	100	Bahmanji Edalji Modi Broach.
W14	M 84—39986	50	Deputy Post Master General C. P. and Berar.
	M 85—81122	100	
W15	M 94—87235	100	Superintendent, Railway Mail Service, Bombay.
	S 3—10900	50	
	M 84—77270	50	
W16	M 94—54706	100	District Superintendent of Police, Cawnpur.

BOMBAY,
The 23rd March 1886.

R. A. STERNDALE,
Asst. Acct. Genl., Paper Currency Dept.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
37	E 20—88844*	100	Prag Dass, care of Post Master, Akalgarh, District Gujranwalla.
38	E 26—26630	100	A. C. Jehangeer, Merchant, Rawalpindi.
	,, —26202†	100	
27	E 24—21506	20	Mr. J. E. Hilton, Executive Engineer, Provincial Division, Lahore.
	,, —21507	20	
	,, —21508	20	
39	E 25—03160	50	Basdeo Mul, Sarroff, Kurnal.

* Belonging to Agency No. 6, Peshawar.
† Belonging to Agency No. 1, Rawalpindi.

LAHORE,
The 29th March 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
58	B 83—23927	50	N. Sreenivasa Aiyangar, Salem.
	,, —33001	50	
	B 85—82332	100	
	B 86—07147	100	

FORT ST. GEORGE,
The 22nd March 1886.

C. HALL,
Chief Superintendent, In charge of Paper Currency Dept.

DIRECTOR OF PUBLIC INSTRUCTION, BENGAL.

NOTICE.

In accordance with the Resolution of the Government of Bengal in the General Department, dated the 6th March 1886, published on page 541 of the *Calcutta Gazette* of the 31st of the same month, notice is hereby given that an Examination for the admission of female students to the Certificate Class of the Calcutta Medical College will be held in the theatre of that College on Tuesday, the 27th April 1886, and following days:—

HOURS AND SUBJECTS OF EXAMINATION.

Tuesday—English Dictation, Grammar, and Composition and from 1 to 4 P.M.

Wednesday—History (of England and India) and Geography (General and of India in particular), from 1 to 4 P.M.

Thursday—Arithmetic (the first four Rules, Vulgar and Decimal Fractions and Proportion), from 1 to 4 P.M.

Candidates must apply in writing to this Office not later than the 22nd of April for permission to appear at the Examination.

CHARLES H. TAWNEY,
Offg. Director of Public Instruction.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 30th March 1886.

Gardiner, H. Stevens, R. H. Wall, Stephen D.

Letters marked "Care of Post Office."

A. B.
Baggs, H. W.
Balgarnie, E.
Beattie, M. H.
Beauchamp, A.
Bedell, E. A.
Bennett, J. B.
Blaker, Mr.
Blissett, W. V.
Bose, P. N.
Bowers, S.
B. R.
Butler, T.
Capel, Lt.-Col.
Carpenter, A.
C. B. H.
Chelton, H.
Clark, James.
Clarke, F. G.
Coleman, R. J.
Crawford, J.
"Dee."
Derham, Henry.
Dessa, H. T.
Dickie, Capt J. E.
Dimmock, Basil.
Dowling, D. G. A.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
E. M. K., Miss.
Easton, Percy H.
Ellis, Mrs. Jas.
Entwisle, R.
Fez, Lt. Col.
Filnsch, Ferdinand.
Franklin, R. O.
Freise, C.
Gilbert, Mrs. M.
Gilmour, Capt. D. C.
Godfrey, J. B.
Grant, Mrs. M.
Grant, Mrs. D. St. John.
Griffiths, Norris.
Guerrier, H. J.
Hall, F.
Harmer, J. A.
Harrison, Dr. J. E.
Heath, Mrs.
Hughes, Capt.
Jefferson, J. J. D.
Kelly, Miss G.
K. T. M.
Kirkpatrick, J.
Lea, Jay.
Lemaire, A.
Litke, de Louis G.
Lloyd, E. T.
M. O.
MacDongall, D.
McDonald, Miss.
McLaughlin, John.
Manfield, J. J.
Marshall, Hon. Mrs. Geo.
Martin, H.
May, J. A.
Mellard, G. N.
Milner, R.
Minaeff, Mr.
Moore, W.
Nellie, Miss N.
Norris, H.
Norville, Mrs. L.
Page, George.
Palmer, Col. A. P.
Parker, Mrs. A. H.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Phillips, Henry.
Pike, H. R.
Pinkerton, William.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Reece, Mrs. A.
Rice, W. G. L.
Roberts, J. R.
Robinson, E. A.
Robinson, W.
Rode, Capt. J. H.
Sharpe, Capt. A.
Shaw, H. J.
Sima, Miss A.
Simpson, Percy.
Skine, Major.
Smallwood, Geo.
Smart, Mrs. R. V.
Smith, J. C.
Speer, A. E.
Stanislaus, Walter.
Sternbergh, A.
Stewart, C.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Swingler, Mrs. C.
Symons, W. S.
Thorpe, Sydney.
Tooms, Charles.
Townsend, Surg.-Major E.
Transche, Hern. J. Von.
Uren, Capt. T.
Walker, G. A.
Walker, G. E.
Walker, P. C.
Webster, T. E.
Wessendorff, Henri.
Whiteley, H.
Williamese, T. L.
Wilson, W. T.
Wood, Tempest.
Zaff, Corl.

Registered Letters.

Burnet, W.
Godfrey, J. B.
Guerrier, H. J.
Harris, Ashby.
Martin, C.
Nilson, Mrs.
Peterson, A.
Ross, A.
Scott, Mrs. G. C.
Steruzilles, David.
Sternbergh, M.
Taylor, Mrs. Cecil.

Unclaimed Letters held in the Barrackpore Post Office on the 29th March 1886.

Anderson, R. A.
Arrakiel, M.
Chowdhari, P. L.
Crawley, Mrs. P. G.
Cress, J.
Dalzlish, E. B.
Good, Miss.
Gordon, L.
Hadgkins, Mrs.
Hart, Mr. and Mrs.
Harvey, J. R.
Hay, Mrs.
Hobson, E. A.
James, G. V.
Knight, H. B.
Landale, J.
Mozumdar, Bepin Behari
Pearson, Revd. A. C.
Swinter, S.
Thomas, Major C. F.
Woon, Lt. J. B., 40th Regt.

E. HUTTON,
Presidency Postmaster, Calcutta.

Calcutta, the 3rd April 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	3rd April	P. & O. Str. *Chusan.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	13th ,,	From Bombay.
Foreign Mails *vid* Bombay	6th ,,	From Bombay.*
Ditto Book Post and Pattern Packets	5th ,,	From Bombay,
Rangoon and Moulmein	7th ,,	Str. *Purulia.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	7th ,,	Str. *Oriental,*
Straits and Hong-Kong	9th ,,	Str. *Japan,*
Port Blair and Camorta	8th ,,	Str. *Maharani.*

* Also for Cape of Good Hope and Natal through United Kingdom, also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nosi 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.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during April 1886:—

DATE OF CLOSING.	ROUTE.
3rd April 1886	By P. & O. Steamer from Calcutta.
13th April 1886	By P. & O. Steamer from Bombay.
14th April 1886*	By B. I. S. N. Co.'s Private Vessel.
17th April 1886	By P. & O. Steamer from Calcutta.
22nd April 1886*	By Star Line Private Vessel.
23rd April 1886	By French Steamer.
27th April 1886	By P. & O. Steamer from Bombay.
28th April 1886	By P. & O. Steamer from Calcutta.
28th April 1886*	By B. I. S. N. Co.'s 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.

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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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8;* per eight-ounce tin, *₹8-8;* per pound tin, *₹16-8.* The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8;* per eight-ounce tin, *₹10-8;* per pound tin, *₹20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve 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 اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه '

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي 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 بارہ آنه '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلين سنکونا دوائي بخار '

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ لين نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا بارہ روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه —

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا سوله روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يهه دوا کلکته کے بڑے بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه اونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارہ آنه علاوہ اوپر لکهے هوئے نرخ کے هی '

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Notifications by High Court, Comptroller General, &c.

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CONTROLLER OF

List of Government Promissory Notes remaining in Deposit with the Controller of Military

PARTICULARS AS PER COMPTROLLER GENERAL'S PRINTED MEMO. NO. 427/T DATED 30TH MARCH 1886.	AMOUNT OF INVESTMENT. 3½ per cent., 1853-54.	Sicca 4 per cent., 1832-33.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.	TOTAL.
	₹	₹	₹	₹	₹	₹
Notes received and converted into stock	2,500	...	5,50,700	3,500	30,700	5,87,400
Ditto not converted into stock	...	...	11,600	...	1,300	12,900
Notes received by the Comptroller General for safe custody under Financial Resolution No. 3214, dated 27th October 1880	1,000	...	1,31,200	3,000	11,000	1,46,200
Notes received, but not brought to account	...	...	2,800	...	...	2,800
TOTAL	3,500	...	6,96,300	6,500	43,000	7,49,300

OFFICE OF CONTROLLER OF MILITARY ACCOUNTS,
Calcutta, the 8th April 1886.

MILITARY ACCOUNTS.

Accounts on 31st March 1886 on account of the Security Deposits of Contractors and Others.

	NAME OF PERSON OR FUND IN WHOSE BEHALF HELD.	AMOUNT OF INVESTMENT. 3½ per cent., 1853-54.	Sicca 4 per cent., 1832-33.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.	TOTAL.	NAME OF PERSON TO WHOM INTEREST IS SENT.
		₹	₹	₹	₹	₹	₹	
1	Security deposit of contractors and others	...	...	1,000	...	...	1,000	Paymaster Presidency.
2	Ditto	...	...	2,000	...	...	2,000	Ditto N.-W. Provinces.
3	Ditto	...	...	1,000	...	...	1,000	Ditto Punjab.
4	Ditto	...	...	1,31,600	500	21,400	1,53,500	Central Commissariat Account Officer, Calcutta.
5	Ditto	500	...	72,600	...	2,500	75,600	Ditto Meerut.
6	Ditto	1,500	...	72,300	500	1,000	75,300	Ditto Umballa.
7	Ditto	...	...	32,600	...	...	32,600	Ditto Mooltan.
8	Ditto	500	...	49,000	1,000	1,000	51,500	Examiner of Commissariat Accounts on account of the late Right, Left and 2nd Field Office of Accounts and Kabul Section.
9	Ditto	...	...	43,000	...	4,500	47,500	Executive Commissariat Officer, Rawalpindi.
10	Ditto	...	...	9,500	...	...	9,500	Ditto Sialkot.
11	Ditto	...	...	14,000	500	...	14,500	Ditto Peshawar.
12	Ditto	...	...	12,300	1,000	1,000	14,300	Ditto Cawnpore.
13	Ditto	...	...	13,000	...	...	13,000	Ditto Gwalior.
14	Ditto	...	...	1,500	...	...	1,500	Superintendent, Dacca Khedda.
15	Ditto	...	...	1,800	...	...	1,800	Ditto Cattle Farm, Hissar.
16	Ditto	...	...	2,500	...	...	2,500	Ditto Reserve Remount Depot, Saharanpore.
17	Ditto	...	...	14,400	...	600	15,000	Ditto and Agent for Army Clothing, Alipore.
18	Ditto	...	...	500	...	...	500	Ditto Gun Carriage Factory, Futtehgurh.
19	Ditto	...	...	33,000	...	...	33,000	Ditto Harness and Saddlery Factory, Cawnpore.
20	Ditto	...	...	500	...	...	500	Commissary of Ordnance, Agra.
21	Ditto	...	...	3,000	...	...	3,000	Ditto Rawalpindi.
22	Ditto	...	...	2,500	...	...	2,500	Ditto Allahabad.
23	Ditto	...	...	3,000	...	...	3,000	Ditto Ferozepore.
24	Ditto	...	...	500	...	...	500	Ditto Fort William.
25	Ditto	...	...	10,000	...	...	10,000	Commandant, Deoli Irregular Force, Deoli.
26	Ditto	...	...	5,000	...	...	5,000	Deputy Director of Indian Marine.
27	Ditto	...	...	33,000	...	...	33,000	Executive Commissariat Officer, Lucknow.
	TOTAL	2,500	...	5,65,100	3,500	32,000	6,03,100	
	Notes received for safe custody.							
1	Security deposit of contractors and others	...	...	6,700	...	200	6,900	Central Commissariat Account Officer, Calcutta.
2	Ditto	1,000	...	28,700	...	2,600	32,300	Ditto Meerut.
3	Ditto	...	...	36,000	1,000	4,200	41,200	Ditto Umballa.
4	Ditto	...	...	10,200	1,500	4,000	15,700	Ditto Mooltan.
5	Ditto	...	...	3,000	...	...	3,000	Examiner of Commissariat Accounts on account of the late Right, Left and 2nd Field Office of Accounts, Kabul Section.
6	Ditto	...	...	31,500	500	...	32,000	Executive Commissariat Officer, Rawapindi.
7	Ditto	...	...	2,000	...	...	2,000	Ditto Sialkot.
8	Ditto	...	...	2,000	...	...	2,000	Ditto Peshawar.
9	Ditto	...	...	500	...	...	500	Ditto Lucknow.
10	Ditto	...	...	9,500	...	...	9,500	Ditto Gwalior.
11	Ditto	...	...	1,000	...	...	1,000	Superintendent, Small Arms Ammunition Factory Dum-Dum.
12	Ditto	...	...	100	...	...	100	Ditto and Agent for Army Clothing, Alipore.
		1,000	...	1,31,200	3,000	11,000	1,46,200	
	TOTAL	3,500	...	6,96,300	6,500	43,000	7,49,300	

M. PERREAU, *Colonel,*
Controller of Military Accounts.

2 a 1

EXAMINER OF MEDICAL AND FUND ACCOUNTS.

Statement of unclaimed sums deposited since the year 1842 with the Bengal Military Orphan Fund in trust for Soldiers' Children, exclusive of those of minors who have not attained the age of 21.

Date of Deposit.	Name and Rank of Father.	Corps.	Names of Children.	Amount.
				₹ a. p.
Feb. , 1842	McCarthy,—, Qr. Mr. Sergt.	...	John	61 2 8
Mar. 24, 1843	Nowlan, L. Farrier Sergt.	4th Troop, 2nd B. H. A.	Ellen	112 9 0
Apl. 3, 1843	Farrell, James, Gunner	2nd Co., 5th B. Arty.	Charlotte	4 2 8
,, 3, 1843	Roach, Edward, Private	1st En. Lt. Infy.	David and Austel	7 13 3
Mar. 9, 1844	Shiehan, B., Gunner	3rd Co., 3rd B. Arty.	John and Patrick	2 1 8
June 21, 1844	Evans, George, Sergt.	1st Co., 2nd Bn. Arty.	Mary-Ann and Catherine	19 14 9
Sep. 19, 1844	Andrews,—, Private	4th Foot	George	200 0 0
Nov. 16, 1844	Gale,—, Private	10th Foot	John Thomas	28 12 0
,, 20, 1844	Sullivan, John, Bombardier	1st Co., 2nd B. Arty.	John	130 0 0
Jan. 6, 1845	Dawe, John, Gunner	3rd ,, ,, ,,	William-Henry	55 12 9
,, 6, 1845	Barnes, Peter, Corporal	1st ,, ,, ,,	Mary-Ann	64 2 11
,, 6, 1845	Monaghan, Michael, Sergt.	1st ,, ,, ,,	James	156 12 5
,, 15, 1845	Godfrey,—, Sergt. Major	...	Harriett-M., and James	31 14 1
Feb. 14, 1845	Fry,—, Bugle Major	6th B. Arty.	James	12 6 9
July 7, 1845	Hay, A., Sergt. Major	...	Thomas	101 5 4
,, 9, 1845	Meaney, John, Sergt. Major	2nd B. H. A.	Henry, and James	292 15 8
,, 9, 1845	Murply, Thomas, Bombardier	2nd T., 3rd Bde. H. A.	Ellen	77 4 11
,, 9, 1845	Fate, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine-Ann	167 15 5
,, 9, 1845	Daley, Owen, Gunner	3rd ,, ,, ,,	Owen	7 1 7
Sep. 1, 1845	Ryan,—, Sergt.	...	Jullia-B. and George-J.	120 13 0
Jan. 7, 1846	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline, and Eliza	28 10 10
Aug. 8, 1846	McEnerny, Thomas, Conductor	...	Hannah	152 0 9
	Glasscen, John, Corporal	...	Ellen-Sarah	66 10 3
	Rideley, Henry, Gunner	...	Henry	34 9 3
Oct. 16, 1846	Fowles, John, Sergt.	Arty.	Sarah, Terrence, and James	3 2 0
,, 16, 1846	Lewis, Thomas, Gunner	,,	Thomas	20 5 3
July 6, 1847	Dobbins, Francis, Gunner	...	Martha	83 3 5
,, 19, 1847	Lunn, Adam, Farrier	...	Adam-T., and John	79 14 0
,, 19, 1847	Clarke, William, Bombardier	1st T., 3rd B. H. Arty.	Not recorded	184 10 8
,, 19, 1847	Prince, W., Sergt.	,, 1st ,, ,,	Ditto	125 15 10
Jan. 7, 1848	Willford, C., Qr. Mr. Sergt.	...	Mary	66 15 8
,, 11, 1848	Pyrnes,—, Corporal	...	Maria	59 0 0
June 26, 1848	Matthews, M., Sub-Conductor	...	Rachael	12 2 2
July 6, 1848	Braithwaite, W., Staff Sergt.	...	C.-William, and William H.	148 3 5
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johannah, Frederick, and David-Edwin.	99 6 1
			Oliver-H.	38 12 5
Jan. 13, 1849	Doherty, Michael, Sergt.	...	James	36 5 6
May 9, 1849	Sheehan, D., Private	2nd En. Regt.	Sarah-C.	9 8 4
June 2, 1849	Moore, Benjamin, Private	1st En. B. F.	John	7 6 1
,, 2, 1849	Crowley, Charles, Private	,, ,,	Emeline	50 0 0
Oct. 12, 1849	Deare, W., Conductor	...	George	69 14 4
Nov. 21, 1849	Moget,—, Sergt. Major	...	James and another	26 3 5
Feb. 18, 1850	Boote, Daniel, Gunner	1st Co., 4th B. Arty.	John ,,	29 15 0
June 29, 1850	Uniack, Patrick, Sergt	,, 3rd ,,	William-Robert	97 14 2
July 18, 1850	Barker, J., Sergt.	...	Patrick	23 5 6
	Sheehan, P., Gunner	Arty.	Elizabeth	25 14 6
Oct. 29, 1850	Lees, James, Corporal	2nd En. Regt.	Sarah-Ann, William-Henry, Elizabeth, Esther, Jane-Wallis, and Ann.	72 9 5
Sep. 14, 1852	Wade, William, Sergt.	1st Co., 4th B. Arty.	William	9 12 11
Nov. 4, 1852	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	Jane and Bridget	38 0 0
Feb. 1, 1853	Edwards, Michael, Gunner	,, ,, ,,	E. W. H.	97 2 6
Apl. 21, 1853	Staples, Edward, Sergt.	Sappers and Miners	John	49 10 3
Sep. 13, 1853	Brown, Michael, Sergt.	Arracan Bn.	William	206 1 2
Jan. 24, 1854	Galway, Robert, Bombardier	1st Co., 2nd B. Arty.	Georgiana	61 10 3
,, 15, 1855	Munrowd, George, Sub-Conductor	Ordnance Dept.	Mary	566 3 10
Sep. 24, 1855	Franks, G., Bazar Sergt.	...	William-Edward	209 14 0
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	Charles	25 15 6
Dec. 4, 28, 1850	McDonnel, John, Private	97th Foot	William, Annie and Emma	214 2 9
Feb. 13, 1861	Scott, William, Sergt.	2nd Frs.	Catherine	118 11 10
Mar. 20, 1862	McDonald, John, Sergt.	Ordnance Dept.	Jane and James	86 0 0
	Pope, John Sergt.	Commissariat Dept.	William and Joseph	152 14 2
June , 1862	Keddie, J., Private	2nd En. B. Frs.	Henrietta-Dalzell	39 5 10
July 22, 1863	Lawton, William, Color Sergt.	24th Foot		
Jan. 25, 1864	Jones, John, Gunner	G. Battery., 22nd B. R. Arty.	Duncan	35 4 11
Mar. 10, 1864	Anderson, William, Gunner	5th B., 25th B. R. Arty.	Sophia-M., Elizabeth Ann and George-Edward.	12 0 0
May 19, 1864			Mary-Ann and Thomas	4 0 0
July 18, 1865	Rowland, J., Private	2nd Dragoon Guards	Rose	26 2 0
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Ann Frances and Rosina-Mary	141 15 1
Oct. 31, 1867	Hutchinson, John, Sergt.	Army Comt. Dept.	Henry, J.	21 1 2
Feb. 14, 1868	Coates, Robert, Corporal	R. Arty.	Ann	50 0 0
Oct. 9, 1871	York, R., Sergt.	Arty.		
Feb. 21, 1880	Donohue, Andrew, Private	59th Regt.		

Applications for payment of the deposits should be made to the Examiner of Medical and Fund Accounts, Calcutta.

G. S. SUTHERLAND, *M.D., Brigade-Surgeon,*
Examiner of Medical and Fund Accounts.

Statement of the Affairs of the Bank of Bengal for the week ending 6th April 1886.

LIABILITIES.	₹ a. p.	ASSETS.	₹ a. p.
Capital paid-up	2,00,00,000 0 0	Government Securities	54,98,363 0 0
Reserve Fund	41,56,694 15 0	Other authorized Investments	48,73,153 12 0
Public Deposits at Head Office ₹ 58,11,125 12 8	1,87,53,399 2 2	Loans on Government and other authorized Securities	94,71,972 13 4
Public Deposits at Branches 1,29,42,273 5 6		Accounts of Credit on Government and other authorized Securities	83,01,874 0 2
Other Deposits at Head Office and Branches	3,21,31,920 9 9	Bills discounted and purchased	2,33,36,568 2 7
Bank Post Bills, &c.	6,98,255 7 7	Balances with other Banks	7,94,921 2 7
Sundries	15,99,542 0 2	Bullion	6,038 5 4
		Dead Stock	11,34,328 14 4
		Stamps	9,522 13 6
		Sundries	6,56,531 10 6
			5,40,83,274 10 4
		Cash and Currency Notes at Head Office ₹ 80,17,144 2 2	2,32,56,537 8 4
		Cash and Currency Notes at Branches 1,52,39,393 6 2	
RUPEES	7,73,39,812 2 8	RUPEES	7,73,39,810 2 8

BANK OF BENGAL,
Calcutta, 8th April 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By order of the Directors,
W. D. CRUICKSHANK
Offg. Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 43·7.

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

The following Candidates have passed the examinations for the Degree of Bachelor in Medicine and for the Licence in Medicine and Surgery :—

SECOND M. B. EXAMINATION.

FIRST DIVISION.

In alphabetical order.

Bandyopadhyay, Trailokyanath	Medical College.
Barat, S. N.	Ditto.
Basu, Chunilal	Ditto.
,, Niradbihari	Ditto.
Chakrabarti, Kshetrapal	Ditto.
De, Sasibhushan	Ditto.
Ghatak, Annadaprasanna	Ditto.
Ghosh, Bipinbihari	Ditto.
Laha, Lalitmohan	Ditto.
Mukhopadhyay, Srischandra	Ditto.
Nallatomby, C. W.	Ditto.
Raychaudhuri, Saratkumar	Ditto.

SECOND DIVISION.

In alphabetical order.

Basu, Gobindachandra	Medical College.
Datta, Durlabhchandra	Ditto.
,, Jogindranath	Ditto.
De, Lalbihari	Ditto.
Haldar, Gopallal	Ditto.
Mitra, Upendranath	Ditto.
Mukhopadhyay, Akshaykumar	Ditto.
Nandi, Purnachandra	Ditto.
Ray, Isanchandra	Ditto.
,, Phatikchandra	Ditto.
Sanyal, Dinanath	Ditto.

SECOND L. M. S. EXAMINATION.

In alphabetical order.

Datta, Nitaichand	Medical College.
De, Phakirchandra	Ditto.
Ghosh, Bidhubhushan	Ditto.
Lahiri, Prakaschandra	Ditto.
Mukhopadhyay, Jnanendranath	Ditto.

FIRST M. B. EXAMINATION.

FIRST DIVISION.

In order of merit.

Nandi, Akshaykumar	Medical College.
Sarkar, Nilratan	Ditto.
Dasgupta, Syamnirad	Ditto.
Vethecan, F.	Ditto.

SECOND DIVISION.

In alphabetical order.

Basu, Sureschandra	Medical College.
Chaudhuri, Janmejay	Ditto.
Das, Saradaprasad	Ditto.
Majumdar, Trailokyanath	Ditto.
Nandi, Purnachandra	Ditto.
Pal, Akshaykumar	Ditto.
Ray, Debendranath	Ditto.
Sarkar, Bipinbihari	Ditto.

FIRST L. M. S. EXAMINATION.

Moung Yan Hmu . . . . Medical College.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 22nd March 1886.

The undermentioned Students have passed the B. L. Examination :—

FIRST DIVISION.

In Order of Merit.

1	Mitra, Saratchandra (Junior)	M'politan Instn.
2	Sen, Bankimchandra	Ditto.
3	Dhar, Abinashchandra	Ditto.

SECOND DIVISION.

In Order of Merit.

1	Bankabihari Lal	Patna College.
2	Niyogi, Gatikrishna	Ditto.
3	Syud Wazir Hassan	Ditto.

4	Adhya, Bipinbihari	M'politan Instn.
5	Sen, Narayanchandra	Ditto.
	De, Dinanath	Ditto.
7	Syam, Saradacharan	Ripon College.
	Das, Gangadhar	M'politan Instn.
9	Ray, Bhabanath	City College.
10	Chakrabarti, Umeschandra	Ditto.
11	Sen, Satischandra	M'politan Instn.
12	Datta, Lambodar	Ditto.
	Chaudhuri, Syamasundar	Ditto.
	Ram Sahay	Patna College.
15	Chattopadhyay, Surapati	M'politan Instn.
16	" Nagendranath	Ditto.
17	Basu, Manindranath	Ditto.
18	Asghur Ali Khan	Patna College.
19	Lahiri, Rajendralal	M'politan Instn.
20	Bagchi, Debendraprasad	City College.
21	Biswas, Srischandra	M'politan Instn.
22	Bandyopadhyay, Asutosh	Ditto.
23	Srimani, Jogindranath	Ditto.
24	Ray, Bamacharan	Ditto.
25	Palit, Amritalal	City College.
26	Bandyopadhyay, Kalidhan	Ditto.
	" Jadunath	M'politan Instn.
	Ray, Syamacharan	Ditto.
29	Das, Kalikamal	Dacca College.
30	Sarkar, Adharchandra	M'politan Instn.
31	Kundu, Bhagabaticharan	Ditto.
	Mukhopadhyay, Nagendranath	Ditto.
33	Mitra, Achintanath	Ditto.
	Gangopadhyay, Makhanlal	Ditto.
35	Mukhopadhyay, Upendrachandra	City College.
36	Ghosh, Biharilal	Presdy. College.
37	Gulam Hyder Khan	City College.
	Chakrabarti, Harihar	M'politan Instn.
39	De, Saratchandra	Ditto.
40	Mukhopadhyay, Jogindranath	City College.
41	Guha, Kaliprasanna	Ditto.
42	Majumdar, Jogeshchandra	M'politan Instn.
43	Chakrabarti, Mahimchandra	Ditto.
44	Ghosh, Surendranath	Ditto.
45	Dattaray, Anandakissor	Ripon College.
46	Sen, Kalicharan	M'politan Instn.
47	Chattopadhyay, Haridas	Ditto.
48	De, Narendralal	City College.
	Chakrabarti, Manmohan	M'politan Instn.
50	Mahib-uddin Ahmed	City College.
51	Mitra, Saratchandra (Senior)	M'politan Instn.
52	Chattopadhyay, Haranchandra	Ditto.
53	Chakrabarti, Siddheswar	Hughli College.
54	Bandyopadhyay, Harilal	M'politan Instn.
55	Chaudhuri, Satischandra	City College.
	Mukhopadhyay, Bisweswar	Ditto.
	Basu, Haridas	M'politan Instn.
58	Majumdar, Murarilal	Ditto.
	Mahomed Ainul Haq	Patna College.
60	Mitra, Upendranath	City College.
61	Datta, Maheschandra	Dacca College.
62	Basu, Abinaschandra	M'politan Instn.
	Ray, Hemendranath	Ditto.
64	Bhatta, Tridharacharan	Ditto.
	Lahiri, Mahendranath	Ditto.
66	Bandyopadhyay, Kshetramohan	City College.
67	Himmat Ali	Dacca College.
68	Sil, Aghornath	City College.
69	Lahiri, Gopalgobinda	M'politan Instn.
70	Mahabir Sahay	Ditto.
71	Sil, Makhanlal	Hughli College.
	Sen, Mahinimohan	M'politan Instn.
	Basu, Priyanath	Ditto.
74	Sen, Dakshinacharan	Ditto.
	Guha, Harendranarayan	Ditto.
76	" Rohinikumar	City College.
	Datta, Amritalal	M'politan Instn.
78	" Pratulchandra	Ditto.
79	Ray, Maheschandra	R'shahyeCollege
80	Basu, Bijaygobinda	Presdy. College.
81	Sanyal, Nagendrath	Ripon College.
	Pati, Radhanath	M'politan Instn.
	Datta, Jugalkisor	City College.
84	Sen, Satiskamal	M'politan Instn.
	Mukhopadhyay, Upendrachandra	Ditto.
86	Bhattacharyya, Jogindrachandra	City College.
87	Chakrabarti, Lalitmohan	Ditto.
88	Syed Ahmed Hassain	Patna College.
	Mukhopadhyay, Sasibhushan, No. II.	M'politan Instn.
90	Majumdar, Nilmadhab	Hughli College.
91	Chakrabarti, Mohinimohan	M'politan Instn.
	Chattopadhyay, Upendranath	Ditto.
93	Bandyopadhya, Rakhaldas	City College.
94	Chaudhuri, Kisorimohan	M'politan Instn.
95	Yaquinuddin Ahmed	City College.
96	Mukhopadhyay, Jayhari	K'nagarCollege.
97	Mitra, Akshaykumar	Patna College.
	Tapeswari Prasad	Ditto.
	Abdul Majid	Dacca College.
	Bhattacharyya, Jajneswar	Hughli College.
	Dutt, Jogen Chunder	City College.
	Shams-ul-Huda	Ditto.
	Syud Mahamad Yusuf Ali	Ditto.
	Ray, Saratchandra	M'politan Instn.
	Ghosh, Sasimohan	Ditto.
	Bandyopadhyay, Srischandra	Ditto.
	De, Basantakumar	Ditto.
	Gupta, Inanchandra	Ditto.
	Chattopadhyay, Gopalchandra	Ditto.
	Mitra, Sureschandra	Ditto.
	" Charuchandra	Ditto.
	Mukhopadhyay, Piyarilal	Ditto.
	Mitra, Asutosh	Ditto.
	Sanyal, Ramchandra	Ditto.
	Mukhopadhyay, Sasibhusan No. I.	Ditto.
	Maiti, Upendranath	Ditto.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 30th March 1886.

TELEGRAPH DEPARTMENT.

Simla, the 5th April 1886.

Offices reported opened and closed during the month of March 1886 :—

Name of Station.	Where situated.	Date.	REMARKS.
	Departmental.		
Ambasamudrum	Madras Presdy.	29th Mar.	Opened.
Badlipar	Assam	25th "	Ditto.
Bilaspur	Central Provinces	19th "	Ditto.
Gwalior Fort	Central India	9th "	Closed.*
Gwalior	Ditto.	11th "	Opened.†
Jamnagar	Kathiawar	22nd "	Ditto.
Morar	Central India	11th "	Closed.
Tarn Tarun	Punjab	5th "	Opened.
	Railway.		
Nulla	B. B. & C. I. Ry.	8th Feb.	Opened.
Majergram	B. C. Ry.	1st Mar.	Closed.
Bhadunpur	E. I. Ry.	22nd "	Opened.
Kunwar			
Newar			
Pathri	O. & R. Ry.	22nd "	Ditto.
Gardikinduff	S. P. S. Ry.	25th "	Closed.

* Military Office.
† Postal Telegraph Office.

H. MALLOCK,
Dy. Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 2nd April 1886.

No. 1216.—In pursuance of this Office Notification No. 245 A., dated the 21st February 1886, and Foreign Department Notification No. 626 G. of the 25th March 1886, Pundit Bala Prasad, Assistant Superintendent of Police, Rajputana-Malwa Railway, Indore Section, availed himself of the three months' privilege leave, and Mr. R. E. Vital received charge, on the forenoon of the 1st March 1886.

By Order,
L. S. NEWMARCH,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 1st April 1886.

No. 654 *G.*—Second Class Hospital Assistant No. 126, Goolam Nubbee, attached to the Deoli Irregular Force, was granted sixty days' leave of absence with full pay, with effect from the 4th February 1886.

No. 655 *G.*—Sub-Hospital Assistant No. 563, Rahmut Oollah, of the Deoli Irregular Force, returned from leave granted him in this Office Notification No. 3918 G., dated 29th December 1885, on the 6th March 1886.

No. 662 *G.*—Third Class Hospital Assistant Ewaz Ally returned from leave granted him in this Office Notification No. 166 G., dated 26th January 1886, and resume dcharge of his duties from 3rd Class Hospital Assistant Bromanand, on 10th March 1886.

No. 663 *G.*—First Class Hospital Assistant Abdool Kadir returned from leave granted him in this Office Notification No. 165 G., dated 26th January 1886, and resumed charge of his duties from 3rd Class Hospital Assistant Myia Singh on 10th March 1886.

No. 664 *G.*—First Class Hospital Assistant Abdoollah Khan, returned from leave granted him in this Office Notification No 242 G., dated 6th February 1886, on the 5th February 1886.

No. 665 *G.*—The following transfers have been made in the Civil Hospital Assistant establishment in Rajputana :—

Class.	Name.	From	To	Date of transfer.
2nd.	Brij Mohun Lall	Government Reserve List.	Northern India Salt Revenue Hospital, Didwana.	1886. 10th Jan.
3rd.	Chunda Singh	Northern India Salt Revenue Hospital, Didwana.	Raj Dispensary, Jeypore.	10th "
2nd.	Gunga Sahai	Raj Dispensary, Jeypore.	Gusainjee's Dispensary, Nathdwara.	29th "
3rd.	Bromanand	Native States Reserve List.	Raj Dispensary, Jeypore.	10th Mar.
3rd.	Myia Singh	Ditto	Ditto	10th "
1st.	Imamooddin	Rajputana-Malwa Railway.	Government Reserve List.	6th "

The 3rd April 1886.

No. 677 *G.*—The medical charge of the Detachment of the Erinpura Irregular Force and of the Jail at Abu was transferred from 3rd Class Hospital Assistant Moorut Lall, attached to Abu Charitable Dispensary, to 1st Class Hospital Assistant Guru Churn Lusker, of the Agency Hospital, with effect from the afternoon of the 9th March 1886.

The 8th April 1886.

No. 698 *G.*—Mr. R. E. Acklom, Superintendent, Rajputana-Malwa Railway Police, is granted privilege leave for two months and fifteen days from the 28th April 1886, or such subsequent date as he may avail himself of the same.

No. 701 *G.*—With reference to this office Notification No. 698*G.*, dated the 5th April 1886, Mr. J. R. Tregear, Assistant Superintendent, Rajputana-Malwa Railway Police, is appointed to hold charge of the Office of Superintendent, Rajputana-Malwa Railway Police, in addition to his own duties, until further orders.

By Order,
HUGH DALY,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 5th April 1886.

No. 343.—The Reverend T. E. F. Morton, Pastor, Methodist Episcopal Church, is licensed, under Section 6, Act XV of 1872, to solemnize marriages in the Merwara District.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl., Rajputana.*

RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 31st March 1886.

No. 793 *S.*—With the approval of the Government of India, Foreign Department, the Governor-General's Agent for Rajputana is pleased to grant to Mr. H. H. Gahan, Executive Engineer of the Dholpore State, leave on medical certificate for eight months, under Sections 128 and 129 of the Civil Leave Code, Sixth Edition, with effect from the forenoon of the 10th April 1886.

Mr. Gahan is also granted subsidiary leave from the 1st to 9th April 1886, both days inclusive, under Section 136 of the Civil Leave Code.

By Order,
WM. G. CUMMING, *Major, R.E.,*
Offg. Secy. to the Agent to the Govr. Genl., Rajputana, in the P. W. Dept.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 2nd April 1886.

No. 835.—The provisions of Act XX of 1847 (regarding copy-right of books) and Act XXV of 1867 (for the regulation of Printing Presses and of Periodicals, for the preservation of copies of books printed in British India, and for the registration of such books) having been formally declared, under the authority of the Governor-General of India in Council, to apply to the Civil and Military Station of Bangalore, the fol-

lowing revised rules, in supersession of those contained in the Resident's Notification No. 14, dated 15th January 1885, are hereby prescribed by the Officiating Resident in Mysore under the provisions of Section 20 of the latter Act:—

1. One copy of every work printed or lithographed in the Civil and Military Station of Bangalore shall, under the provisions of Section 9 of Act XXV of 1867, be delivered by the printer to the Collector and District Magistrate of the Civil and Military Station of Bangalore, together with a memorandum containing the following particulars:—

(1) The title of the book and the contents of the title page, with a translation into English of such title and contents, when the same are not in the English language.

(2) The language in which the book is written;

(3) The name of the author, translator, or editor of the book or any part thereof;

(4) The subject;

(5) The place of printing and the place of publication;

(6) The name or firm of the printer and the name or firm of the publisher;

(7) The date of issue from the press or of the publication;

(8) The number of sheets, leaves, or pages;

(9) The size;

(10) The first, second, or other number of the edition;

(11) The number of copies of which the edition consists;

(12) Whether the book is printed or lithographed;

(13) The price at which the book is sold to the public;

(14) The name and residence of the proprietor of the copy-right or of any portion of such copy-right; and

(15) The date on which the copy-right was registered.

2. On receipt of the copy of the work as well as of the prescribed memorandum, the Collector and District Magistrate shall give a receipt in writing for the copy so received and shall enter the particulars stated in such memorandum in a book to be kept in his office, entitled "Catalogue of books printed in the Civil and Military Station of Bangalore," and shall thereupon pay to the printer, on presentation of the usual bill, the *bonâ fide* sale price of the copy of the book described in the said memorandum.

3. In order to secure the copy-right of the work delivered, the proprietor may, in accordance with the last clause of Section 18 of Act XXV of 1867, pay the sum of two rupees to the Collector and District Magistrate, who will thereupon grant a receipt for the same and remit the amount to the Resident's Treasury.

4. Prosecution for infringement of the provisions of Act XXV of 1867 shall be instituted by such officer as the Resident may appoint in each case upon information received from the Collector and District Magistrate.

5. The Collector and District Magistrate shall, at the close of each quarter, furnish the Assistant to the Resident in Mysore with a true extract from the catalogue of books kept by him under Rule 2 of this Notification, giving all the particulars regarding each book as specified in Rule I above, a note being made in the column of remarks stating briefly the nature or character of the work referred to. The Collector and District Magistrate shall retain the copy of the work supplied to him under Rule I of this Notification in his office in a special library.

6. The works registered during the quarter in the said catalogue shall be arranged in the quarterly extract referred to in the preceding rule in strict conformity with the instructions contained in the Resolution of the Government of India, Home Department, No. I—462, dated 12th September 1882, and the quarterly extract shall be forwarded to the Assistant to the Resident in Mysore as soon as possible after the end of such quarter for publication in the *Gazette of India*, in accordance with the provisions of Section 19 of Act XXV of 1867.

By Order,

J. H. NEWILL, *Major*,
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 1st April 1886.

No. 27.—In supersession of Director General of Railways' Notification No. 10, dated 15th February 1886, which is hereby cancelled, Mr. H. F. Storey, Superintending Engineer, Class II, temporary rank, is granted nine months' furlough to Europe, with the usual subsidiary leave from such date as he may be allowed to avail himself of it.

No. 28.—Mr. C. W. Hodson, Executive Engineer, 3rd Grade, is transferred, in the interests of the public service, from the Bilaspur-Etawah Railway to the Sind-Pishin State Railway, Northern Section.

The 5th April 1886.

No. 29.—With reference to Public Works Department Notification No. 93, dated 5th April 1886, Mr. J. Elston, Executive Engineer, 3rd grade, is posted to the Bolan Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

DIRECTOR OF PUBLIC INSTRUCTION, BENGAL.

NOTICE.

In accordance with the Resolution of the Government of Bengal in the General Department, dated the 6th March 1886, published on page 541 of the *Calcutta Gazette* of the 31st of the same month, notice is hereby given that an Examination for the admission of female students to the Certificate Class of the Calcutta Medical College will be held in the theatre of that College on Tuesday, the 27th April 1886, and following days:—

HOURS AND SUBJECTS OF EXAMINATION.

Tuesday—English Dictation, Grammar, and Composition and from 1 to 4 P.M.

Wednesday—History (of England and India) and Geography (General and of India in particular), from 1 to 4 P.M.

Thursday—Arithmetic (the first four Rules, Vulgar and Decimal Fractions and Proportion), from 1 to 4 P.M.

Candidates must apply in writing to this Office not later than the 22nd of April for permission to appear at the Examination.

CHARLES H. TAWNEY,
Offg. Director of Public Instruction.

YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of R10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,
Principal, Government Engineering College.

Statement of Silver Balance in the Calcutta Mint for the week ending 7th April 1886.

Value of silver held in the Mint on account of the Currency Department on the evening of the 31st March 1886	6,88,460	
Value of Government silver in the Mint on the same date	6,47,881	13,36,341
ADD—		
Silver received by the Mint during the week on account of the Currency Department	31,099	
Ditto ditto Government	184	31,283
		13,67,624
DEDUCT—		
New coin paid to Reserve Treasury during the week	2,40,000	
Petty items issued for miscellaneous purposes	478	2,40,478
Balance on the evening of the 7th April 1886	...	11,27,146
The Balance comprises—		
Silver held on account of the Currency Department	5,24,106	
Ditto ditto Government	6,03,040	11,27,146
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	8,63,871	
Ditto ditto Government	...	8,63,871

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 8th April 1886.

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 Note.	Value.	Name of Claimant.
		R	
41	E 19—91540*	50	Sarni Mul, Sub-Divisional Clerk, North-West Frontier Road Division, Public Works Department, Bunnu.
1	E 19—28332†	50	Mr. P. D'Sá, Guard, North-Western Railway, Jhelum.

† Belonging to Agency No. 1, Rawalpindi.
* Belonging to Agency No. 3, Umballa.

LAHORE,
The 3rd April 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
59	B 83—37985	50	O. R. S. Doraiswamy Chetty, Pondicherry.
60	B 78—90419	50	T. B. Vasudeva Shastri, Trichinopoly.

FORT ST. GEORGE,
The 29th March 1886.

C. HALL,
Chief Superintendent, In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 6th April 1886.

Middleton, P. E. S.
Richardson, E. M.
Stevens, R. H.
Waddell, M.

Letters marked "Care of Post Office."

Aman, A.
Armstrong, P.
Balgarnie, E.
Beattie, M. H.
Beauchamp, A.
Begbie, Miss C.
Blaker, Mr.
Bose, P. N.
Bowers, S.
B. R.
Butler, T.
Capel, Lt.-Col. C. B. H.
Chelton, H.
Clark, James.
Clarke, F. G.
Crawford, J. "Dpt."
Derham, Henry.
Dessa, H. T.
Dickie, Capt J. E.
Dimmock, Basil.
Dodd, C. B. N.
Dowling, D. G. A.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
E. M. K., Miss.
Easton, Percy H.
Ellis, Mrs. Jus.
Entwisle, R.
Fez, Lt. Col.
Flinsch, Ferdinand.
Freise, C.
Gilbert, Mrs. M.
Gilmour, Capt. D. C.
Godfrey, J. B.
Grant, Mrs. M.
Grant, Mrs. D. St. John.
Griffiths, Norris.
Groseman, Sig. L.
Grun, Otto.
Guerrier, H. J.
Harrison, Dr. J. E.
Heath, Mrs.
Hughes, Capt.
Jefferson, J. J. D.
Jolenberg, S.
Kelly, Miss G. K. T. M.
Kirkbride, J.
Lamprey, J. H.
Lea, Jay.
Lemaitre, A.
Lloyd, E. T. M. O.
MacDougall, D.
McDonald, Miss.
McLaughlin, John.
Manfield, J. J.
Marshall, Hon. Mrs. Geo.
Martin, H.
May, J. A.
Melvil, H.
Minaeff, Mr.
Moore, W.
Nellie, Miss N.
Norville, Mrs. L.
Page, George.
Parker, Mrs. A. H.
Parker, Fred.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Philips, Henry.
Pike, H. R.
Pinkerton, William.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Reece, Mrs. A.
Rice, W. G. L.
Richardson, H. W.
Robinson, E. A.
Robinson, W.
Salter, Miss M.
Sharpe, Capt. A.
Shaw, H. J.
Simpson, Percy.
Skine, Major.
Smallwood, Geo.
Smart, Mrs. R. V.
Speer, A. E.
Stanislaus, Walter.
Sternbergh, A.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Swingler, Mrs. C.
Thorpe, Sydney.
Tooms, Charles.
Transche, Herm. J. Von.
Uren, Capt. T.
Walker, G. A.
Walker, P. C.
Webster, T. E.
Wessendorf, Henri.
Williamson, T. L.
Wilson, Mrs. Mark.
Wood, Tempest.
Zaff, Carl.

Registered Letters.

Dillon, J. C.
Godfrey, J. B.
Guerrier, H. J.
Nilson, Mrs.
Peterson, A.
Ross, A.
Sterndllies, David.
Sternbergh, M.
Whalia, Mrs.
Woods, J.

Unclaimed Letters held in the Barrackpore Post Office on the 5th April 1886.

Adhikary, Bepin Behari.
Arrakiel, M.
Bissull, Miss.
Campbell, Lady.
Chater, L.
Crawley, Mrs. P. G.
Dulglish, G. R.
Fagan, H. R.
Gordon, L.
Hadgkins, Mrs.
Hari Nath De.
Hart, H.
May, Mrs.
Jones, G. V.
Kelly, P.
Pearson, Revd. A. C.
Thomas, Major C. F.
Thomas, Mrs. M. J.
Woon, Lt. J. B., 40th Regt.
Wyall, Mrs. H. B.

E. HUTTON,
Presidency Postmaster, Calcutta.

Calcutta, the 10th April 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	17th April	P. & O. Str. *Bokhara.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies		
Foreign Mails *viâ* Bombay	13th ,,	From Bombay.
Ditto Book Post and Pattern Packets	13th ,,	From Bombay.*
Rangoon and Moulmein	12th ,,	From Bombay,
Akyab, Kyouk Phyoo, Sandoway and Rangoon	14th ,,	Str. *Pemba.*†
Straits and Hong-Kong	14th ,,	Str. *Bushser.*
	20th ,,	Str. *Wingsang.*

* Also for Cape of Good Hope and Natal 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.

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, Botanic Garden, 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, Botanic Garden, *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, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فیوج

یہہ دوا کونٹینائین کا خوب قائم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے خریدے سکتے ہیں یعنے چار آونس کي ٹین کا چھ روپیہ آٹھ آنہ ; آٹھ آونس کي ٹین کا بارہ روپیہ آٹھ آنہ ; اور ایک پونڈ کے ٹین کا چوبیس روپیہ—

اور عام لوگوں کو بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھاو پر مل سکتا ہی یعنے چار آونس ٹین کا آٹھ روپیہ آٹھ آنہ ; آٹھ آونس کي ٹین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ ٹین کا بتیس ۳۲ روپیہ یہہ دوا کلکتہ کے بڑي بڑي ولایتي اور دیسي دواخانوں میں بھي بکتي ہی مسمول ڈاک چار آونس کي ٹین کے لئے چار آنہ ; آٹھ آنس کي ٹین کے لئے آٹھ آنہ اور ایک پونڈ کي ٹین کے لئے بارہ آنہ علاوہ اوپر لکھے ہوئے نرخ کے ہی '

نرخ ذیل خرید کرسکتے ہیں یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے ٹین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے ٹین کا سولہ رُوپیہ آٹھ آنہ '

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

یہہ دوا کلکتہ کے بڑے بڑے ولایتي اور دیسي دوا خانوںمیں بکتي ہی ماسواے قیمت مذکورۂ بالا کے محصول ڈاک چار اور آٹھ اونس کے ٹین کا آٹھ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, *for cash only*, at the following rates: per four-ounce tin, R4-8; per eight-ounce tin, R12-8; per pound tin, R24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, R8-8; per eight-ounce tin, R16-8; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلین سنکونا دوائي بخار '

لال سنکونا بارک کي ایک نئي اور عمدہ دوا گورنمنٹ فاکٹري میں تیار ہوئي ہی معمولي سے صاف کي ہوئي دوائي بخار سے کونین کے لئے یہہ بہت خوب قایم مقام ہی اور سیب پور متصل کلکتہ کے بوٹانکل گارڈن یعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاري کام اور خیرات کے لئے اور وہ لوگ جو ایک مشت بیس پونڈ لین نقد اس بھار سے خرید سکتے ہیں یعنے چار آونس کے ٹین کا چھہ روپیہ آٹھ آنہ ; آٹھ آونس کے ٹین کا بارہ روپیہ آٹھ آنہ ; اور ایک پونڈ کے ٹین کا چوبیس روپیہ—

اور عام لوگوں کو بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھار پر مل سکتا ہی یعنے چار آونس ٹین کا آٹھ روپیہ آٹھ آنہ ; آٹھ آونس کي ٹین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ ٹین کا بتیس ۳۲ روپیہ یہہ دوا کلکتہ کے بڑي بڑي ولایتي اور دیسي دواخانوں میں بھي بکتي ہی مسمول ڈاک چار آونس کي ٹین کے لئے چار آنہ ; آٹھ آنس کي ٹین کے لئے آٹھ آنہ اور ایک پونڈ کي ٹین کے لئے بارہ آنہ علاوہ اوپر لکھے ہوئے نرخ کے ہی '

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:—

Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts. R8.
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts. R8.
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts. R8.
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts. R8.
Report on the Meteorology of India in 1883, 4to, 150 pages text, 305 pages tables, 9 charts. R8.
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates. R2-8.
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates. R1-8.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

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☞ 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 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 16th April 1886.

No. 2.—Mr J. A. Higgs, Assistant Surveyor, 2nd Grade, is granted privilege leave for three months, with effect from such date as his immediate superior may be able to spare his services.

J. SCONCE, *Colonel, S.C.*,
Depy. Surveyor General,
In charge Revenue Branch, Survey of India.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Dehra Dun, the 13th April 1886.

No. 3.—Mr. J. A. May, Surveyor, 1st Grade, is granted privilege leave for two months, under the provisions of Section 138, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 6th April 1886.

C. T. HAIG, *Colonel, R.E.*,
Offg. Depy. Surveyor General,
In charge Trigonometrical Surveys.

AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 9th April 1886.

No. 70.—Babu Aghorenath Mookerjee, Assistant Engineer, 1st Grade, transferred temporarily to Beluchistan, reported his arrival at Sibi on the forenoon of 22nd March 1886, and is attached temporarily to the Office of the Superintending Engineer.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl.,
Beluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 6th April 1886.

No. 1262.—In pursuance of Foreign Department Notification No. 445 G. of the 8th March 1886, Surgeon-Major D. F. Keegan, M.D., made over to Surgeon-Major R. Caldecott the charge of the Office of Residency Surgeon, Indore, and Civil Administrative Medical Officer in Central India, on the afternoon of the 27th idem.

The 8th April 1886.

No. 1330.—In pursuance of this Office Notification No. 867 of the 12th March 1886, and Foreign Department Notification No. 543 G., dated the 18th idem, Lieutenant-Colonel C. Grant availed himself of the three months' privilege leave, making over charge of the Office of Cantonment Magistrate, Neemuch, to Colonel H. M. B. Burlton, on the afternoon of the 29th ultimo.

By Order,
F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 7th April 1886.

No. 719 *G.*—Captain G. A. Collins, Adjutant of the Meywar Bhil Corps, is granted ninety days' privilege leave, with effect from the 15th April 1886, or such subsequent date as he may avail himself of the same.

No. 723 *G.*—Third Class Hospital Assistant Hushmut Ally was transferred from the Rajputana-Malwa Railway and placed on the Reserve List of Hospital Assistants for Government employment, with effect from the 9th February 1886.

No. 724 *G.*—Third Class Hospital Assistant Hushmut Ally, of the Government Reserve List of Hospital Assistants, has been transferred to the Reserve List of Hospital Assistants for Native States, with effect from the 1st March 1886.

The 8th April 1886.

No. 735 *G.*—Lieutenant G. H. J. Moore, Adjutant, Merwara Battalion, having returned to duty on the 29th March 1886 from the privilege leave granted him in this Office Notification No. 310 G., dated the 20th February 1886, the unexpired portion of his leave is hereby cancelled.

No. 745 *G.*—With reference to Foreign Department Notification No. 656 G., dated the 23rd of March 1886, Lieutenant C. M. Crawford joined his appointment as Officiating Wing Officer, on probation, Meywar Bhil Corps, on the 1st of April 1886.

The 10th April 1886.

No. 759 *G.*—With reference to Foreign Department Notification No. 695 G., dated the 30th of March 1886, Lieutenant-Colonel J. Biddulph took over charge of the Harowtee and Tonk Political Agency from Lieutenant-Colonel W. J. W. Muir on the forenoon of the 1st of April 1886.

No. 763 *G.*—With reference to Foreign Department Notification No. 678 G., dated the 29th of March 1886, Lieutenant-Colonel H. P. Peacock took over charge of the Western Rajputana States Residency from Colonel P. W. Powlett on the forenoon of the 5th April 1886.

By Order,
HUGH DALY,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 13th April 1886.

No. 928 *S.*—The leave on medical certificate for eight months granted to Mr. H. H. Gahan, Executive Engineer, in this Department Notification No. 793 S., dated the 31st March 1886, will have effect from the forenoon of the 16th April 1886.

The subsidiary leave granted by the same Notification will be from from the 6th to the 15th April 1886, both days inclusive.

By Order,
S. S. JACOB, *Lieut.-Colonel,*
Offg. Secy. to the Agent to the Govr. Genl., Rajputana, in the P. W. Dept.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 13th April 1886.

No. 363-593.— In continuation of this Office Notification No 86-593, dated 27th January 1886, it is hereby notified that the Summer Vacation of the Ajmere Government College will commence on the 26th April and terminate on the 1st July 1886.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl., Rajputana.*

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 10th April 1886.

No. 957.—Mr. H. Hudson made over charge and Mr. Venkatavarada Iyengar, B.A., M.L., assumed charge (as a temporary measure) of the Offices of the Inspector General of Registration and Registrar of Companies in the Civil and Military Station of Bangalore, on the forenoon of Thursday, the 1st April 1886.

No. 959.—In supersession of the Notification of the Resident in Mysore, No. 6, dated the 29th June 1882, the Officiating Resident in Mysore is pleased, under the provision of Section 4 of the Indian Registration Act (III of 1877) to appoint the Assistant to the Resident in Mysore for the time being to be Inspector General of Registration for the Civil and Military Station of Bangalore, with effect from the 15th April 1886.

By Order,
E. P. MALTBY, *Major,*
Offg. Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 6th April 1886.

No. 30.—Mr. W. Drew, Assistant Engineer, 1st Grade, is granted, under Volume I, Chapter II, Section ii, paragraph 27, of the Public Works Department Code, three months' language leave, with effect from such date as he may be allowed to avail himself of the same.

The 9th April 1886.

No. 31.—Mr. F. D. Fowler, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani as laid down in Public Works Department Code, Chapter II, Section i, paragraph 21, on 22nd March 1886.

No. 32.—Mr. F. J. Pope, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani as prescribed in Public Works Department Code, Chapter II, Section i, paragraph 21, on 17th March 1886.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

EASTERN BENGAL STATE RAILWAY.

NOTIFICATION.

Calcutta, the 14th April 1886.

No. 1.—Mr. C. F. Chadburn, Deputy Traffic Superintendent, Chitpur, has been granted leave on medical certificate under Section 128 of the Civil Leave Code, 6th edition, for twelve months, with effect from 20th November 1885.

G. F. O. BOUGHEY, *Major, R.E.*,
Manager,
Eastern Bengal State Railway.

NORTH-WESTERN RAILWAY.

NOTIFICATION.

The 5th April 1886.

No. 3.—Mr. H. T. Ferguson, Deputy Locomotive Superintendent, Class I, Grade III, of the Superior Revenue Establishment, attached to Punjab Section of the North-Western Railway, has been granted six months' leave on private affairs to England, with the usual subsidiary leave, with effect from 20th April 1886, or from such date as he may avail himself of it.

L. CONWAY-GORDON,
Manager, North-Western Railway.

YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of ₹10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,
Principal, Government Engineering College.

EXAMINER OF MEDICAL AND FUND ACCOUNTS.

Statement of unclaimed sums deposited since the year 1842 with the Bengal Military Orphan Fund in trust for Soldiers' Children, exclusive of those of minors who have not attained the age of 21.

Date of Deposit.	Name and Rank of Father.	Corps.	Names of Children.	Amount. R	a.	p.
Feb. , 1842	McCarthy,—, Qr. Mr. Sergt.	...	John	61	2	8
Mar. 24, 1843	Nowlan, L. Farrier Sergt.	4th Troop, 2nd B. H. A.	Ellen	112	9	0
Apl. 3, 1843	Farrell, James, Gunner	2nd Co., 5th B. Arty.	Charlotte	4	2	8
,, 3, 1843	Roach, Edward, Private	1st En. Lt. Infy.	David and Austel	7	13	3
Mar. 9, 1844	Shiehan, B., Gunner	3rd Co., 3rd B. Arty.	John and Patrick	2	1	8
June 21, 1844	Evans, George, Sergt.	1st Co., 2nd Bn. Arty.	Mary-Ann and Catherine	200	0	0
Sep. 19, 1844	Andrews,—, Private	4th Foot	George	19	14	9
Nov. 16, 1844	Gale,—, Private	10th Foot	John Thomas	28	12	0
,, 20, 1844	Sullivan, John, Bombardier	1st Co., 2nd B. Arty.	John	130	0	0
Jan. 6, 1845	Dawe, John, Gunner	3rd ,, ,, ,,	William-Henry	55	12	9
,, 6, 1845	Barnes, Peter, Corporal	1st ,, ,, ,,	Mary-Ann	64	2	11
,, 6, 1845	Monaghan, Michael, Sergt.	1st ,, ,, ,,	James	156	12	5
,, 15, 1845	Godfrey,—, Sergt. Major	...	Harriett-M., and James	31	14	1
Feb. 14, 1845	Fry,—, Bugle Major	6th B. Arty.	James	12	6	9
July 7, 1845	Hay, A., Sergt. Major	...	Thomas	101	5	4
,, 9, 1845	Meaney, John, Sergt. Major	2nd B. H. A.	Henry, and James	292	15	8
,, 9, 1845	Murply, Thomas, Bombardier	2nd T., 3rd Bde. H. A.	Ellen	77	4	11
,, 9, 1845	Fate, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine-Ann	167	15	5
,, 9, 1845	Daley, Owen, Gunner	3rd ,, ,, ,,	Owen	7	1	7
Sep. 1, 1845	Ryan,—, Sergt.	...	Jullia-B. and George-J.	120	13	0
Jan. 7, 1846	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline, and Eliza	28	10	10
Aug. 8, 1846	McEnerny, Thomas, Conductor	...	Hannah	152	0	9
	Glasscen, John, Corporal	...	Ellen-Sarah	66	10	3
	Rideley, Henry, Gunner	...	Henry	34	9	3
Oct. 16, 1846	Fowles, John, Sergt.	Arty.	Sarah, Terrence, and James	3	2	0
,, 16, 1846	Lewis, Thomas, Gunner	,,	Thomas	20	5	3
July 6, 1847	Dobbins, Francis, Gunner	...	Martha	83	3	5
,, 19, 1847	Lunn, Adam, Farrier	...	Adam-T., and John	79	14	0
,, 19, 1847	Clarke, William, Bombardier	1st T., 3rd B. H. Arty.	Not recorded	104	10	8
,, 19, 1847	Prince, W., Sergt.	,, 1st ,, ,,	Ditto	66	15	8
Jan. 7, 1848	Willford, C., Qr. Mr. Sergt.	...	Mary	59	0	0
,, 11, 1848	Pyrnes,—, Corporal	...	Maria	12	2	2
June 26, 1848	Matthews, M., Sub-Conductor	...	Rachael	148	3	5
July 6, 1848	Braithwaite, W., Staff Sergt.	...	C.-William, and William H.	99	6	1
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johannah, Frederick, and David-Edwin.			
Jan. 13, 1849	Doherty, Michael, Sergt.	...	Oliver-H.	38	12	5
May 9, 1849	Sheehan, D., Private	2nd En. Regt.	James	36	5	6
June 2, 1849	Moore, Benjamin, Private	1st En. B. F.	Sarah-C.	9	8	4
,, 2, 1849	Crowley, Charles, Private	,, ,,	John	7	6	1
Oct. 12, 1849	Deare, W., Conductor	...	Emeline	50	0	0
Nov. 21, 1849	Moget,—, Sergt. Major	...	George	69	14	4
Feb. 18, 1850	Boote, Daniel, Gunner	1st Co., 4th B. Arty.	James and another	26	3	5
June 29, 1850	Uniack, Patrick, Sergt	,, 3rd ,,	John ,,	29	15	0
July 18, 1850	Barker, J., Sergt.	...	William-Robert	97	14	2
	Sheehan, P., Gunner	Arty.	Patrick	23	5	6
Oct. 29, 1850	Lees, James, Corporal	2nd En. Regt.	Elizabeth	25	14	6
Sep. 14, 1852	Wade, William, Sergt.	1st Co., 4th B. Arty.	Sarah-Ann, William-Henry, Elisabeth, Esther, Jane-Wallis, and Ann.	72	9	5
Nov. 4, 1852	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	William	9	11	11
Feb. 1, 1853	Edwards, Michael, Gunner	,, ,, ,,	Jane and Bridget	36	5	6
Apl. 21, 1853	Staples, Edward, Sergt.	Sappers and Miners	E. W. H.	97	2	6
Sep. 13, 1853	Brown, Michael, Sergt.	Arracan Bn.	John	49	10	3
Jan. 24, 1854	Galway, Robert, Bombardier	1st Co., 2nd B. Arty.	William	206	1	2
,, 15, 1855	Munrowd, George, Sub-Conductor	Ordnance Dept.	Georgiana	61	10	3
Sep. 24, 1855	Franks, G., Bazar Sergt.	...	Mary	566	3	10
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	William-Edward	209	14	0
Dec. 4, 28, 1850	McDonnel, John, Private	97th Foot	Charles	25	15	6
Feb. 13, 1881	Scott, William, Sergt.	2nd Frs.	William, Annie and Emma	214	2	9
Mar. 20, 1862	McDonald, John, Sergt.	Ordnance Dept.	Catherine	118	11	10
	Pope, John Sergt.	Commissariat Dept.				
June , 1862	Keddie, J., Private	2nd En. B. Frs.	Jane and James	86	0	0
July 22, 1863	Lawton, William, Color Sergt.	24th Foot	William and Joseph	152	14	2
Jan. 25, 1864	Jones, John, Gunner	G. Battery, 22nd B. R. Arty.	Henrietta-Dalzell	39	5	10
Mar. 10, 1864	Anderson, William, Gunner	5th B., 2 5th B. R. Arty.	Duncan	35	4	11
May 19, 1864						
July 18, 1865	Rowland, J., Private	2nd Dragoon Guards	Sophia-M., Elizabeth Ann and George-Edward.	12	0	0
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Mary-Ann and Thomas	4	0	0
Oct. 31, 1867	Hutchinson, John, Sergt.	Army Comt. Dept.	Rose	26	2	0
Feb. 14, 1868	Coates, Robert, Corporal	R. Arty.	Ann Frances and Rosina-Mary	141	15	1
Oct. 9, 1871	York, R., Sergt.	Arty.	Henry, J.	21	1	2
Feb. 21, 1880	Donohue, Andrew, Private	59th Regt.	Ann	50	0	0

Applications for payment of the deposits should be made to the Examiner of Medical and Fund Accounts, Calcutta.

G. S. SUTHERLAND, *M.D., Brigade-Surgeon,*
Examiner of Medical and Fund Accounts.

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 5th April 1886.

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	Rajputana	Jan. 1886	Mar. 19, 1886
2	Punjab	Do. ,,	Do. 22, ,,
3	Bombay	Do. ,,	Do. 23, ,,
4	Central Provinces	Do. ,,	Do. 24, ,,
5	Central India	Do. ,,	Do. 26, ,,
6	Hyderabad (Imperial)	Do. ,,	Do. 27, ,,
7	Coorg	Do. ,,	
	Port Blair		
	Bengal (Assigned Hyderabad Districts).	Do. ,,	Do. 29, ,,
9	Madras		
	Military Works Branch		
	North-Western Provinces and Oudh.	Do. ,,	Apl. 2, ,,
14	British Burma	Do. ,,	Mar.
15	Assam	Dec. 1885	

Order of Receipt.	Irrigation. Accounting Offices.	Last month for which received.	Date of Receipt.
1	Rajputana	Jan. 1886	Mar. 17, 1886
2	Punjab	Do. ,,	Do. 20, ,,
3	Bombay	Do. ,,	Do. 23, ,,
4	Bengal	Do. ,,	Do. 29, ,,
5	Madras		
6	British Burma	Do. ,,	Apl. 3, ,,
7	Military Works Branch		
8	North-Western Provinces and Oudh.	Dec. 1885	Mar. 3, ,,
	Telegraph Department.		
1	Indo-European	Dec. 1885	Mar. 15, 1886
2	Indian	Do. ,,	Do. 29, ,,
3	General	Nov. ,,	Feb. 28, ,,
	Guaranteed Railways.		
1	State Railway Stores	Jan. 1886	Mar. 19, 1886
	State Railway Branch.		
	North-Western Provinces and Oudh.	Do. ,,	Do. 22, ,,
2	Punjab	Do. ,,	Do. 29, ,,
	Madras		
4	Bengal	Do. ,,	Apl. 3, ,,
5	Bombay	Do. ,,	Feb. 22, ,,
6		Dec. 1885	

Order of Receipt.	State Railways (Capital). Accounting Offices.	Last month for which received.	Date of Receipt.
1	Punjab Provl. Surveys	Jan. 1886	Mar. 18, 1886
2	State Ry. Stores Branch	Do. ,,	Do. 19, ,,
3	Amritsar-Pathankot	Do. ,,	Do. 20, ,,
	Bengal & North-Western		
4	Dhond and Manmad	Do. ,,	Do. 22, ,,
	Naihati		
	Assam Subsidized Rys.		
	Bombay Railway Surveys		
7	Nagpur-Chhatisgarh	Do. ,,	Do. 23, ,,
	Wardah Coal		
11	Sindh-Sagar	Do. ,,	
12	Narayanguny-Dacca-Mymensing	Do. ,,	Do. 24, ,,
13	Kaunia-Dhurla	Do. ,,	Do. 26, ,,
	Bhopal		
	Holkar		
	Madras Railway Surveys		
	Northern Bengal		
14	Nagpur-Bengal	Do. ,,	Do. 27, ,,
	Ranaghat-Bhagwangola		
	Rajputana-Malwah		
	Rewari-Ferozepore		
	Sutlej Bridge Division		
	Tirhoot		
24	Assam Railway Surveys	Do. ,,	Do. 29, ,,
	Bengal Central		
	British Burmah		
26	Cawnpore-Achneyra	Do. ,,	Apl. 1, ,,
	Jeypore-Rewah		
	N.-W. P. and Oudh Sub-sidised Rys.		
29	Punjab Northern	Dec. 1885	Feb. 22, ,,
32	Umaria Colliery	Do. ,,	Mar. 2, ,,
	Chittagong-Daoodkandi		
34	Eastern-Bengal	Do. ,,	Do. 5, ,,
35	Bengal Provincial Surveys	Do. ,,	Do. 8, ,,
	N.-W. P. and Oudh Provincial Rys.		
36	Southern-Mahratta	Do. ,,	Do. 11, ,,
	Cuddapah-Nellore		
38	Indus Valley	Do. ,,	Do. 12, ,,
	Indian Midland Ry.		
41	Jodhpur Midland (C. J. Section.)	Do. ,,	Do. 17, ,,
42	East Indian	Do. ,,	Do. 20, ,,
	Patna-Gya		
43	Sindia	Do. ,,	Apl. 2, ,,
	Ghazipur-Dildarnagar		
47	Bhopal Extension Survey	Nov. ,,	Feb. 1, ,,
48	Beliary-Kistna	Do. ,,	Mar. 22, ,,
49	Boian	Do. ,,	Apl. 3, ,,
50	Sind-Pishin (N. Section)	Oct. ,,	Mar. 15, ,,
	Foreign States.		
	Railways—Capital.		
1	Bhavnagar-Gondal	Jan. 1886	Mar. 22, 1886
	Khamgaon		
	Railways—Revenue.		
1	Bhavnagar-Gondal	Jan. 1886	Mar. 22, 1886
	State Railways (Revenue). Accounting Offices.	Last month for which received.	Date of Receipt.
1	Amritsar-Pathankot	Jan. 1886	Mar. 19, 1886
2	Umaria-Colliery	Do. ,,	Do. 24, ,,
3	Kaunia-Dhurla	Do. ,,	Do. 27, ,,
	Bhopal		
4	Dacca-Mymensing	Do. ,,	Do. 29, ,,
	Bengal Administrative Charges.		
7	Northern Bengal	Do. ,,	Do. 30, ,,
8	Wardah Coal	Do. ,,	Do. 31, ,,
9	British Burmah	Do. ,,	Apl. 3, ,,
10	Eastern Bengal	Dec. 1885	Mar. 2, ,,
11	Rajputana-Malwah	Do. ,,	Do. 4, ,,
12	Naihatti	Do. ,,	Do. 15, ,,
13	Tirhoot	Do. ,,	Do. 18, ,,
14	Cawnpore-Achneyra	Do. ,,	Do. 19, ,,
15	Nagpur-Chhattisgarh	Do. ,,	Do. 20, ,,
16	Punjab Northern	Do. ,,	Do. 22, ,,
17	Jorhat	Do. ,,	Do. 25, ,,
18	Southern Mahratta	Do. ,,	Do. 26, ,,
19	East Indian	Do. ,,	Apl. 2, ,,
20	Indus Valley	Nov. ,,	Feb. 2, ,,

A. G. BEGBIE, *Major, R.E.,*
for *Accountant General, P. W. Dept.*

SIMLA,
The 7th April 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 13th April 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,694	15	0
Public Deposits at Head Office ₹. 70,41,915 9 7			
Public Deposits at at Branches 1,07,10,426 11 3	1,77,52,342	4	10
Other Deposits at Head Office and Branches	3,42,63,689	11	10
Bank Post Bills, &c.	6,38,275	2	8
Sundries	16,51,842	2	3
RUPEES	7,84,62,844	4	7

ASSETS.	₹	a.	p.
Government Securities	56,02,883	12	0
Other authorized Investments	47,98,036	4	0
Loans on Government and other authorized Securities	1,01,55,894	2	3
Accounts of Credit on Government and other authorized Securities	80,83,455	14	4
Bills discounted and purchased	2,41,97,688	14	5
Balances with other Banks	8,65,204	4	0
Bullion	3,991	12	9
Dead Stock	11,34,636	10	11
Stamps	8,804	1	0
Sundries	6,53,641	15	3
	5,55,04,237	10	11
Cash and Currency Notes at Head Office ₹ 87,74,208 5 6			
Cash and Currency Notes at Branches 1,41,84,398 4 2	2,29,58,606	9	8
RUPEES	7,84,62,844	4	7

BANK OF BENGAL,
Calcutta, 15th April 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 42·2.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value. ₹	a.	p.	Number available for sale.	REMARKS.
	Found in the Fattehgarh District.						
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1 each	0	12	These coins will be available for sale up to and not later than the 4th September 1886.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins	Silver.	0	4 each	0	228	Do. 7th December 1886.
	Found in the Gujrat District (Punjab).						
22	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates.	Copper.	0	1 each	0	70	Do. 17th January 1887.
23	Ditto with illegible dates	Do.	0	0 each	6	102	

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

Statement of Silver Balance in the Calcutta Mint for the week ending 14th April 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 7th March 1886	5,24,106	
Value of Government silver in the Mint on the same date	6,03,040	11,27,146
ADD—		
Silver received by the Mint during the week on account of the Currency Department	8,61,623	
Ditto ditto Government	49,202	9,10,825
		20,37,971
DEDUCT—		
New coin paid to Reserve Treasury during the week	1,68,000	
Petty items issued for miscellaneous purposes	...	1,68,000
Balance on the evening of the 14th April 1886	...	18,69,971
The Balance comprises—		
Silver held on account of the Currency Department	12,34,294	
Ditto ditto Government	6,35,677	18,69,971
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	1,290	
Ditto ditto Government	...	1,290

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 15th April 1886.

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 Note.	Value. ₹	Name of Claimant.
1	N 4—17934	50	Colonel R. E. Wilmot, Meerut.

ALLAHABAD,
The 14th April 1886.

H. J. BRERETON,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

DIRECTOR OF PUBLIC INSTRUCTION, BENGAL.

NOTICE.

In accordance with the Resolution of the Government of Bengal in the General Department, dated the 6th March 1886, published on page 541 of the *Calcutta Gazette* of the 31st of the same month, notice is hereby given that an Examination for the admission of female students to the Certificate Class of the Calcutta Medical College will be held in the theatre of that College on Tuesday, the 27th April 1886, and following days:—

HOURS AND SUBJECTS OF EXAMINATION.

Tuesday—English Dictation, Grammar, and Composition and from 1 to 4 P.M.

Wednesday—History (of England and India) and Geography (General and of India in particular), from 1 to 4 P.M.

Thursday—Arithmetic (the first four Rules, Vulgar and Decimal Fractions and Proportion), from 1 to 4 P.M.

Candidates must apply in writing to this Office not later than the 22nd of April for permission to appear at the Examination.

CHARLES H. TAWNEY,
Offg. Director of Public Instruction.

Report of a Deserter from the 2nd Battalion, Regiment of Scottish Rifles, dated at Shahjahanpore, this 8th day of April 1886.

Number, Rank, and Name, No. 317 S. R.—Private John James McDonald.	Parish and County in which Born,—Dum Dum, East Indies.
Age,—17 years 6 months.	Marks,—Scars (3) outside left thigh and loin.
Size,—5 feet 6 inches.	Trade,—Tailor.
Colour of—Complexion, fair; Hair, light brown; Eyes, hazel.	Coat or Jacket,—Jacket.
Date of Desertion,—22nd February 1886.	Waistcoat,—*Nil.*
Place of Desertion,—Shahjahanpore.	Breeches or Trowsers,—Trowsers.
Date of Enlistment,—6th October 1882.	REMARKS,—Having been born at Dum-Dum, probably has friends in the neighbourhood.
At what Place Enlisted,—Dublin.	Under 4 years' service.

H. M. E. BRUNKER, *Major*,
Comdg. 2nd Battn., Regt. of Scottish Rifles.

POST OFFICE.

NOTIFICATIONS.

Simla, the 5th April 1886.

With effect from the 1st May 1886, the limit of weight for *light* parcels exchanged with the United Kingdom through the *British Post Office** will be raised from 7 lbs. to 11 lbs. The postage rate (8 annas per lb.) and general conditions relative to such parcels despatched from India remain unaltered.

* See Clauses 216 to 221, and Clauses 225 to 228 of the Postal Guide, dated April 1886.

2. From the same date the maximum limit of weight for parcels exchanged with Malta and Gibraltar will be raised from 7 lbs. to 11 lbs.

3. *Heavy* parcels exchanged with the United Kingdom through the medium of the Peninsular and Oriental Steam Navigation Company* are not affected by this change; the maximum limit of weight for such parcels is 50 lbs. as heretofore.

* See Clauses 217 and 225 of the Postal Guide, dated April 1886.

4. The Commissioners of Customs in the United Kingdom have recently pointed out the frequent omission, on the part of senders, to give a proper or true description of the contents of parcels forwarded from India; special attention is called to Clause 211 of the Postal Guide, where it is distinctly stated that "the contents (of a parcel) should be stated *in full detail*, a separate description of each article, and its value, being given" and that "an incorrect declaration of value renders a parcel liable to confiscation."

L. G. WAIT,
Astt. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 15th April 1886.

Browne, J. W.
Middleton, P. E. S.
Ollivant, Mrs.
Richardson, E. M.
Waddell, M.

Letters marked "Care of Post Office."

Aman, A.
Angelo, H. A.
Armstrong, P.
Barnes, Geo. J.
Baxendale, S.
Baynton, W. M.
Beauchamp, A.
Bose, P. N.
Bowers, S.
Brooke, Victor G.
B. R.
Cameron, Miss P.
Capel, Lt.-Col. C. B. H.
Chelton, H.
Clark, James.
Clarke, F. G.
Crawford, J.
Cubitt, Col.
Derham, Henry.
Dessa, H. T.
Dimmock, Basil.
Dowling, D. G. A.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
Easton, Percy H.
Ellis, Mrs. Jus.
Entwisle, R.
Fez, Lt. Col.
Freise, C.
Gilbert, Mrs. M.
Godfrey, J. B.
Grant, Mrs. M.
Groseman, Sig. L.
Grun, Otto.
Guerrier, H. J.
Gustare, Esq.
Heath, Mrs.
Henderson, Lt.
Hughes, Capt.
Hutton, Lt.-Col.
Jefferson, J. J. D.
Kelly, Miss G. K. T. M.
Kirkbride, J.
Lamprey, J. H.
Lea, Jay.
Lemaitre, A.
Lester, Geo.
Lloyd, E. T.
Lonidor, R. M. O.
McDonald, Miss.
McLaughlin, John.
Manfield, J. J.
Marshall, Hon. Mrs. Geo.
Martin, H.
May, J A.
Melvil, H.
Minaeff, Mr.
Moore, W.
Nellie, Miss N.
Norville, Mrs. L.
Page, George.
Parker, Mrs. A. H.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Pike, H. R.
Pinkerton, William.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Reece, Mrs. A.
Rice, W. G. L.
Richardson, H. W.
Rishworth, B. J.
Robinson, E. A.
Salten, Miss M.
Schmid, Otto.
Sharpe, Capt. A.
Shaw, H. J.
Simpson, Percy.
Skine, Major.
Smallwood, Geo.
Smart, Mrs. R. V. S. M.
Speer, A. E.
Stanislaus, Walter.
Sternbergh, A.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Stut, John.
Swingler, Mrs. C.
Transche, Hern. J. Von.
Uren, Capt. T.
Walker, G. A.
Walker, P. C.
Watson, T. A. K. C. H.
Webster, T. E.
Wessendorff, Henri.
Wilson, Mrs. Mark.
Zaff, Corl.

Registered Letters.

Godfrey, J. B.
Guerrier, H. J.
Nilson, Mrs.
Ross, A.
Sever, Valentin.
Steruzilies, David.
Sternbergh, M.
Whalla, Mrs.
Woods, J.

Unclaimed Letters held in the Barrackpore Post Office on the 12th April 1886.

Arrakiel, M.
Bissull, Miss.
Caddy, C. H.
Campbell, Lady.
Campbell, Sir J. W.
Chater, L.
Fagan, H. R.
Fry, Mrs.
Gordon, L.
Grey, H.
Hadgkins, Mrs.
Hart, H.
Hay, Mrs.
Hume, Lt.
Kelly, P.
McMinn, J.
Owen, J.
Owen, M. S.
Rogers, A. E.
Taylor, G. N.
Thomas, Major C. F.
Thomas, Mrs. M. J.
Wyall, Mrs. H. B.
Zachiriah,

E. HUTTON,
Presidency Postmaster, Calcutta.

Calcutta, the 17th April 1886.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1886.	
Madras and Ceylon	17th April	P. & O. Str. *Bokhara.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies		
Foreign Mails *vid* Bombay	27th ,,	From Bombay.
Ditto Book Post and Pattern Packets	20th ,,	From Bombay.*
Rangoon and Moulmein	19th ,,	From Bombay.
Akyab, Kyouk Phyoo, Sandoway and Rangoon	21st ,,	Str. *Goalpara.*
Madras, Ceylon, Batavia, Singapore, and China	21st ,,	Str. *Coconada.*
	23rd ,,	French Str. *Tibre.*
Straits and Hong-Kong	20th ,,	Str. *Wingoang.*

* Also for Cape of Good Hope and Natal through United Kingdom also *vid* Aden for Zanzibar, Mozambique, East Coast of Africa Delagoa Bay, Natal 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.

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8*; per eight-ounce tin, *₹8-8*; per pound tin, *₹16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8*; per eight-ounce tin, *₹10-8*; per pound tin, *₹20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئينهائين 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 اوڼکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا سوله روپيه آٹهه آنه ' ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں 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 خانونميں بکتي هی ماسواے قيمت مذکورۂ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه '

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کرسٹلين سنکونا دوائي بخار '

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ لين نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا بارہ روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه —

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا سوله روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يهه دوا کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی. محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه بونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارہ آنه علاوہ اوپر لکهے هوئے نرخ کے هی '

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 24, 1886.

☞ 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 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 16th March 1886.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor-General of India in Council, confirmed Mr. J. G. Apcar, Barrister-at-Law, in the appointment of Clerk of the Crown for the purpose indicated in the High Court Notification dated 28th July 1884 and published in the *Gazette of India*, Part II, of the 2nd August 1884.

R. BELCHAMBERS,

Registrar.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 17th April 1886.

No. 552.—The following promotions are made, with effect from the 1st April 1886, *vice* Mr. W. A. Fielding, Assistant Surveyor, 1st Grade, resigned :—

Mr. H. Corkery, B.A., LL.B., Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. P. Beechey, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 553.—Mr. H. A. Charrier, Assistant Surveyor, 3rd Grade, Survey of India, is granted privilege leave for one month, under Section 138, Chapter X, of the Civil Leave Code, with effect from 4th instant, or such subsequent date as his services can be spared.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*
Offg. Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 14th April 1886.

No. 811 *G.*—Captain A. C. Talbot, C.I.E., Political Agent, Bickaneer, is granted privilege leave for eighty-eight days, with effect from the 20th April 1886, or such subsequent date as he may avail himself of the same.

No. 815 *G.*—Colonel F. W. Boileau, Commandant, Deolee Irregular Force, is granted sixty days' privilege leave, with effect from the 6th May 1886, or such subsequent date as he may avail himself of the same.

The 16th April 1886.

No. 844 *G.*—Second Class Hospital Assistant Jowala Pershad, of the Government Reserve List of Hospital Assistants, returned from leave granted him in this Office Notification No. 189 G., dated 30th January 1886, on the 10th March 1886.

No. 845 *G.*—Local Class Hospital Assistant Luchman Panday, attached to the Shahpura Raj Dispensary, was granted three months' privilege leave from 2nd March 1886, and 3rd Class Hospital Assistant Hushmut Ally, of the Reserve List of Hospital Assistants for Native States, was appointed to act for him during his absence.

No. 846 *G.*—Third Class Hospital Assistant Nazeer Khan, attached to Ajmere Branch Dispensary at Ramsar, is granted two months' privilege leave, with effect from the forenoon of the 1st April 1886, and 2nd Class Hospital Assistant Jowala Pershad, of the Government Reserve List, is appointed to officiate for him during his absence.

The 17th April 1886.

No. 860 *G.*—Captain C. Herbert, Assistant Agent to the Governor-General, Rajputana, and Magistrate of Abu, having returned to duty on the forenoon of the 12th April 1886 from the examination leave granted him in this Office Notification, No. 508 G., dated the 20th of March 1886, and of which he availed himself on the 20th ultimo, the unexpired portion of his leave is hereby cancelled.

The 19th April 1886.

No. 879 *G.*—In continuation of this Office Notification No. 932G., dated 21st April 1885, the following appointment is made in the Meywar Bhil Corps :—

Jemadar Ganga, to act as Native Adjutant, with effect from the 22nd March 1886, during the absence on furlough of Jemadar Adjutant Seonarain, who resumed charge of the duties of his staff appointment from Jemadar Megha on 21st March 1885.

By Order,
HUGH DALY,
for 1st Asst. Agent to the Govr. Genl., Rajputana.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 15th April 1886.

No. 389-390.—With reference to this Office Notification No. 170-390, dated 20th February 1886, 2nd Class Hospital Assistant Muhammad Abdul Wahid assumed medical charge, in addition to his own duties, on the forenoon of the 4th February 1886, of the Station of Beawar, from Babu Gopal Chandra Mukerji, B.A., proceeded on privilege leave.

By Order,
HUGH DALY,
for 1st Asst. to the Agent to the Govr. Genl., Rajputana.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 17th April 1886.

No. 33.—Mr. F. E. Robertson, Executive Engineer, 1st Grade, sub. *pro tem.*, has been granted by Her Majesty's Secretary of State for India, leave for five months in extension of that granted in Director General's Notification No. 30, dated 6th March 1885.

The 19th April 1886.

No. 34.—With reference to Public Works Department Notification No. 105, dated 15th April 1886, Mr. C. F. Chadburn, Class III of the Superior Revenue Establishment of State Railways, Traffic Department, is posted to the Eastern Bengal State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	Description.	Metal.	Value. R	a.	p.	Number available for sale.	Remarks.
	Found in the Fattehgarh District.						
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1 each	0	12	These coins will be available for sale up to and not later than the 4th September 1886.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver.	0	4 each	0	228	Do. 7th December 1886.
	Found in the Gujrat District (Punjab).						
22	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates.	Copper.	0	1 each	0	70	Do. 17th January 1887.
23	Ditto with illegible dates . .	Do.	0	0 each	6	102	
	Found in the Hissar District.						
39 & 40	Akbar Gold Mohur with two beaded, oblong, and square areas. Mint Dar-ul Khilafat, Agra, dates 983—984.	Gold.	22	0 each	0	17	
41, 42, & 43.	Same as above, Mint illegible, dates, 982, 983, 984 and 985.	Do.	22	0 each	0	37	
29 & 30	Akbar Gold Mohur, with two straight-lined, oblong, and round areas—Mint Ahmadabad, dates 980 and 981.	Do.	22	0 each	0	9	Do. 5th April 1887.
31, 32, 33, & 34.	Same as above, Mint Dar-ul-Khilafat, Agra, dates 977, 978, 979, and 980.	Do.	22	0 each	0	8	
26, 27, & 28.	Same as above, Mint illegible, dates 980, 981, and 983.	Do.	22	0 each	0	7	

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

SURVEY OF INDIA DEPARTMENT.

Rules for the supply of Maps and for the execution of Lithographic or Photographic work on the public service or on payment.

Supply of Printed Maps.

1. The Map Record and Issue Office, Calcutta, supplies printed maps from stock on book-debit on the public service. It also arranges for the colouring and mounting of maps when required, but work of this description must be paid for *in cash*, as well as charges for packing cases, carriage, and postage.

2. Maps can also be obtained from the abovementioned Office on payment *prepaid*, as well as from the following Local Agents, who, however, have no authority to issue maps on the public service :—

ALLAHABAD,—Curator of Government Books.
AHMEDABAD,—Huzoor Deputy Collector.
LAHORE,—Curator of Government Books.
MADRAS,—Messrs. Higginbotham & Co.
NAGPUR,—Curator of Government Books.
POONA,—Supdt., Govt. Photozincographic Dept.
RAJKOT,—Mr. Narainji Sunderji.
RANGOON,—Curator of Government Books.
SIMLA,—Messrs. Williams and Co.

3. All applications for maps on the public service should be made to the Assistant Surveyor General, in charge of the Map Record and Issue Office, 13, Wood Street, Calcutta, and should give full particulars as to the kind of map and its scale, and any other information that will guide this Office in knowing exactly what is required.

4. The mode of transit and address or station to which the maps are to be sent should invariably be specified.

5. Indent forms for maps on the public service can be obtained from the Assistant Surveyor General, in charge of the Surveyor General's Office.

6. Lists of all newly published maps are periodically notified inh te Gazettes of India and Local Governments.

Requisitions for Lithographic or Photographic Work.

7. The Lithographic and Photographic Offices at Calcutta reproduce maps, plans and drawings by lithography and by photography on book-debit on the public service, and on cash payment in certain special cases only. The Trigonometrical Branch Office at Dehra Dun does not, as a rule, undertake work for other Departments.

8. As a rule, drawings in line can be reproduced by photozincography if suitably drawn in accordance with instructions, which may be obtained on application to the Assistant Surveyor General, Photographic Office, No. 1, Wood Street, Calcutta. Coloured and other drawings unsuitable for photozicography must be lithographed, but the cost is considerably greater.

9. Photographs if required in large numbers can be cheaply reproduced by the photo-collotype and heliogravure processes from suitable negatives.

10. All applications for Lithographic or Photographic work on the public service should, if possible, be submitted in the following form, which is not required in duplicate. Blank forms may be obtained on application to the Assistant Surveyor General, Surveyor General's Office.—

INDENT No. on the LITHOGRAPHIC / PHOTOGRAPHIC OFFICE, S. I. DEPT., for ..... to be reproduced by .....

for the use of ..... *dated* ..... 188 .

Description of Map or drawing.	Number of original sheets.	Scale.	Sale of reproduction.	Number of copies required.	Quality and size of paper to be printed on.	Purpose for which required.	How and where to be despatched and other special instructions.
							The address which should be affixed to the parcels or cases to be distinctly given in full. Abbreviations sometimes lead to mistakes.

I do hereby certify that the maps, &c., specified in this indent are indispensably necessary to the best of my knowledge and belief, after the most careful examination.

Recommended.

Countersignature of approvnig authority. *Signature of Indenting Officer, with designation of appointment in full.*

11. All necessary information as to the scale of reproduction, number of copies required, quality and size of paper, mode of transit, and address to which proofs and printed copies are to be despatched, should be shown on the face of the indent and not in a covering letter, unless more explanation is required than can be given on the face of the indent.

12. All indents must be duly approved and countersigned by the heads of departments, or the Government under which indenting officers may be serving, before they can be supplied, *viz.* :—

Survey of India Department, Trigonometrical Branch,	*by* Deputy Surveyor General	or by Surveyor General.
Do. do. Topographical do.	„ do. do.	
Do. do. Revenue do.	„ do. do.	
Settlement Department,	„ Boards of Revenue.	
Public Works Department,	„ Superintending Engineers or higher authorities.	
Military Works Department,	„ do. do. do.	
Telegraph Department,	„ Director General of Telegraphs.	
Marine Department,	„ Superintendent of Marine.	
Quarter Master General's Department and all Military indents,	„ Quarter Master General of the Army.	
All other Civil Officers or Military Officers in Civil employ,	„ Secretary to Government under which serving, or Secretary to Board of Revenue.	
Forest Department,	„ Provincial Conservators or Supdt., Forest Survey.	
Meteorological Department,	„ Meteorological Reporter to Government of India.	
Archæological Survey,	„ Director of Archæological Survey.	
Geological Survey,	„ Director of the Geological Survey of India.	

and they should be addressed to the Assistant Surveyor General, in charge of the Lithographic and Photographic Offices, Calcutta, at No. 1, Camac Street and No. 1, Wood Street, respectively.

13. Lithographic and Photographic work will be undertaken on behalf of Municipalities, Port Trusts, Railway Companies, the Trustees Indian Museum, and other quasi-official bodies for cash payment on indents in the form prescribed above. Private work cannot be undertaken except in very special cases, when it cannot possibly be done otherwise, and when the Office can take it up without inconvenience. On such work an extra charge of 10 per cent. will be made over and above the usual rates. In all cases where cash payment is required, an estimate will be given and the amount must be remitted before the work can be put in hand.

14. As a rule, maps and drawings reproduced by lithography or photography are not coloured, but in special cases where colouring is essential, it can be arranged for on cash payment, as prescribed under Rule 1. Packing and transit charges must also be paid by indentors.

15. To enable the indenting officer, as well as the officer who countersigns and finally passes an indent, to know the cost involved thereby, the average ordinary price of each description of work executed in the Lithographic or Photographic Offices is given in the annexed list.

16. Indents should be regulated, not according to what an officer would like to have, but by what is absolutely necessary. It is in all cases an economy to have maps and drawings reproduced on as small a scale as possible.

SCALE of CHARGES for WORK executed at the PHOTOGRAPHIC and LITHOGRAPHIC OFFICES, SURVEY of INDIA DEPARTMENT.

Photographic Work.

	33" × 24"	30" × 24"	24" × 17"	22" × 20"	22" × 18"	22" × 16"	20" × 18"	20" × 15"	18" × 16"	17" × 14"	16" × 13"	15" × 12"	12" × 10"	10" × 8"	8¼" × 6¼" and smaller.
	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.
Negatives and Transparencies .	9 0 0	8 12 0	5 12 0	6 0 0	5 12 0	5 8 0	5 8 0	5 6 0	5 4 0	5 0 0	4 12 0	4 8 0	4 4 0	4 0 0	...
Photo-Transfer Prints* .	6 12 0	6 12 0	4 12 0	5 0 0	4 12 0	4 8 0	4 8 0	4 6 0	4 4 0	4 0 0	3 12 0	3 8 0	3 4 0	3 0 0	0 8 0
Silver Prints, Albumenized paper .	...	...	...	...	4 0 0	4 0 0	4 0 0	3 0 0	2 8 0	2 0 0	1 12 0	1 12 0	1 4 0	0 12 0	0 7 0
Do. Plain paper . .	...	...	...	...	3 12 0	3 12 0	3 12 0	2 14 0	2 6 0	1 14 0	1 10 0	1 10 0	1 2 0	0 10 0	0 6 0
Cyanotype Prints . .	...	...	...	...	3 0 0	3 0 0	3 0 0	2 0 0	2 0 0	1 12 0	1 8 0	1 4 0	1 0 0	0 9 0	0 6 0

*Additional Photo-Transfer Prints will be charged for at same rates.

Photo-Collotype and Heliogravure Printing.

As the data for founding a complete scale of charges are not yet available, work by these processes will be charged for at a fair valuation of the time, labor and materials expended, *plus* the usual percentage of 20 per cent.

Lithographic Drawing.

For drawing per 100 square inches or about the size of a half sheet of foolscap.

	R a. p.
1st Class.—Close intricate work on stone and superior style of Chalk Drawings . .	90 0 0
2nd Class.—Close intricate work on transfer paper with or without hills, fairly close work on stone . .	20 0 0
3rd Class.—Containing little detail on transfer paper, but required to be well drawn . .	12 0 0
4th Class.—Open sketchy maps and diagrams on tracing transfer paper . . .	5 0 0
5th Class.—Open sketchy maps and diagrams on tracing transfer paper . . .	2 8 0

Color stones will be charged at one of the above rates according to the amount of work.

Lithographic and Zincographic Printing.

For printing per 100 pulls in black and for each color on the following sizes of paper—

	Antiquarian 54" × 31"	Double Imperial 44" × 30"	Double Elephant 40" × 27"	Double Royal 40" × 25"	Atlas 34" × 26"	Imperial 30" × 22"	Super Royal, Double Elephant, Double Foolscap.	Half Imperial 22" × 15"	Half Super Royal.	Foolscap.	Atlas 4 to.	Imperial. 4 to.	Super Royal 4 to.	Foolscap folio.	Super Royal 8 vo.
	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.	R a. p.
Transferring, Proving, and corrections* .	7 0 0	5 0 0	5 0 0	5 0 0	4 8 0	4 8 0	4 0† 5 0‡	4 0† 5 0‡	3 0† 4 0‡	3 0† 4 0‡	3 0† 4 0‡	2 8† 3 0‡	2 8† 3 0‡	2 8† 3 0‡	2 0† 2 0‡
Printing per 100 pulls .	10 0 0	7 8 0	7 8 0	7 8 0	6 0 0	6 0 0	5 0‡	5 0‡	4 0‡	4 0‡	4 0‡	3 0‡	3 0‡	2 0‡	

*For each subsequent proof half the above rates will be charged. †Add Re 1 for each additional transfer on the plate or stone. ‡Add Re 1 per 100 pulls for each additional lay on the plate or stone.

The price of paper varies according to size and quality, and will be charged at invoice rates.
20 per cent. should be added to the total cost of work by the above rates, to cover profit and loss, and incidental charges.
10 pulls to be charged as 25 pulls, over 10 and less than 50 as 50 pulls, and over 50 and under 100 as 100 pulls. Machine printing will be charged for at half the above rates.

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 April 1886.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans						4½ per cent. Loans				5 per cent. Loan	GRAND TOTAL.
		Of 1823-33.	Of 1835-36.	Of 1844-45.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	Of 1879.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, Seven Shillings per cent. Portion.	of 1856-57.	
Balance of 31st March 1886 .	54,100	13,73,653	27,66,300	2,23,60,700	89,99,600	2,69,61,200	2,30,58,200	8,55,19,653	44,19,700	9,70,61,900	10,92,44,400	1,33,800	32,200	19,49,84,153
Add—														
Amount enfaced at Madras between 1st and 15th April 1886 . .	...	...	...	13,500	6,100	29,800	...	46,400	...	59,100	63,100	...	...	1,09,500
Amount enfaced at Bombay between 1st and 15th April 1886 . .	...	...	12,700	1,91,800	17,400	55,800	1,05,500	3,83,200	500	18,500	19,000	...	...	4,02,200
Amount enfaced at Calcutta between 1st and 15th April 1886 . .	...	...	1,000	48,600	15,500	44,600	13,000	1,22,700	...	1,06,500	1,06,500	...	...	2,29,200
	54,100	13,73,653	27,80,000	2,26,14,600	90,35,600	2,70,91,400	2,31,76,700	8,60,71,953	44,19,700	9,72,46,000	10,94,33,000	1,33,800	32,200	19,57,25,053
Deduct—														
Amount written off in the London Registers . .	...	...	2,400	54,900	3,500	1,000	56,500	1,18,300	...	2,08,300	2,49,800	...	...	3,68,100
Balance on 15th April 1886	54,100	13,73,653	27,77,600	2,25,59,700	90,32,100	2,70,90,400	2,31,20,200	8,59,53,653	44,19,700	9,70,37,700	10,91,83,200	1,33,800	32,200	19,53,56,953

NOTE.—From 9th June 1867 to 15th Feb. 1886 enfaced from India 5,308 lakhs; re-transferred from London 4,933 lakhs.

,, 16th Feb. 1886 to 28th	,,	,,	8 ,,
,, 1st Mar. ,, 15th Mar.	,,	,,	15 ,,
,, 16th ,, ,, 31st	,,	,,	10 ,,
,, 1st Apl. ,, 15th Apl.	,,	,,	7 ,,
			5,258 lakhs.
			4,657 ,,
Balance against India .			593 lakhs.

W. WESTLAND,
Offg. Depy. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 16th April 1886.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 1st April 1886.

No. 7.—Assistant Surgeon Gholam Nabi, of the Punjab Provincial Establishment, is dismissed the service.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

CURRENCY NOTES.

The following Currency Note of the Government of India is stated to have been lost, and payment of its value has been claimed by the person whose name is placed against the number. Any other person having this Note in his possession, or claiming a right to it, is warned to communicate at once with the undersigned :—

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
2	E 26—21270	100	G. Maflin, Esq., Custom House, Calcutta.

LAHORE,
The 10th April 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

TREASURE TROVE.

NOTICE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that on or about the 12th day of December 1885, treasure, consisting of the undermentioned images, &c., valued in the aggregate at ₹649-2-6, was found buried underneath the Vishnu temple at Eedayarpankum, in the Conjeveram Taluk, Chingleput District, in the Presidency of Madras :—

1. Sree Rama, with a bow (made of copper.)
2. Luckshmana Perumal, with a bow (made of copper.)
3. Seethapirathi (made of copper).
4. Pedestal (made of copper).
5. Brackets, three (made of copper).
6. Perumal (made of copper).
7. Ubhayanachiyars, two (made of copper).
8. Pedestal (made of copper).
9. Brackets, three (made of copper).
10. Anudant (made of copper).
11. Barathur (made of copper).
12. Narasimmaswami (made of copper).
13. Aunjanayar (made of copper).
14. Garudalwar (made of copper).
15. Krishnaswami, with a bracket (made of copper).
16. Krishnaswami, with a small bracket (made of copper).
17. Ranganathaswami (made of copper).
18. Sreenivasaswami (made of copper).
19. Varadarajaswami (made of copper).
20. Veeraragavaswami (made of copper).
21. Selvar (made of copper).
22. Mayagrivar (made of copper).
23. Vijiaragavaswami, with Ubhayanachiyars, three (made of copper).
24. Desekar (made of copper).
25. Lukshminarayana Perumal (made of stone).
26. Brass tripod, copper plate, copper cups, two, copper small spoon, five.
27. Brass lamp.
28. Thoobam, &c., three.
29. Bells, three.
30. Brass tripod, two.
31. Copper Srisadagopum (sacred feet of God).
32. Broken pieces of plate, cup, &c., made of mixture of brass and copper, thirty-three.
33. Stones for grinding sandal, two.

All persons claiming the treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Chingleput, at his office, on the 22nd day of September 1886, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

L. M. WYNCH,
for *Acting Sub-Collector in charge.*

CHINGLEPUT DIST. COLLECTOR'S OFFICE;
CAMP CHINGLEPUT,
The 10th April 1886.

YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of ₹10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,
Principal, Government Engineering College.

POST OFFICE.

NOTIFICATIONS.

Simla, the 5th April 1886.

With effect from the 1st May 1886, the limit of weight for *light* parcels exchanged with the United Kingdom through the *British Post Office** will be raised from 7 lbs. to 11 lbs. The postage rate (8 annas per lb.) and general conditions relative to such parcels despatched from India remain unaltered.

* See Clauses 215 to 221, and Clauses 225 to 228 of the Postal Guide, dated April 1886.

2. From the same date the maximum limit of weight for parcels exchanged with Malta and Gibraltar will be raised from 7 lbs. to 11 lbs.

3. *Heavy* parcels exchanged with the United Kingdom through the medium of the Peninsular and Oriental Steam Navigation Company* are not affected by this change; the maximum limit of weight for such parcels is 50 lbs. as heretofore.

* See Clauses 217 and 225 of the Postal Guide, dated April 1886.

4. The Commissioners of Customs in the United Kingdom have recently pointed out the frequent omission, on the part of senders, to give a proper or true description of the contents of parcels forwarded from India; special attention is called to Clause 211 of the Postal Guide, where it is distinctly stated that "the contents (of a parcel) should be stated *in full detail*, a separate description of each article, and its value, being given" and that "an incorrect declaration of value renders a parcel liable to confiscation."

L. G. WAIT,

Asst. Director General of the Post Office of India.

The 17th April 1886.

No. 978.—Mr. J. H. Smith is appointed to be Postmaster, Simla, on probation for six months.

Mr. W. Bright is appointed to be Postmaster, Peshawar.

Mr. J. P. Grice is appointed to be Postmaster, Mooltan.

No. 980.—Mr. H. M. Mehta is appointed to be Postmaster, Allahabad.

G. J. HYNES,

Assistant Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 21st April 1886.

Middleton, P. E. S. Ross, C. H.

Letters marked "Care of Post Office."

Aman, A.	Groseman, Sig. L.	Peterson, Dr. Geo.
Bates, J. N.	Grun, Otto.	Phillips, W. G. St. V.
Baxendale, S.	Guerrier, H. J.	Pike, H. R.
Beauchamp, A.	Gustare, Esq.	Pinkerton, William.
Berry, Adolph.	Haly, J. J.	Power, J. O.
Bigex, Mon. E.	Harris, J. D.	Preston, R. C. Campbell.
Bose, P. N.	Henderson, Lt.	Pyle, Mrs. C. I.
Bowers, S.	Hoyes, Mrs. A.	Reece, Mrs. A.
B. R.	Hughes, Capt.	Rice, W. G. L.
Capel, Lt.-Col.	Hutton, Lt.-Col.	Richardson, H. W.
C. B. H.	Inman, James.	Rishworth, B. J.
Chelton, H.	Jefferson, J. J. D.	Robinson, E. A.
Clark, James.	Kelly, Miss G.	Salten, Miss M.
Clarke, F. G.	K. T. M.	Schmid, Otto.
Crawford, J.	Kirkbride, J.	Sharpe, Capt. A.
Derham, Henry.	Lamprey, J. H.	Shaw, H. J.
Dessa, H. T.	Lea, Jay.	Simpson, Percy.
Dimmock, Basil.	Lemaitre, A.	Smallwood, Geo.
Dowling, D. G. A.	Lester, Geo.	Smart, Mrs. R. V.
Driscoll, J.	Lloyd, E. T.	Speer, A. E.
Dukes, Mrs.	Lonidor, R.	Stanislaus, Walter.
Dundas, Mrs.	M. O.	Sternbergh, A.
Dwarris, J. H.	McDonald, Miss.	Stone, Mrs. T.
Easton, Percy H.	McLaughlin, John.	Storey, A.
Ellis, Mrs. Jas.	Manfield, J. J.	Straw, Mrs. R.
Entwisle, R.	May, J. A.	Swingler, Mrs. C.
Fernell, J. B.	Melvil, H.	Tomasure, J.
Fez, Lt. Col.	Morrett, A.	Ugden, Walter.
Forrester, W.	Minaeff, Mr.	Uren, Capt. T.
Gaytor, E. Hugh.	Moore, W.	Walker, G. A.
Gilbert, Mrs. M.	Nellie, Miss N.	Walker, P. C.
Godfrey, J. B.	Norville, Mrs. L.	Ward, Lieut. B. R.
Goodall, Miss.	Parker, Mrs. A. H.	Wessendorff, Henri.
Gow, J. F.	Percy, A.	Wilson, Mrs. Mark.
Grant, Mrs. M.		

Registered Letters.

Freeman, S.	Guerrier, H. J.	Ross, A.
Godfrey, J. B.	Rebeiro, A. J.	Sterazilles, David.

Unclaimed Letters held in the Barrackpore Post Office on the 19th April 1886.

Arrakiel, M.	Demount, F.	McMinn, J.
Bissuli, Miss.	Fagan, H. R.	Owen, J.
Campbell, Lady.	Fry, Mrs.	Owen, M. S.
Campbell, Sir J. W.	Grey, H.	Rogers, A. G.
Chater, L.	Hadgkins, Mrs.	Thomas, Major C. F.
Chatterjee, Hari Das.	Hart, H.	Thomas, Mrs. M. J.
Cook, A.	Hume, Lt.	Wyall, Mrs. H. B.
De, Hurry Nath.		

E. HUTTON,

Presidency Postmaster, Calcutta.

Calcutta, the 24th April 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Per Steamer.
	1886.	
Madras and Ceylon	18th April	P. & O. Str. *Khedive*,
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	17th ,,	From Bombay.
Egypt, Europe, America, Cape Colonies through United Kingdom	17th ,,	From Bombay.
Ditto Book Post and Pattern Packets	16th ,,	From Bombay.
Rangoon and Moulmein	18th ,,	Str. *Goa*.
Akyab, Kyouk Phyoo, Sandoway and Rangoon	18th ,,	Str. *Kilwa*.

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.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

Publisher, Gazette of India.

COMPTROLLER, INDIA TREASURIES.

NOTIFICATION.

Calcutta, the 28th April 1886.

It is notified that nine blank forms of Remittance Transfer Receipts, Nos. 56513 to 56521 inclusive, have been stolen from the Mandalay Treasury.

J. E. COOKE,

Comptroller, India Treasuries.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st April 1886.

No. 1.—Mr. G. Wheatley, Assistant Superintendent, 1st Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 25th March 1886.

The 24th April 1886.

No. 2.—Mr. T. McKelvey, Superintendent, 4th Grade, is allowed furlough for eight months and sixteen days under Section 50 of the Civil Leave Code, with effect from the forenoon of the 21st March 1886.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 23rd April 1886.

No. 73.—Babu Aghore Nath Mookerjee, Assistant Engineer, 1st Grade, is transferred from the Office of the Superintending Engineer, Frontier Road Circle, to the 1st Division, Frontier Road.

A. C. BIGG-WITHER,
Joint Secy. to Agent to the Govr. Genl., Beluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 26th April 1886.

No. 1631.—Major C. Ransford, Officiating Wing Commander and 2nd-in-Command, Bhopal Battalion, held charge of the Bhopal (Sehore) Treasury, in addition to his own duties, from the 8th March to the 16th April 1886, both days inclusive, during the absence on special duty of Colonel W. Kincaid at Calcutta.

By Order,
F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 22nd April 1886.

No. 904 *G.*—Captain W. H. C. Wyllie, C.I.E., Political Agent, Kotah, is granted privilege leave for two months, with effect from the 10th May 1886, or such subsequent date as he may avail himself of the same.

Major H. Wylie, C.S.I., Political Agent, Jhallawar, will hold charge of the current duties of the Kotah Agency Office, in addition to his own, during Captain Wyllie's absence.

No. 908 *G.*—This Office Notification No. 1163 G., dated the 12th May 1885, accepting the resignation by Captain W. G. Gilchrist of his commission in the Rajputana-Malwa Volunteer Rifle Corps, is hereby cancelled.

The 24th April 1886.

No. 926 *G.*—With reference to Foreign Department Notification No. 680 G., dated the 29th March 1886, Lieutenant-Colonel A. W. Roberts took over charge of the Ulwur Agency from Lieutenant-Colonel H. P. Peacock on the forenoon of the 17th April 1886.

No. 928 *G.*—Colonel C. B. Euan-Smith, C.S.I., Political Agent, Bhurtpore and Kerowlee, is granted privilege leave for eighty-sixty days, with effect from the 28th April 1886, or such subsequent date as he may avail himself of the same.

The 26th April 1886.

No. 941 *G.*—Second Class Hospital Assistant, No. 126, Goolam Nubbee, attached to the Deoli Irregular Force, having returned from the leave granted him in this Office Notification No. 654G., dated 1st April 1886 on the 31st ultimo, the unexpired portion of his leave is hereby cancelled.

By Order,
HUGH DALY,
for *1st Asst. Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 26th April 1886.

No. 417-330 *IV.*—With reference to Foreign Department Notification No. 682G., dated the 29th March 1886, Captain A. M. Muir received charge of the office of Cantonment Magistrate, Nasirabad, from Lieutenant-Colonel A. W. Roberts on the forenoon of the 10th April 1886.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl., Rajputana.*

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 22nd April 1886.

No. 1119.—Mr. S. Venkatavarada Iyengar, B.A., M.L., made over charge, and Major E. A. Fraser assumed charge, of the Office of the Inspector General of Registration in the Civil and Military Station of Bangalore on the forenoon of Thursday, the 15th April 1886.

By Order,
E. A. FRASER, *Major,*
Assistant to the Resident.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 10th April 1886.

No. 8.—The services of the undermentioned Hospital Assistants of the Military Establishment are placed permanently at the disposal of the Chief Commissioner, British Burma, for civil employ in that Province, with effect from the dates specified :—

Third Grade Hospital Assistant, No. 322, Jogashur Lall,—12th February 1886.

Third Grade Hospital Assistant, No. 464 Golam Mustafa,—15th February 1886.

Third Grade Hospital Assistant, No. 510, Jai Lal,—5th February 1886.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 22nd April 1886.

No. 2.—Lieutenant A. D. G. Shelley, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Department Code II, 16, 18, for promotion to 1st Grade, on 10th April 1886.

A. E. WARD, *Major, S.C.,*
for *Inspector General, Military Works.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 20th April 1886.

No. 35.—With reference to Public Works Department Notification No. 98, dated 12th April 1886, Mr. R. T. Mallet, Chief Engineer, 3rd Class, is posted to the North-Western Railway.

The 22nd April 1886.

No. 36.—With reference to Public Works Department Notification No. 107, dated 15th April 1886, Rala Ram, Apprentice Engineer, is posted to the Sind-Sagar State Railway.

No. 37.—With reference to Public Works Department Notification No. 107, dated 15th April 1886, Sheo Nath, Apprentice Engineer, is posted to the Bellary-Kistna State Railway.

No. 38.—Mr. W. Monies, Executive Engineer, 4th Grade, temporary rank, is transferred in the interests of the public service from the North-Western Railway to the Sind-Pishin State Railway, Northern Section.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of R10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,
Principal, Government Engineering College.

GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F. A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 25th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye-sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,
Principal Govt. Engineering College.

SEEBPORE,
The 22nd April 1886.

BRITISH GUIANA EMIGRATION AGENCY.

NOTIFICATION.

Garden Reach, Calcutta, the 24th April 1886.

It is hereby notified that a statement of unclaimed balances left by Indian immigrants deceased in Demerara is now lodged in this Office for public inspection.

Since the 14th November 1885, the heirs of forty-eight of the deceased have been traced by

the Protector of Emigrants at Calcutta, and R9,458-15-4 paid to them.

ROBERT W. S. MITCHELL,
Emigration Agent for British Guiana.

Statement of Silver Balance in the Calcutta Mint for the week ending 21st April 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 14th April 1886 . .	12,34,294	
Value of Government silver in the Mint on the same date .	6,35,677	
		18,69,971
ADD—		
Silver received by the Mint during the week on account of the Currency Department	622	
Ditto ditto Government	2,302	
		2,924
		18,72,895
DEDUCT—		
New coin paid to Reserve Treasury during the week .	2,10,000	
Petty items issued for miscellaneous purposes . .	596	
		2,10,596
Balance on the evening of the 21st April 1886 . . .		16,62,299
The Balance comprises—		
Silver held on account of the Currency Department .	9,66,192	
Ditto ditto Government	6,96,107	
		16,62,299
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	2,89,100	
Ditto ditto Currency Department . . .	55,85,350	
		58,74,450

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 22nd April 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 28th April 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 21st April 1886 . .	9,66,192	
Value of Government silver in the Mint on the same date .	6,96,107	
		16,62,299
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,14,198	
Ditto ditto Government	...	
		3,14,198
		19,76,497
DEDUCT—		
New coin paid to Reserve Treasury during the week .	1,62,000	
Petty items issued for miscellaneous purposes . . .	...	
		1,62,000
Balance on the evening of the 28th April 1886 . . .	...	18,14,497
The Balance comprises—		
Silver held on account of the Currency Department .	10,93,258	
Ditto ditto Government	7,21,239	
		18,14,497
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	501	
Ditto ditto Currency Department . . .	55,85,350	
		55,85,851

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 29th April 1886.

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.
		₹	
2	R 10—64630 .	100	The Executive Engineer, Pilibhit and Sehramau Railway Survey, Bareilly.
	D 20—55280 .	100	
3	D 20—61120 .	100	The Chief Pay Master, East Indian Railway, Calcutta.
	R 10—68410 .	100	
4	R 10—60016 .	100	Pandit Jugalkishore Joshi, Moradabad.
	,, —61037 .	100	

ALLAHABAD,
The 28th April 1886.

H. J. BRERETON,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1886.		₹	
W17	S 3—19019 .	50	Dorabji Rustom, Ahmedabad.
	,, —19003 .	50	
	,, —07745 .	50	
	,, —00441 .	50	
	,, —03232 .	50	
	,, —19046 .	50	
	,, —19002 .	50	
	M 84—19168 .	50	
	M 57—05779 .	50	
W18	M 70—80053 .	1,000	Bhawan Heerjee, Bombay.

BOMBAY,
The 20th April 1886.

R. A. STERNDALE,
Asst. Acct. Genl., Paper Currency Dept.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
3	E 26—28222 .	100	The Deputy Commissioner of Police, Calcutta.

LAHORE,
The 19th April 1886.

F. LARPENT,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
1	B 83—42529 .	50	Mr. J. Veil, Mercantile Mission Branch, Mercara.
	B 86—46477 .	100	

FORT ST. GEORGE,
The 19th April 1886.

C. HALL,
Chief Superintendent,
In charge of Paper Currency Dept.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	Description.	Metal.	Value. ₹	a.	p.	Number available for sale.	Remarks.
	Found in the Fattehgarh District.						
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1 each	0	8	These coins will be available for sale up to and not later than the 4th September 1886.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver .	0	4 each	0	224	Do. 7th December 1886.
	Found in the Gujrat District (Punjab).						
22	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates.	Copper.	0	1 each	0	66	Do. 17th January 1887.
23	Ditto with illegible dates . .	Do. .	0	0 each	6	102	
	Found in the Hissar District.						
39 & 40	Akbar Gold Mohur with two beaded oblong and square areas.—Mint Dar-ul-Khilafat, Agra, dates 983—984.	Gold .	22	0 each	0	15	Do. 5th April 1887.
41, 42, & 43.	Same as above.—Mint illegible, dates 982, 983, 984, and 985.	Do. .	22	0 each	0	37	
29 & 30	Akbar Gold Mohur, with two straight-lined, oblong, and round areas.—Mint Ahmadabad, dates 980 and 981.	Do. .	22	0 each	0	7	
31, 32, 33, & 34.	Same as above, Mint Dar-ul-Khilafat, Agra, dates 977, 978, 979, and 980.	Do. .	22	0 each	0	8	
26, 27, & 28.	Same as above, Mint illegible, dates 980, 981, and 983.	Do. .	22	0 e h	0	7	

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

Statement of the Affairs of the Bank of Bengal for the week ending 20th April 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,694	15	0
Public Deposits at Head Office . (₹ 82,85,931 0 3)	2,18,40,491	13	1
Public Deposits at at Branches . (1,35,54,560 12 10)			
Other Deposits at Head Office and Branches	3,33,30,926	8	11
Bank Post Bills, &c. . . .	4,68,439	3	6
Sundries	17,02,967	2	5
RUPEES .	8,14,99,519	10	11

ASSETS.	₹	a.	p.
Government Securities . . .	59,72,951	4	0
Other authorized Investments . .	47,32,153	12	0
Loans on Government and other authorized Securities . . .	1,05,44,074	12	5
Accounts of Credit on Government and other authorized Securities .	79,91,956	3	10
Bills discounted and purchased .	2,50,66,636	5	9
Balances with other Banks . .	7,51,920	3	3
Bullion	3,588	14	0
Dead Stock	11,34,058	3	11
Stamps	9,398	1	0
Sundries	6,53,482	1	3
	5,68,60,219	13	5
Cash and Currency Notes at Head Office . (₹ 92,85,905 4 0)	2,46,39,299	13	6
Cash and Currency Notes at Branches . (1,53,53,394 9 6)			
RUPEES .	8,14,99,519	10	11

BANK OF BENGAL,
Calcutta, 22nd April 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

Rate for Demand Loans 6 per cent.
Percentage 42·9.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 27th April 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Re-erve Fund	41,56,694	15	0
Public Deposits at Head Office (₹ 85,61,259 14 9)	2,27,17,938	6	2
Public Deposits at Branches (1,41,56,678 7 5)			
Other Deposits at Head Office and Branches	3,19,04,821	12	6
Bank Post Bills, &c.	4,10,913	13	7
Sundries	17,69,507	2	8
RUPEES	8,09,59,876	1	11

ASSETS.	₹	a.	p.
Government Securities	58,88,670	0	0
Other authorized Investments	47,09,467	8	0
Loans on Government and other authorized Securities	1,07,79,514	15	3
Accounts of Credit on Government and other authorized Securities	80,23,784	8	9
Bills discounted and purchased	2,45,87,154	9	8
Balances with other Banks	6,75,644	5	1
Bullion	2,919	10	0
Dead Stock	11,35,557	11	5
Stamps	0,285	6	0
Sundries	6,54,561	0	0
	5,64,66,559	10	2
Cash and Currency Notes at Head Office (₹ 91,64,343 4 9)	2,44,93,316	7	9
Cash and Currency Notes at Branches (1,53,28,973 3 0)			
RUPEES	8,09,59,876	1	11

BANK OF BENGAL,
Calcutta, 29th April 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 43'1.

POST OFFICE.

NOTIFICATIONS.

Simla, the 5th April 1886.

With effect from the 1st May 1886, the limit of weight for *light* parcels exchanged with the United Kingdom through the *British Post Office** will be raised from 7 lbs. to 11 lbs. The postage rate (8 annas per lb.) and general conditions relative to such parcels despatched from India remain unaltered.

* See Clauses 216 to 221, and Clauses 225 to 228 of the Postal Guide, dated April 1880.

2. From the same date the maximum limit of weight for parcels exchanged with Malta and Gibraltar will be raised from 7 lbs. to 11 lbs.

3. *Heavy* parcels exchanged with the United Kingdom through the medium of the Peninsular and Oriental Steam Navigation Company* are not affected by this change; the maximum limit of weight for such parcels is 50 lbs. as heretofore.

* See Clauses 217 and 225 of the Postal Guide, dated April 1880.

4. The Commissioners of Customs in the United Kingdom have recently pointed out the frequent omission, on the part of senders, to give a proper or true description of the contents of parcels forwarded from India; special attention is called to Clause 211 of the Postal Guide, where it is distinctly stated that "the contents (of a parcel) should be stated *in full detail*, a separate description of each article, and its value, being given" and that "an incorrect declaration of value renders a parcel liable to confiscation."

The 13th April 1886.

On and after the 1st May next the four descriptions of embossed envelopes described below will be available for sale to the public at Post Offices or by licensed stamp vendors at the prices stated:—

	₹	a.	p.
HALF-ANNA SQUARE ENVELOPES.			
Any number less than 10 — each	0	0	8
Packets of 10 — per packet	0	10	6
Example—			
3 envelopes cost	0	2	0
6 " "	0	4	0
12 " "	0	8	0
ONE-ANNA SQUARE ENVELOPES.			
Any number less than 8 — each	0	1	2
Packets of 8 — per packet	0	9	3
Example—			
3 envelopes cost	0	3	6
6 " "	0	7	0
REGISTRATION ENVELOPES, SMALL SIZE.			
Any number less than 16 — each	0	2	2
Packets of 16 — per packet	2	2	0
Example—			
3 envelopes cost	0	6	6
6 " "	0	13	0
12 " "	1	10	0
REGISTRATION ENVELOPES, LARGE SIZE.			
Any number less than 8 — each	0	2	8
Packets of 8 — per packet	1	5	3
" of 16 " "	2	10	6
Example—			
3 envelopes cost	0	8	0
6 " "	1	0	0

2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time: they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of 4½ annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

L. G. WAIT,
Asst. Director General of the Post Office of India.

***Unclaimed** letters held in the Calcutta General Post Office on 29th April 1886.*

Middleton, P. E. S.

Letters marked "Care of Post Office."

Aman, A.
Bates, J. N.
Baxendale, S.
Berry, Adolph.
Bigex, Mon. E.
Bose, P. N.
Bowers, S.
B. R.
Brenneo, Baron de.
Brunton, Mrs. J.
Capel, Lt.-Col.
C. B. H.
Chelton, H.
Clark, James.
Clarke, F. G.
Cohen, Mr.
Crawford, J.
Derham, Henry.
Dessa, H. T.
Dimmock, Basil.
Dowling, D. G. A.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
Earl, T. S.
Easton, Percy H.
Ellis, Mrs. Jas.
Entwisle, R.
Ferrell, J. B.
Fez, Lt. Col.
Gaytor, E. Hugh.
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Gow, J. F.
Grant, Mrs M.
Groseman, Sig. L.
Grun, Otto.
Guerrier, H. J.
Gustare, Esq.
Hughes, Capt.
Hutton, Lt.-Col.
Inman, J mes.
Jefferson, J. J. D.
Kelly, Miss G.
K. T. M.
Kirkbride, J.
Lea, Jay.
Lemaitre, A.
Lloyd, E. T.
M. O.
McDonald, Miss.
McLaughlin, John.
Manfield, J. J.
Merrett, A.
Minaeff, Mr.
Moore, W.
Morris, Paul.
Murphy, Miss Hista.
Naish, P. L.
Nellie, Miss N.
Norville, Mrs. L.
Olsen, J.
Parker, Mrs. A. H.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Power, J. O.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Reece, Mrs. A.
Rice, W. G. L.
Richardson, H. W.
Rishworth, B. J.
Salten, Miss M.
Schmid, Otto.
Sharpe, Capt. A.
Shaw, H. J.
Simpson, Percy.
Smallwood, Geo.
Smart, Mrs. R. B.
Speer, A. E.
Stanislaus, Walter.
Sternbergh, A.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Swingler, Mrs. C.
Tamsore, J.
Trotzel, C. T. C.
Uren, Capt. T.
Walker, G. A.
Walker, P. C.
Ward, Lieut. B. R.
Wessendorff, Henri.

Registered Letters.

Freeman, S.
Godfrey, J. B.
Guerrier, H. J.
Ribeiro, A. J.
Ross, A.
Stewarillies, David.

Unclaimed Letters held in the Barrackpore Post Office on the 26th April 1886.

Arrakiel, M.
Charters, Mas.
Chater, L.
Chatterjee, Hari Das.
Coles, J. R.
Cook, A.
DeMount, F.
Grey, H.
Hadgkins, Mrs.
Hart, H.
Owen, J.
Owen, M. S.
Taylor, G. N.
Thomas, Major C. F.
Thomas, Mrs. M. J.
Wardsley, Mrs
Zacheriah, H. C.

E. HUTTON,
Presidency Postmaster, Calcutta.

Calcutta, the 1st May 1886.

Commencing from the 25th May 1886, and until further notice, the Foreign Mail Steamer will be despatched from Bombay every Tuesday, the Mails closing in Calcutta every Saturday. The last Tuesday Mail will be closed at the General Post Office on the 18th May current, and the first Saturday Mail on the 22nd May 1886.

The 1st May 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during May 1886:—

DATE OF CLOSING.	ROUTE.
11th May 1886	By P. & O. Steamer from Bombay.
12th May 1886	By P. & O. Steamer from Calcutta.
12th May 1886*	By B. I. S. N. Co.'s Private Vessel.
17th May 1886	By French Steamer.
25th May 1886	By P. & O. Steamer from Bombay.
26th May 1886	By P. & O. Steamer from Calcutta.
26th May 1886*	By B. I. S. N. Co.'s 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. *(pre-payment compulsory).*

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

The 1st May 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route.
	1886.	
Madras and Ceylon	12th May	Per P. & O. Str. *Brindisi.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	11th "	Per P. & O. Str. from Bombay.
Egypt, Europe, America, Cape Colonies through United Kingdom	4th "	Ditto.
Ditto Book Post and Pattern Packets	3rd "	Ditto.
Rangoon and Moulmein	5th "	Per Str. *Ethiopia.*
Akyab, Kyouk Phyoo, and Rangoon	5th "	Per Str. *Busheer.*
Straits and Hong-Kong	5th "	Per Str. *Apcar.*
Port Blair and Camorta	6th "	Per Str. *Maharani.*
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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 30th April 1886.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Joseph B. Braman, of No. 120 Broadway, New York, Solicitor, a Commissioner, within all parts of New York, for the purpose of taking under the law in force in British India the acknowledgment of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS,

Registrar.

No. 320.—*Account of Revenue and Expenditure of the Government of India for the first nine months of the year 1885-86, as compared with the corresponding period of 1884-85.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1885-86.	April 1884 to December 1884.	April 1885 to December 1885.	Comparison of two years	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	12,081,918	12,181,178	99,260	...
II	Opium	9,025,500	6,483,511	6,586,889	103,378	...
III	Salt	6,400,000	4,730,924	4,594,396	...	136,528
IV	Stamps	3,633,400	2,647,126	2,673,793	26,667	...
V	Excise	4,070,000	2,952,054	3,049,190	97,136	...
VI	Provincial Rates	2,856,800	1,739,275	1,805,319	66,044	...
VII	Customs	1,175,000	624,774	735,975	111,201	...
VIII	Assessed Taxes	514,900	472,325	473,778	1,453	...
IX	Forest	1,060,100	515,255	549,419	34,164	...
X	Registration	281,800	212,316	230,081	17,765	...
XI	Tributes from Native States	691,300	274,620	278,737	4,117	...
XII	Post Office	1,101,700	776,173	834,531	58,358	...
XIII	Telegraph	540,100	326,022	406,590	80,568	...
XIV	Mint	125,000	82,012	165,266	83,254	...
XV	Law and Justice	595,300	380,836	395,467	14,631	...
XVI	Police	311,600	226,352	227,122	770	...
XVII	Marine	176,400	100,735	139,334	38,599	...
XVIII	Education	201,800	136,408	135,550	...	858
XIX	Medical	52,600	34,806	32,716	...	2,090
XX	Scientific and other Minor Departments.	86,100	55,320	45,505	...	9,815
XXI	Interest	659,400	465,771	439,175	...	26,596
XXII	Receipts in aid of Superannuation, &c.	257,700	105,966	138,197	32,231	...
XXIII	Stationery and Printing	54,100	29,465	35,078	5,613	...
XXIV	Miscellaneous	267,700	182,713	204,202	21,489	...
	Productive Public Works.	57,002,900	35,636,677	36,357,488	720,811	...
XXV	State Railways (Gross Earnings)	3,841,700	2,398,534	2,963,169	564,635	...
	East Indian Railway (Gross Earnings).	4,550,000	3,097,827	3,424,943	327,116	...
	Eastern Bengal Railway (Gross Earnings).	550,000	495,053	335,782	40,729	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	3,012,790	3,326,380	313,590	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	680,154	463,553	...	216,601
	Unproductive Public Works.					
XXIX	State Railways	148,400	176,083	169,452	...	6,631
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	20,336	67,329	46,993	...
XXXI	Irrigation and Navigation	135,400	95,064	96,249	1,185	...
XXXII	Military Works	40,800	27,464	26,517	...	947
XXXIII	Civil Buildings, Roads, and Services	474,600	343,827	328,872	...	14,955
XXXIV	Army	814,000	520,322	554,835	34,513	...
XXXV	Military Preparations in N. W. Frontier.	...	...	23,971	23,971	...
„	Military Operations in Burmah	...	...	67	67	...
		71,892,500	46,304,131	48,138,607	1,834,476	...
	England, including Army, Public Works, &c.	197,900	184,669	225,013	40,344	...
	GRAND TOTAL	72,090,400	46,488,800	48,363,260	1,874,820	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 6th May 1886.

	Expenditure.	Estimates, 1885-86.	April 1884 to December 1884.	April 1885 to December 1885.	Comparison of two years.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	2,824,100	2,858,883	34,783	...
2	Do. on other Obligations	411,000	200,398	119,541	...	80,857
3	Refunds and Drawbacks	224,400	141,130	168,586	27,456	...
4	Assignments and Compensations	1,248,500	594,977	607,947	12,970	...
5	Land Revenue	3,443,800	2,262,691	2,315,344	52,653	...
6	Opium (including cost of production)	2,473,700	2,697,913	2,801,982	104,069	...
7	Salt (do. do.)	492,300	336,166	329,564	...	6,602
8	Stamps	84,800	64,473	62,217	...	2,256
9	Excise	123,500	73,446	88,918	15,472	...
10	Provincial Rates	113,500	79,755	34,458	...	45,297
11	Customs	133,200	103,940	97,988	...	5,952
12	Assessed Taxes	13,400	10,416	9,711	...	705
13	Forests	725,300	416,174	432,387	16,213	...
14	Registration	181,100	132,287	138,507	6,220	...
15	Post Office	1,161,300	829,829	860,426	30,597	...
16	Telegraph	607,900	379,929	368,265	...	11,664
17	Mint	77,500	53,581	69,024	15,443	...
18	General Administration	1,335,700	985,176	1,022,340	37,164	...
19	Law and Justice	3,437,500	2,437,054	2,453,790	16,736	...
20	Police	2,855,700	2,037,664	2,068,902	31,238	...
21	Marine (including River Navigation)	365,800	242,080	250,989	8,909	...
22	Education	1,291,900	861,062	862,115	1,053	...
23	Ecclesiastical	169,700	122,591	122,461	...	130
24	Medical	760,400	531,397	531,221	...	176
25	Political	629,800	471,758	889,056	417,298	...
26	Scientific and other Minor Departments	477,900	377,745	384,913	7,163	...
27	Territorial and Political Pensions	654,900	483,370	473,574	...	9,796
28	Civil Furlough and Absentee Allowances	5,200	10,111	3,853	...	6,258
29	Superannuation Allowances and Pensions	763,400	616,589	615,211	...	1,378
30	Stationery and Printing	374,000	271,017	287,502	16,485	...
31	Miscellaneous	263,700	189,668	202,567	12,899	...
32	Famine Relief	33,000	3,892	34,242	30,350	...
33	Protective Works—Railways	500,000	654,793	...	...	654,793
34	Do. do. Irrigation	287,300	136,832	121,552	...	15,280
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,899,019	1,651,644	...	247,375
		33,774,400	23,533,023	23,339,680	...	193,343
	Productive Public Works.					
36	State Railways (Working Expenses)	2,270,500	1,455,464	1,734,260	278,796	...
	East Indian Railway (Working Expenses)	1,826,500	1,394,893	1,345,182	...	49,711
	Eastern Bengal Railway (ditto)	232,500	97,522	212,102	114,580	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	475,786	475,010	...	776
38	Irrigation and Navigation (Working Expenses)	593,100	394,715	399,484	4,769	...
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	10,016	24,886	14,870	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	98,371	158,360	59,989	...
41	Do. (Working & Maintenance)	119,900	126,643	98,199	...	28,444
42	Subsidized Railways	39,800	30,331	18,218	...	12,113
	Southern Mahratta Railway	80,300	138,057	58,039	...	80,018
43	Frontier Railways	100,000	176,897	...	...	176,897
44	Irrigation and Navigation	706,100	433,735	446,001	12,266	...
45	Military Works	1,088,300	595,862	561,935	...	33,927
46	Civil Buildings, Roads, and Services	4,040,600	2,420,266	2,231,751	...	188,515
47	Army	12,161,500	8,816,602	9,174,141	357,539	...
48	Military Preparations in N.-W. Frontier	...	...	1,862,821	1,862,821	...
	Military Operations in Burmah	...	...	29,766	29,766	...
		57,951,900	40,198,183	42,169,835	1,971,652	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	10,636,675	10,766,982	130,307	...
		72,306,500	50,834,858	52,936,817	2,101,959	...
	Productive Public Works—Capital Expenditure.					
	In India—	1,900,600	848,152	1,455,200	607,048	...
50	State Railways	340,000	244,585	236,673	...	7,912
	East Indian Railway	132,100	42,478	79,271	36,793	...
	Eastern Bengal Railway	813,700	402,395	383,981	...	18,414
	Irrigation and Navigation	862,100	548,878	(a)1,221,987	673,109	...
51	In England—					
	State Railways	...	301,740	284,208	...	17,532
	East Indian Railway	350,900	972,680	453,370	...	519,310
	Eastern Bengal Railway	6,000	3,756	5,524	1,768	...
	Irrigation and Navigation	4,405,400	3,364,664	4,120,214	755,550	...
	GRAND TOTAL	76,711,900	54,199,522	57,057,031	2,857,509	...

* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. F. T. ATKINSON,
Offg. Comptroller General.

C. R. C. KIERNANDER,
Deputy Comptroller General.

(a) Including £671,193 on account of Frontier Railways.

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 April 1886.

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. 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 April 1886 .	54,100	13,73,653	27,77,600	2,25,59,700	90,32,100	2,70,90,400	2,31,20,200	8,59,53,653	44,19,700	77,25,800	9,70,37,700	10,91,83,200	1,33,800	32,200	19,53,56,953
Add—															
Amount enfaced at Madras between 16th and 30th April 1886 . . .	...	...	...	11,000	6,000	500	1,000	18,500	...	...	12,500	12,500	...	...	31,000
Amount enfaced at Bombay between 16th and 30th April 1886 . . .	...	...	500	89,500	3,000	22,500	1,000	1,16,500	...	8,000	1,29,500	1,37,500	...	...	2,54,000
Amount enfaced at Calcutta between 16th and 30th April 1886 . . .	...	...	...	2,57,500	20,900	49,000	11,000	3,38,400	...	11,000	70,000	81,000	...	...	4,19,400
	54,100	13,73,653	27,78,100	2,29,17,700	90,62,000	2,71,62,400	2,31,33,200	8,64,27,053	44,19,700	77,44,800	9,72,49,700	10,74,14,200	1,33,800	32,200	19,60,61,353
Deduct—															
Amount written off in the London Registers . .	...	...	25,000	46,900	34,000	1,27,600	23,500	2,57,000	5,000	58,000	2,25,400	2,88,400	...	...	5,45,400
Balance on 30th April 1886	54,100	13,73,653	27,53,100	2,28,70,800	90,28,000	2,70,34,800	2,31,09,700	8,61,70,053	44,14,700	76,86,800	9,70,24,300	10,91,25,800	1,33,800	32,200	19,55,15,953

NOTE.—From 9th June 1867 to 28th Feb. 1886 enfaced from India 5,216 lakhs, re-transferred from London 4,636 lakhs.

,, 1st Mar. 1886 to 15th Mar.	,,	,,	15 ,, ,, ,, 9 ,,
,, 16th ,, ,, to 31st ,,	,,	,,	10 ,, ,, ,, 9 ,,
,, 1st Apl. ,, to 15th Apl.	,,	,,	7 ,, ,, ,, 3 ,,
,, 16th ,, ,, to 30th ,,	,,	,,	7 ,, ,, ,, 5 ,,
			5,259 lakhs. 4,662 lakhs.
			4,602 ,,
Balance against India .			597 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 1st May 1886.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

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

The Undermentioned Candidates have passed the B. A. Examination.

This list is arranged in Alphabetical Order.

Abdul Aziz.	...	Dacca College.	(handra, Manmohan	...	Teacher.
,, Hak	...	Teacher.	Chattiopadhyay, Asutosh	...	Metropolitan Institution.
,, Wajid	...	Dacca College.	,,	,,	Free Church Institution.
Adhikari, Debicharan	...	Free Church Institution.	70 Bidhubhushan...	...	Metropolitan Institution.
,, Hemnath	...	City College.	Biharilal	,,	Hughli College.
Baksi, Taraprasanna	...	Metropolitan Institution.	Binaychandra...	,,	Free Church Institution.
Bandyopadhyay, Abinaschandra	...	Free Church Institution.	Chandmohan ...	,,	Rajshahye College.
,, Akhilchandra.	...	Presidency College.	Hemchandra ...	,,	Presidency College.
,, Anupchandra.	...	L. M. S. College, Bhowanipur.	Jnanranjan ...	,,	Ditto.
Asutosh ...	...	Ditto	Jogindranath ...	,,	Ditto.
			Kalipada ...	,,	Hughli College.
Bekaram ...	...	Metropolitan Institution.	Kedarnath ...	,,	Ditto.
Banwarilal ...	...	Free Church Institution.	80 Kunjabihari ...	,,	City College.
Baradakanta...	...	Teacher.	Makhanlal ...	,,	Free Church Institution.
Bijaykrishna...	...	Metropolitan Institution.	Nagendranath ..	,,	City College.
Binodlal ...	...	Free Church Institution.	Nanilal ...	,,	Hughli College.
Chunilal No. 2	...	General Assembly's Institution.	Pasupati ...	,,	Metropolitan Institution.
			Phalaram ...	,,	Ditto.
Dwaibachandra	...	Free Church Institution.	Rajanikanta ...	,,	City College.
Girischandra...	...	Metropolitan Institution.	Rajendranath...	,,	Teacher.
Jogindranath...	...	Free Church Institution.			L. M. S. College Bhowanipur.
Jogindranath...	...	Metropolitan Institution.	Rakhalchandra	,,	Metropolitan Institution.
90 Kaliprasanna...	...	Ditto.	Ramapati ...	,,	Presidency College.
Kevalarnath ...	...	L. M. S. College, Bhowanipur.	90 Saratchandra...	,,	General Assembly's Institution.
Lalitmohan ...	...	Metropolitan Institution.	Sasibhushan ...	,,	Metropolitan Institution
Narendranath	...	Free Church Institution.	Srischandra ...	,,	Hughli College.
Nrityagopal...	...	Metropolitan Institution.	Sukumar ...	,,	General Assembly's
Premathanath	...	Free Church Institution.			Institution.
Rajendranath	...	L. M. College, Bonares.	Suranath ...	,,	Teacher.
Rakhaldas ...	...	Teacher.	Trailokyanath	,,	Metropolitan Institution.
Rasbihari ...	...	General Assembly's Institution.	Chaudhuri, Ramapada	...	Presidency College.
Benimadhab	...	Hughli College.	Brajaraj	...	Metropolitan Institution.
30 Barat, Ambikacharan	...	Patna College.	Debendranath	...	Doveton College.
Baruri, Debicharan	...	General Assembly's Institution.	100 Narendrakumar	...	Presidency College.
Baruya,	...		,, Prasannachandra	...	Metropolitan Institution.
Basak, Rebatimohan	...	Dacca College.	,, Syamacharan	...	Ditto.
Bhaya, Abhaypada	...	Canning College.	Chhali, Bihari Lal	...	Canning College.
Basu, Akhilchandra	...	General Assembly's Institution.	Das, Akshaykumar	...	Presidency College.
,, Akshaykumar	...	Dacca College.	,, Kailaschandra	...	Free Church Institution.
,, Bhupatinath	...	Ravenshaw College.	,, Kalikanta	...	Metropolitan Institution.
,, Bipinbihari	...	Metropolitan Institution.	,, Karunakumar	...	City College.
,, Biswanath	...	L. M. S. College Bhowanipur.	,, Manmathalal	...	General Assembly's Institution.
,, Chandrakumar	...	Free Church Institution.	,, Piyarimohan	...	Metropolitan Institution.
40 ,, Hridaydhan	...	General Assembly's Institution.	110 ,, Sibkrishna	...	Presidency College.
,, Jnanendranath	...	Free Church Institution.	,, Sudarsan	...	General Assembly's Institution.
,, Rajendranath	...	Teacher.	,, Syamacharan	...	City College.
,, Rameschandra	...	Free Church Institution.	,, Syamlal	...	Presidency College.
,, Sureschandra	...	Doveton College.	Dasgupta, Joggeschandra	...	City College.
Bhagabati Sahay	...	Metropolitan Institution.	,, Karunakanta	...	L. M. S. College, Bhowanipur.
Bhagrati Charan	...	Patna College.	,, Sridhar	...	Free Church Institution.
Bhanja Upendranath	...	Presidency College.	Datta, Asutosh	...	Ditto.
Bhattacharyya, Anandamohan	...	Teacher.	Bankanta	...	Muir Central College.
50 ,, Annangamohan	...	Presidency College.	,, Bipinbihari	...	General Assembly's Institution.
,, Bamacharan	...	Metropolitan Institution.	Dharanidhar	...	Free Church Institution.
,, Durgadas	...	Teacher.	120 ,, Dwarkanath	...	General Assembly's Institution.
,, Kedarnath	...	Metropolitan Institution.	,, Gurudas	...	City College.
,, Nibaranchandra...	...	Presidency College.	,, Jnanendranarayan	...	General Assembly's Institution.
,, Srikantha	...	Metropolitan Institution.	Jogindralal	...	Hughli College.
,, Gurudas	...	Dacca College.	,, Kaliprasanna	...	Free Church Institution.
Biswas, Sasibhushan	...	Patna College.	,, Kedareswar	...	Teacher.
Bonwetech, G. S.	...	Doveton College.	,, Krishnakisor	...	Metropolitan Institution.
Borah, Satyanath	...	Metropolitan Institution.	,, Kshetramohan	...	Doveton College.
60 Chakrabarti, Debendranath No 1	...	Free Church Institution.	,, Matilal	...	Teacher.
,, Debendranath No. 2	...	Ditto.	,, Nagendranath	...	General Assembly's Institution.
,, Ramendra	...	General Assembly's Institution.	130 ,, Priyatama	...	Bethune Female School.
,, Rasikchandra	...	Teacher.	,, Radhakrishna	...	General Assembly's Institution.
,, Rebatimohan	...	Presidency College.	,, Ramgobinda	...	Metropolitan Institution.
,, Syamacharan	...	General Assembly's Institution.	,, Suresnath	...	General Assembly's Institution.
,, Udaynaryan	...	Teacher.			

	Datta, Suryyalal	...	Free Church Institution.
	De, Baradaprasad	...	Ditto.
	,, Hemchandra	...	General Assembly's Institution.
	,, Jnanendranath	...	Doveton College.
	,, Manmathanath	...	General Assembly's Institution.
	,, Parbaticharan	...	Dacca College.
140	Deb, Mahendrachandra	...	City College.
	Devaki, Nandan Lal Sahi	...	Benares College.
	Dhar Manamohan	...	Free Church Institution.
	Durga, Dayal	...	Canning College.
	Fox, J. K.	...	Presidency College.
	Gangopadhyay, Basantakumar		Dacca College.
	,, Benimadhab	...	Metropolitan Institution.
	,, Bishnupada	...	Teacher.
	,, Nabinchandra		Metropolitan Institution.
	Ghatak, Kaliprasanna	...	Rajshahye College.
150	Ghosh, Amulyachandra	...	Metropolitan Institution.
	,, Asutosh	...	Ditto.
	,, Hemchandra	...	General Assembly's Institution.
	,, Jyotiprasad	...	Presidency College.
	,, Khagendranath	...	Free Church Institution.
	,, Kunjabihari	...	Metropolitan Institution.
	,, Mahimachandra	...	General Assembly's Institution.
	,, Nagendranath	...	Ditto.
	,, Narayandas	...	L. M. S. College, Bhowanipur.
	,, Nareschandra	...	Free Church Institution.
160	,, Pranchaitanya	...	Teacher.
	,, Rajaninath	...	Hughli College.
	,, Rajendranath	...	Free Church Institution.
	,, Saratchandra	...	City College.
	,, Satischandra	...	Presidency College.
	,, Siddheswar	...	Hughli College.
	,, Sitalprasad	...	Presidency College.
	,, Surendrachandra	...	Ditto.
	,, Surendranath	...	Metropolitan Institution.
	Ghoshal, Hemendranath	...	Ditto.
170	Godfrey, L. E.	...	Doveton College.
	Gopal Ganesh Ranade	...	Canning College.
	Goswami, Kunjabihari	...	Free Church Institution.
	,, Sasibhushan	...	Rajshahye College.
	Guha, Jogindranath	...	General Assembly's Institution.
	,, Kedarnath	...	Metropolitan Institution.
	,, Maheschandra	...	Rajshahye College.
	,, Mohimchandra	...	Muir Central College.
	Gupta, Anilchandra	...	Teacher.
	,, Asutosh	...	Free Church Institution.
180	,, Baradacharan	...	Presidency College.
	,, Charuchandra	...	Metropolitan Institution.
	,, Gurulal	...	Teacher.
	,, Rasiklal	...	Metropolitan Institution.
	,, Sibanath	...	Ditto.
	Hajra, Phakirdas	...	Ditto.
	Haldar, S.	...	St. Xavier's College.
	Har Saran	..	Agra College.
	Hemayat Uddin	...	Dacca College.
	Htoon Chan	...	St. Xavier's College.
190	Kalka Singh	...	Canning College.
	Kar, Binodinikanta	...	Dacca College.
	Kastagiri, Jogindralal	...	Metropolitan Institution.
	Keshav Vinayak Joshi	...	Canning College.
	Krishnaji Hari Datey	...	Ditto.
	Kundu, Anandachandra	...	Free Church Institution.
	Lala, Harbandhan Lal	...	Benares College.
	,, Kalindi Prasada	...	Ditto.
	,, Sivanandan Prasada	...	Ditto.
	Linton, C. H.	...	Teacher.
200	Mahendrakisor	...	Patna College.
	Mahmud	...	Presidency College.
	Maitra, Girindrachandra	...	Free Church Institution.
	,, Mukundamohan	...	Presidency College.
	Majumdar, Charuchandra	...	Hughli College.
	,, Indrabhushan	...	Metropolitan Institution.
	,, Indubhushan	...	Presidency College.
	,, Mahananda	...	General Assembly's Institution.
	,, Prasannakumar	...	Metropolitan Institution.
	,, Rasbihari	...	Free Church Institution.
210	,, Umeschandra	...	Ditto.
	Mallik, Kalidas	...	Presidency College.
	Mandal, Ramkrishna	...	City College.
	Marik, Bhabataran	...	General Assembly's Institution.
	Mewa, Ram	...	Canning College.
	Mirza, Wahid Ali Beg	...	Ditto.
	Mitra, Aghornath	...	Metropolitan Institution.
	,, Akshaykumar	...	Ditto.
	,, Dharaniswar	...	St. Xavier's College.
	,, Haridas	...	Presidency College.
220	,, Indubhushan	...	General Assembly's Institution.
	,, Jogindranath	...	Presidency College.
	,, Kaliprasanna	...	Dacca College.
	,, Nagendranath	...	Presidency College.
	,, Nagendranath	...	Free Church Institution.
	,, Nibaranchandra	...	Metropolitan Institution.
	,, Nirmalchandra	...	General Assembly's Institution.
	,, Prabodhchandra	...	Ditto.
	,, Ramendralal	...	Presidency College.
	Muhammad, Ishfak	...	Free Church Institution.
230	,, Israel	...	Presidency College.
	,, Israil Khan	...	Ditto.
	Mukhopadhyay, Bipinbihari	...	St. Xavier's College.
	,, Bipinchandra	...	Free Church Institution.
	,, Birajchandra	...	Ditto
	,, Charuchandra		Ditto.
	,, Gangacharan	...	Hughli College.
	,, Gaurhari	...	Free Church Institution.
	,, Girindrachandra		Metropolitan Institution.
	,, Girindranath	...	Presidency College.
240	,, Hangseswar	...	Metropolitan Institution.
	,, Haripada	...	Hughli College.
	,, Haripada	...	Presidency College.
	,, Jogindrachandra, No. 2,	...	Metropolitan Institution.
	,, Kalidas	...	Hughli College.
	,, Kalikananda	...	Presidency College.
	,, Kaliprasanna	...	General Assembly's Institution.
	,, Kedareswar	...	Metropolitan Institution.
	,, Kshitibhushan		Krishnagar College.
	,, Lalmohan	...	City College.
250	,, Mahendranath		Ditto.
	,, Rajendranath		Hughli College.
	,, Ramchandra	...	Metropolitan Institution.
	,, Saratchandra	...	Presidency College.
	,, Sasibhushan	...	City College.
	,, Sureschandra		Free Church Institution
	,, Susilendra	...	Teacher.
	,, Taraprasanna	...	Metropolitan Institution.
	Munshi, Dakshinacharan	...	Rajshahye College.
	Murphy, E. A. B. E.	...	Mussorie School.
260	Mustafi, Manmatha	...	Metropolitan Institution.
	Nag, Jyotindramohan	...	Ditto.
	Nandi, Rajaninath	...	General Assembly's Institution.
	Niyogi, Manmohan	...	Ditto.
	Nownidh Lal	...	Patna College.
	Owen, M.	...	St. Xavier's College.
	Pal, Lakshminarayan	...	City College.
	,, Saradaprasanna	..	Metropolitan Institution.
	Palit, Kalicharan	...	General Assembly's Institution.
	,, Purnachandra	...	Ravenshaw College.
270	Raghupershad	...	Canning College.
	Rai, Prithwi Nath	...	Muir Central College.
	Ramprasada	...	Canning College.
	Ray, Chandrasekhar	...	General Assembly's Institution.
	,, Gopalchandra	...	Free Church Institution.
	,, Kulachandra	...	Metropolitan Institution.
	,, Lalitmohan	...	General Assembly's Institution.
	,, Nripendrachandra	...	Metropolitan Institution.
	,, Priyanath	...	City College.
	,, Purnachandra	...	General Assembly's Institution.
280	,, Sitanath	...	Free Church Institution.
	,, Surendranath	...	Ditto.
	Raychaudhuri Paresnath	...	Ditto.
	Sailajaprasad	...	Patna College.
	Sanyal Banichandra	...	Metropoliton Institution.
	Sarbadhikari Suresprasad	...	Metropolitan Institution.
	Sarkar Baradakanta	...	General Assembly's Institution.
	,, Bhabataran	...	Free Church Institution.
	,, Chintamani	...	Metropolitan Institution.

	Sarkar Kalipada	...	General Assembly's Institution.
290	,, Purnachandra	...	Metropolitan Institution.
	Sen, Asutosh	...	Free Church Institution.
	,, Bhupendranath	...	General Assembly's Institution.
	,, Bipinchandra	...	Metropolitan Institution.
	,, Dakshinaranjan	...	Ditto.
	,, Dinabandhu	...	St. Xavier's College.
	,, Dinanath	...	Hughli College.
	,, Jyotindrachandra	...	Doveton College.
	,, Mathuranath	...	Metropolitan Institution.
	,, Phanibhushan	...	General Assembly's Institution.
30	,, Saratchandra No. 2	...	Metropolitan Institution.
	,, Saratchandra	...	Benares College.
	,, Sasikumar	...	General Assembly's Institution.
	,, Surendrachandra	...	Doveton College.
	,, Taraprasad	...	Dacca College.
	Sengupta Ambikaprasad	...	General Assembly's Institution.
	Sil, Maniklal	...	Free Church Institution.
	,, Ramhriday	...	Ditto.
	Sinha, Bankubihari	...	St. Xavier's College.
	Sinha, Kedarnath	...	General Assembly's Institution.
310	,, Madhusudan	...	Free Church Institution.
	,, Ramlal	...	Patna College.
	,, Satischandra	...	Free Church Institution.
	,, Shamsherbahadur	...	L. M. College Benares.
	,, Surendranath	...	Presidency College.
	Som, Baikunthanath	...	City College.
	,, Gopalchandra	...	Hughli College.
	Sundar, Das Suri	...	Teacher.
	Sur, Biharilal	...	Ditto.
	,, Sasibhushan	...	Free Church Institution.
320	Surya Prasad	...	Patna College.
	Syed Mahomed Ali	...	M. A. O. College, Aligarh.
	Syed Nazir Hassan	...	Free Church Institution.
	Talukdar Harendrachandra		General Assembly's Institution.
	Thakur Dayal	...	Patna College.
	Thakur Kesabadasa	...	Muir Central College.
	,, Narendranath	...	General Assembly's Institution.
	Ukil, Syamacharan	...	Free Church Institution.
	Venis, H. C.	...	Benares College.
	Wilayat Husain	...	M. A. O. College, Aligarh.
330	Yawar Hosain Khan	...	Patna College.
331	Zahurul Husen	...	Teacher.

The undermentioned candidates have taken Honours in the B. A. Examination:—

These Lists are arranged in Order of Merit.

(C)	indicates 1st division in		Chemistry and Physics.
(E)	...	...	English.
(L)	...	...	Latin.
(M)	...	...	Mathematics.
(P)	...	...	Persian.
(Ph)	...	...	Mental and Moral Science.
(S)	...	...	Sanskrit.

(c)	indicates 2nd division in		Chemistry and Physics.
(e)	...	...	English.
(l)	...	...	Latin.
(m)	...	...	Mathematics.
(p)	...	...	Persian.
(ph)	...	...	Mental and Moral Science.
(s)	...	...	Sanskrit.

ENGLISH.

First Division.

1	Bhattacharyya, Janakinath. (S) (ph)	...	City College.
2	Mukhopadhyay, Durgadas. (Ph)	...	Free Church Institution.
3	Wheeler, E. M. (L)	...	Presidency College.
4	Das, Jogindranath	...	Ditto.
5	Das, Nibaranchandra. (Ph)		City College.
	Fernando, M. J.	...	Free Church Institution.
7	Ahmad ...	...	Presidency College.
8	Guha, Taraprasanna	...	Ditto.
9	Datta, Manmathanath	...	Metropolitan Institution.
10	Kastagiri, Saradacharan		Ditto.
11	Abdus Samad	...	Free Church Institution.
	Chattopadhyay, Naliniranjan	...	Presidency College.
13	Bandyopadhyay, Chandrabhushan	...	Metropolitan Institution.
14	Majumdar, Surendranath		St. Xavier's College,
	Sen, Jagadischandra	...	Dacca College.
16	Ramachandra	...	Muir Central College.
17	Dover, W. C.	...	St. Xavier's College.
18	Chattopadhyay, Kshirodchandra. (ph)	...	Presidency College.
	Guha, Umeschandra	...	Dacca College.
20	Ghosh, Atulkrishna	...	Muir Central College.
	Sarkar, Rajanikanta	...	Free Church Institution.
22	Abdur Rahim	...	Presidency College.
	Ghosh, Saratchandra	...	Dacca College.
24	De, Manmathanath	...	Patna College.

Second Division.

25	Azmat Ali Firoz	...	Muir Central College.
26	De, Ramnath. (Ph)	...	Presidency College.
27	Das, Bipinbihari (s)	...	Ditto.
	Mukhopadhyay, Saratchandra	...	Benares College.
29	Ghosh, Surendranath	...	Dacca College.
30	Chakrabarti, Phatikchandra	...	Krishnagar College.
31	Dasgupta, Mathuranath		Patna College.
32	Ráy, Kalicharan	...	Free Church Institution.
33	Bhaduri, Nabakrishna	...	Metropolitan Institution.
34	Sen, Debendranath	...	Teacher.
35	Muhammad Husain Azmi		Muir Central College.
36	Shibbon Lall	...	Agra College.
37	Abdul Karim	...	Presidency College.
38	Yugala Kishora	...	L. M. College, Benares.
39	Abdus Samad. (p)	...	Patna College.
40	Basu, Haridas	...	Metropolitan Institution.
41	Dasgupta, Prasannakumar. (s)	...	Dacca College.
42	Gouri Sankar. (c)	...	Muir Central College.
43	Ghosh, Ambikacharan	...	Dacca College.
	,, Syamacharan	...	Patna College.
	Gokulprasad. (s)	...	Muir Central College.
	Zahural Haq	...	Dacca College.
47	Gupta, Bhubanmohan	...	Metropolitan Institution.
48	Bardolai, Gopinath	...	General Assembly's Institution.
49	Dikshita, Ambikaprasad		Canning College.
50	Gupta, Sukhamay	...	Free Church Institution.
51	Bandyopadhyay, Purnachandra.		General Assembly's Institution.
52	Chattopadhyay, Haraprasad	...	Free Church Institution.
53	Gupta, Kaminimohan	...	Ditto.
54	Mitra, Hemchandra	...	Patna College.
55	Ray, Saratchandra	...	Presidency College.
56	Kanhaiya Lal Dave. (s)	...	Muir Central College.
57	Gangopadhyay, Bhupalchandra. (s)	...	Presidency College.
58	Sarmabiswas, Ramankrishna	...	Dacca College.

MENTAL AND MORAL SCIENCE.

First Division.

1	Majumdar, Syamaprasanna	Presidency College.
2	Raychaudhuri, Purnachandra ...	Ditto.
3	Ghosh, Atalbihari ...	Ditto.
4	Basu, Satyananda ...	Ditto.
5	De, Ramanath. (e) ...	Ditto.
6	Mukhopadhyay, Durgadas. (E) ...	Free Church Institution.
7	Bandyopadhyay, Apurbakumar ...	St. Xavier's College.
8	Mitra, Basambad ...	City College.
9	Chattopadhyay, Charuchandra ...	Free Church Institution.
	Das, Nibaranchandra. (E)	City College.
11	Bandyopadhyay, Jagadananda ...	Metropolitan Institution.
12	Kunjbehari Seth ...	Canning College.

Second Division.

13	Trimbuckanant Sothey. (s)	Agra College.
14	Bhattacharyaya, Janakinath. (E) (S) ...	City College.
15	Nand Kishore Lall ...	Presidency College.
16	Mukhopadhyay, Kalisankar ...	Ditto.
17	Chattopadhyay, Kshirodchandra. (E) ...	Ditto.
18	Dipchand ...	Agra College.
19	Das, Kanailal ...	Benares College.
20	Jugalbehari Makar ...	Agra College.
21	Haldar, Hiralal ...	General Assembly's Institution.
22	Sen, Upendranath ...	Canning College.
23	Rajaram ...	Ditto.

SANSKRIT.

First Division.

1	Bhattacharyya, Janakinath. (E) (ph) ...	City College.
2	Chakrabarti, Sitalchandra ...	City College.

Second Division.

3	Basu, Nityakrishna ...	Metropoliton Institution.
4	Sen, Kamini ...	Bethune Female School.
5	Trimbuckanant Sethey. (ph)	Agra College.
	Vinayak Rao Yadeo Bhope ...	Muir Central College.
7	Bandyopadhyay, Sasadhar ...	Presidency College.
8	Das, Bipinbihari. (e) ...	Ditto.
9	Kanhaiya Lal Dave. (e)	Muir Central College.
10	Mukhopadhyay, Girischandra ...	Hughli College.
11	Gangopadhyay, Bhupalchandra. (e) ...	Presidency College.
12	Das, Umakanta ...	City College.
13	De, Purnachandra ...	Metropolitan Institution.
14	Dasgupta, Prasannakumar. (e) ...	Dacca College.
15	Bandyopadhyay, Prabhacharan ...	Metropolitan Institution.
16	Gokulprasad. (e) ...	Muir Central College.
17	Bhattacharyya, Syamacharan ...	Metropolitan Institution.
18	Gangopadhyay, Pratapchandra ...	Dacca College.

PERSIAN.

First Division.

1	Zahhadur Rahim ...	Dacca College.
2	Mubarak Husain ...	Muir Central College.
3	Hafiz Ibadullah ...	Agra College.

Second Division.

4	Abdus Samad. (e) ...	Patna College.
5	Muhammad Habibullah...	Patna College.

LATIN.

First Division.

1	Wheeler, E. M. (E)	Presidency College.

Second Division.

2	Billing, W.	Teacher.

HISTORY.

First Division.

1	Mukhopadhyay, Satyachandra	City College.

Second Division.

2	Sen, Bhaminiranjan...	City College.
3	„ Kedarnath ...	Metropolitan Institution.
4	Bandyopadhyay, Ramkrishna ...	City College.

MATHEMATICS.

First Division.

1	Basu, Abinaschandra ...	Presidency College.
2	Bandyopadhyay, Kshetramohan ...	Metropolitan Institution.
3	Mitra, Srischandra. (e)...	Presidency College.

Second Division.

4	Haldar, Piyarilal. (e) ...	Presidency College.
5	Basak, Rajkisor ...	Ditto.
	Das, Gobindachandra, No. 1. (e) ...	Dacca College.
	Mukhopadhyay, Abinaschandra ...	Presidency College.
8	Chaudhuri, Jnanendranath. (e) ...	Ditto.
9	Dhar, Mohinimohan ...	Metropolitan Institution.
10	Bhattacharyya, Kalipada	Presidency College.
	Chaturbedi, Badrinath ...	Muir Central College.
12	Kundu, Radhagobinda ...	Hughli College.
13	Datta, Radhakanta ...	Patna College.
14	Bhattacharyya, Saradamohan ...	Dacca College.
15	Ray, Kalikumar ...	Patna College.
16	Kshatriya, Debidayal ...	L. M. College, Benares.
17	Ghosh, Surendrakumar ...	Hughli College.
18	Datta, Satyakrishna ...	Presidency College.
19	Narayan Moreswar Sane.	Muir Central College.

PHYSICS AND CHEMISTRY.

First Division.

1	Trivedi, Ramendrasundar	Presidency College.
2	Das, Gobindachandra, No. 1. (m) ...	Dacca College.

Second Division.

3	Haldar, Piyarilal. (m) ...	Presidency College.
	Mitra, Srischandra. (M)	Ditto.
5	Sinha, Sureschandra ...	Ditto.
6	Chaudhuri, Jnanendranath. (m) ...	Ditto.
	Sarkar, Annadaprasad ...	Ditto.
8	Saha, Gangadas ...	Presidency College.
9	Kastagiri, Dhirendralal ...	Ditto.
10	Gouri Sankar. (e) ...	Muir Central College.

W. GRIFFITHS.

SENATE HOUSE, *Registrar.*

The 3rd May 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 4th May 1886.

LIABILITIES.				₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,56,684	15	0
Public Deposits at Head Office	₹ 84,02,557	a. 6	p. 5	2,17,35,613	4	8
Public Deposits at Branches	1,33,33,055	14	3			
Other Deposits at Head Office and Branches				2,97,46,568	5	0
Bank Post Bills, &c.				3,22,861	7	3
Sundries				17,98,193	14	8
RUPEES				7,77,59,921	14	7

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				60,54,775	2	0
Other authorized Investments				46,90,440	0	0
Loans on Government and other authorized Securities				1,03,21,366	5	1
Accounts of Credit on Government and other authorized Securities				82,30,150	12	9
Bills discounted and purchased				2,51,73,331	1	4
Balances with other Banks				7,43,557	0	7
				2,919	10	0
Bullion				11,37,631	3	7
Dead Stock				8,976	3	0
Stamps				6,52,983	14	2
Sundries				5,70,16,131	4	6
Cash and Currency Notes at Head Office	70,90,064	0	5	2,07,43,790	10	1
Cash and Currency Notes at Branches	1,36,53,726	9	8			
RUPEES				7,77,59,921	14	7

BANK OF BENGAL, *Calcutta, 6th May 1886.*

J. GORDON, *Chief Acctt. & Dy. Secy.*

Rate for Demand Loans 6 per cent.
Percentage 38·6.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

SURVEY OF INDIA DEPARTMENT.

Maps of the Survey of India Department, published at the Survey of India Offices, Calcutta and Dehra Dun, for the quarter ending 31st March 1886.

Agents for sale of Maps:

Calcutta.—No Agent. Maps can be obtained from the Office, 13, Wood Street.
Allahabad.—Curator, Government Books, North-Western Provinces.
Nagpur.—Curator, Government Books, Central Provinces.
Lahore.—Messrs. E. Gillon & Co., Government Publishers and Booksellers.
Madras.—Messrs. Higginbotham & Co.
Poona.—Superintendent, Government Photo-zincographic Department.
Rangoon.—Curator, Government Book Depot.
Rajkot.—Mr. Narainjee Sunderjee, for maps of Kattywar only.
Ahmedabad.—The Huzoor Deputy Collector, for maps of Guzerat only.
London.—Messrs. Allen & Co., Waterloo Place.
Do. Mr. Edward Stanford, 6, Charing Cross.
Simla—Messrs. Williams & Co., Ripon House.

All published maps are sold at the Survey of India Office, Calcutta, for cash prepaid.

N.B.—Maps are issued on the Public Service from the Calcutta Office, and their cost adjusted by book debit. 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 and in the Newspapers "Pioneer" and "Madras Mail"

Description.	Scale.	Size and number of sheets.	Price of Map unmounted per sheet or copy. Uncolored.		Colored.		Date of Publication.
			₹	a.	₹	a.	
GENERAL MAPS.							
Map of India illustrating distribution of the principal religions. Compiled from Census of 1881 by Major C. Strahan, R.E.	1″= 80 M.	34″×35″	...		5	0	January 1886.
Skeleton Map of India	1″= 32 M.	40″×27″ each section, in 6 sections.	6	0	8	0	January 1886.
Map of Bengal, Behar, Orissa and Chota Nagpore	1″= 32 M.	40″×27″	1	8	2	0	February 1886.
Contour Map of India	1″= 32 M.	40″×27″ each section, in 6 sections.	5	0	...		February 1886.
Map of Berar or the Hyderabad Assigned Districts	1″= 8 M.	40″×27″	2	8	3	0	November 1885.
General Map of Port Blair Settlement, containing sheets Nos. 12, 13, 14, and 15, South Andaman	2″= 1 M.	40″×25″	1	0	1	4	February 1886.
Map of the Central India Agency	1″= 16 M.	40″×27″ each section, in 2 sections	3	0	3	8	January 1886.
Map of the countries on either side of the North-West Frontier of India	1″= 32 M.	40″×27″ each section, in 2 sections.		Not	priced.		October 1885.
DISTRICT MAPS.							
Map of District Philibet, comprising Pargana Parappur of Zillah Shahjahanpur, and Parganas Jahanabad, Philibet and Bisalpur of Zillah Bareilly	1″= 2 M.	40″×22″ each section, in 2 sections.	2	0	2	8	January 1886.
PLANS OF CANTONMENTS AND CITIES.							
Map of the City of Mysore and Environs	12″= 1 M.	Each sheet, 40″×25″ in 6 sections.	5	0	7	8	March 1886.
ATLAS SHEETS.							
Sheet No. 13S.E. Parts of Districts Sorath, Barda, Kattywar, Baroda Native States (Kattywar, Bombay Presidency)	1″= 4 M.	26″×17″	0	12	0	12	September 1885.
Sheet No. 47S.W. Parts of Districts Loodheeanah, Jalindhur, Hashiarpur, Kangra and Umballa, District Simla and protected States of Kailur and Sukat (Punjab)	1″= 4 M.	26″×17″	0	12	0	12	March 1886.
Sheet No 48S.E. Parts of Districts Dehra Dun, British Garwal, Saharunpur, Mozufernagur and Bijnor (N.W.P.), and Karnal and Umballa (Punjab)	1″= 4 M.	27″×20″	0	12	0	12	June 1885.
NORTH-EAST FRONTIER SURVEY.							
Sheet No. 7. Part of South Sylhet	2″= 1 M.	40″×25″	...		...		January 1886.
Sheet No. 10. Part of South Sylhet	2″= 1 M.	40″×25″	...		...		January 1886.
Sheet No. 11. Part of South Sylhet	2″= 1 M.	40″×25″	...		...		January 1886.

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*continued.*

Description.	Scale.	Size and number of sheets.	Price of Map unmounted per sheet or copy. Uncolored.		Colored.		Date of Publication.
			₹	a.	₹	a.	
STANDARD SHEETS.							
ANDAMAN SURVEY.							
Sheet No. 8. South and Middle Andamans	1″= 2 M.	40″×25″	1	0	1	4	January 1886.
Sheets Nos. 12 & 20 South Andaman	4″= 1 M.	40″×25″	1	0	1	4	January 1886.
Sheet No. 13, South Andaman	4″= 1 M.	40″×25″	1	0	1	4	January 1886.
Sheet No. 14, South Andaman	4″= 1 M.	40″×25″	1	0	1	4	January 1886.
Sheet No. 15, South Andaman	4″= 1 M.	40″×25″	1	0	1	4	January 1886.
BENGAL SURVEY.							
Sheet No. 112. District Mozufferpore	1″= 1 M.	40″×27″	1	8	1	12	January 1886.
Sheet No. 113. District Mozufferpore	1″= 1 M.	40″×27″	1	8	1	12	January 1886.
Sheet No. 143. Districts Mozufferpore and Durbunga	1″= 1 M.	40″×27″	1	8	1	12	January 1886.
Sheet No. 144. Districts Mozufferpore and Durbunga	1″= 1 M.	40″×27″	1	8	1	12	January 1886.
Sheet No. 173. District Durbunga	1″= 1 M.	40″×27″	1	8	1	12	February 1886.
Sheet No. 200. District Durbunga	1″= 1 M.	40″×27″	1	8	1	12	February 1886.
BURMAH SURVEY.							
Sheet No. 95 N. E. Preliminary Edition. District Tharawaddy	2″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 95 N. W. Preliminary Edition. District Tharawaddy	2″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 95 S. E. Preliminary Edition. District Tharrawaddy	2″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 95 S. W. Preliminary Edition District Tharrawady	2″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 96 N. E. Preliminary Edition. District Hanthawaddy	2″= 1 M.	40″×25″	1	0	1	4	February 1886.
Sheet No. 96 S. E. Preliminary Edition. District Hanthawaddy	2″= 1 M.	40″×25″	1	0	1	4	February 1886.
Sheet No. 97 N. E. Preliminary Edition. District Hanthawaddy	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 98 S.E. Preliminary Edition. District Hanthawaddy	2″= 1 M.	40″×25″	1	0	1	4	November 1885.
Sheet No. 112 N.W. Preliminary Edition. District Hanthawaddy	2″= 1 M.	40″×25″	1	0	1	4	February 1886.
Sheet No. 112 S.W. Preliminary Edition. District Hanthawaddy	2″= 1 M.	40″×25″	1	0	1	4	February 1886.
Sheet No. 114 N. E. Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 114 N.W. Preliminary Edition. Districts Hanthawaddy and Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 114 S.E. Preliminary Edition. Districts Hanthawaddy and Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 114 S.W. Preliminary Edition. Districts Hathawaddy and Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 127 N.E. Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 127 N.W. Preliminary Edition. District Pegu	4″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 127 S.W. Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	March 1886.
Sheet No. 128 N.E. Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 128 S.E. Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 128 N W.—Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
Sheet No. 128 S.W —Preliminary Edition. District Pegu	2″= 1 M.	40″×25″	1	0	1	4	December 1885.
BOMBAY.							
KONKAN SURVEY.							
Sheet No. 79 N.W.—1. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 79 N.W.—2. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 79 N.W.—3. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 79 N.W.—4. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 79. District Thana	1″= 1 M.	40″×25″	1	8	1	12	December 1885.
Sheet No. 80 S.W.—1. District Thana	4″= 1 M.	40″×25″	2	0	2	4	October 1885.
Sheet No. 80 S.W.—2. District Thana	4″= 1 M.	40″×25″	2	0	2	4	December 1885.
Sheet No. 80 S.W.—3. District Thana	4″= 1 M.	40″×25″	2	0	2	4	December 1885.
Sheet No. 80 S.W.—4. District Thana	4″= 1 M.	40″×25″	2	0	2	4	December 1885.
Sheet No. 81 N.E.—1. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 81 N.E.—2. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 81 N.E.—3. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 81 N.E.—4. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 81 S.W.—2. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 81 S.W.—4. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.
Sheet No. 82 S.E.—1. District Thana	4″= 1 M.	40″×25″	2	0	2	4	December 1885.
Sheet No. 82 S.E.—2. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1885.
Sheet No. 82 S.E.—3. District Thana	4″= 1 M.	40″×25″	2	0	2	4	December 1885.
Sheet No. 82 S.E.—4. District Thana	4″= 1 M.	40″×25″	2	0	2	4	January 1886.

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*continued.*

Description.	Scale.	Size and number of sheets.	Price of Map unmounted per sheet or copy. Uncolored.	Colored.	Date of Publication.
			₹ a.	₹ a.	
STANDARD SHEETS—*contd.*					
GUZRAT SURVEY.					
Sheet No. 49. Parts of the Khandesh and Nasik Collectorates of the Dang States, of the Khandesh Agency, of the Gaikwar's Territory, and the Bansda States	1″= 1 M.	40″×27″	1 12	2 0	February 1885.
Sheet No. 41 N.W.—2. Parts of the Godhra Taluka of the Panch Mahals Collectorate and of the Rewah Kantha States	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 41 S.E.—1. Part of the Godhra Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 41 S.E.—2. Part of the Godhra Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 41 S.E.—3. Part of the Godhra Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 42 N.W.—1. Part of the Godhra and Kalol Talukas of the Panch Mahals Collectorate	4″= 1 M.	44″×25″	1 12	2 0	March 1886.
Sheet No. 42 N.W.—2. Part of the Godhra and Kalol Talukas of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 42 N.W.—4. Part of the Kalol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 42 S.W.—1. Part of Kalol and Halol Talukas of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 42 S.W.—2. Part of the Kalol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 42 S.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 42 S.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 43 N.W.—1. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×35″	1 12	2 0	March 1886.
Sheet No. 43 N.W.—2. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 43 N.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 43 N.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 43 S.W.—1. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 43 S.W.—2. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 43 S.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 43 S.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 50. Supplement to Section No. 1. Part of the Kalvan Taluka of the Nasik Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 50. Supplement to Section No. 3. Part of the Kalvan Taluka of the Nasik Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 50. Section 5 (Dang Forests). Parts of the Dang, Amala, and Dang Vasurua States, and of the Don Jaghir of the Khandesh Agency	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 50. Section No. 7 (Dang Forests). Parts of the Dang, Amala, and Dang Vasurua States	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 50. Section No. 9 (Dang Forests). Parts of the Dang Vasurua States, and of the Kalvan Taluka of the Nasik Collectorate	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 50. Section No. 10 (Dang Forests). Parts of the Dang, Amala and Dang Vasurua States, of the Kalvan Taluka, of the Nasik Collectorate	4″= 1 M.	40″×25″	1 12	2 0	March 1886.
	4″= 1 M.	40″×25″	1 12	2 0	February 1886.
CUTCH.					
CUTCH TOPOGRAPHICAL SURVEY,—					
Sheet No. 26	1″= 1 M.	40″×25″	1 12	2 0	March 1886.
Sheet No. 27	1″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 28	1″= 1 M.	40″×25″	1 12	2 0	February 1886.
Sheet No. 29	1″= 1 M.	40″×25″	1 12	2 0	March 1886.
Reduction of Sheets Nos. 17, 18, 24, and 25	1″= 2 M.	40″×25″	1 12	2 0	February 1886.

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*concluded.*

Description.	Scale.	Size and number of sheets.	Price of Map unmounted per sheet or copy. Uncolored.	Colored.	Date of Publication.
			₹ a.	₹ a.	
MYSORE.					
MYSORE TOPOGRAPHICAL SURVEY,—					
Sheet No. 3. Part of District Shimoga	1″= 1 M.	40″×25″	1 0	1 4	January 1886.
Sheet No. 22. Parts of District Kadir	1″= 1 M.	40″×25″	1 0	1 4	February 1886.
Sheet No. 24. Parts of Districts Kadur and Shimoga	1″= 1 M.	40″×25″	1 0	1 4	February 1886.
Sheet No. 51. Parts of Districts Kadur and Mysore	1″= 1 M.	40″×25″	1 0	1 4	January 1886.
Sheet No. 52. Part of District Mysore	1″= 1 M.	40″×25″	1 0	1 4	January 1886.
Sheet No 53. Part of District Mysore	1″= 1 M.	40″×23″	1 0	1 4	January 1886.
Sheet No. 59. Part of Districts Mysore and Bangalore	1″= 1 M.	40″×25″	1 0	1 4	January 1886.
Sheet No. 64. Part of District Bangalore	1″= 1 M.	40″×25″	1 0	1 4	January 1886.
PUNJAB,—					
Kohat Topographical Survey, Sheet No. 7. Part of Bangash and Tari Khattak	1″= 1 M.	40″×25″	1 0	1 4	March 1886.
TECHNICAL CHARTS.					
Preliminary Chart of the East Coast, Secondary Series, from Pooree Southwards, with pamphlet giving a description of the Stations	1″= 2 M.	42″×28″ each in two sheets.	...	2 0	September 1885.
Supplementary Chart of the Secondary Coast Series shewing positions of Beacons erected on the coast, with pamphlet giving a description of the Stations	1″= 2 M.	42″×28″ each in two sheets.	...	1 0	March 1885.
Revised Preliminary Chart of Secondary Triangulation executed by the Burmah Party Series, Thayet Mayo via Prome, Myanoung and Bassein towards Cape Negrais	1″= 4 M.	42″×28″	Not priced.		July 1885.
INDEX MAPS.					
Index to Assam Cadastral Survey of District Kamrup	...	17″×13″	0 4	0 4	November 1885.
Index to the Garo, Khasi, and Naga Hills and N. E. Frontier Survey	...	14″× 9″	0 4	0 4	February 1886.
Index to the Sheets of the Andaman Topographical Survey	...	17″×13″	0 4	0 4	February 1886.
Index to the British Burma Survey	...	14″× 9″	0 4	0 4	February 1886.
Index to the British Burma Cadastral Survey of Districts Hanthawaddy, Pegu, Sheve-Gyin and Tangoo	...	14″× 8″	0 4	0 4	February 1886.
Index to the British Burma Cadastral Survey of Districts Bassein and Henzada	...	14″× 8″	0 4	0 4	February 1886.
Index to the British Burma Cadastral Survey of District Akyab	...	17″×13″	0 4	0 4	February 1886.
Index to the Central Provinces Cadastral Survey of District Shambulpur	...	17″×13″	0 4	0 4	November 1885.
Index to the Cutch Topographical Survey	...	14″× 8″	0 4	0 4	February 1886.
Index to the Gujrat Survey	...	14″× 9″	0 4	0 4	March 1886.
Index to the N. W. Provinces Cadastral Survey of District Gorakpur	...	17″×13″	0 4	0 4	November 1885.
Index to the Cadastral Survey of Basti	...	17″×13″	0 4	0 4	February 1886.
Index to the Cadastral Survey of Dehra Dun	...	17″×13″	0 4	0 4	November 1885.
Index to the Survey Operations in the Punjab	...	17″×13″	0 4	0 4	February 1886.
RAJPUTANA.					
Index to the Survey Operations in the District Ajmere	...	17″×13″	0 4	0 4	February 1886.
Index to the Survey Operations in the District Meharwara	...	17″×13″	0 4	0 4	February 1886.

CHARLES STRAHAN, *Major, R.E.*,
Assistant Surveyor-General,
In charge Map Record and Issue Office.

SURVEY OF INDIA DEPARTMENT,
Calcutta, 1st April 1886.

COMPTROLLER GENERAL'S OFFICE.

NOTIFICATION.

Calcutta, the 6th May 1886.

New Government Treasuries have been opened at the following places in Upper Burma :—

Minbu. | Ningyan.
Shwebo. | Myingyan.

C. R. C. KIERNANDER,
Depy. Comptroller General.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 4th May 1886.

No. 554.—Major J. Hill, R.E., Deputy Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under sections 71 to 74, chapter V of the Civil Leave Code, with effect from the 25th instant, or such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 28th April 1886.

No. 1697.—In pursuance of Foreign Department Notification No. 621 G. of the 25th March 1886, Major N. C. Martelli received from Major D. W. K. Barr the charge of the Office of Political Agent in Baghelkhand and Superintendent of the Rewah State, on the forenoon of the 21st April 1886.

The 1st May 1886.

No. 1756.—The undermentioned Hospita Assistant, who has passed his Septennial Professional Examination, is promoted to the higher class, with effect from the date specified against him :—

Name.	Date of Completion.		Date of passing Professional Examination.	Date of promotion.
	14 years.	7 years.		
With English Qualification. Her Nath, attached to the Baghelkhand Political Agency.	Apl. 1, 1885	Apl. 1, 1879	Apl. 19, 1886	Apl. 1, 1886

By Order,
F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 28th April 1886.

No. 950 *G.*—Dost Mahomed Khan has been appointed a 3rd Class Hospital Assistant and placed on the Reserve List of Hospital Assistants for Native States, with effect from the 1st April 1886.

No. 951 *G.*—Second Class Hospital Assistant Kirpa Ram, attached to the Machilpur Raj Dispensary in Kerowlee, is granted two months' privilege leave, with effect from the 1st April 1886, and 3rd Class Hospital Assistant Dost Mahomed Khan of the Reserve List of Hospital Assistants for Native States, is appointed to officiate for him during his absence.

No. 952 *G.*—Second Class Hospital Assistant Abdool Wahab attached to the Northern India Salt Revenue ,Hospital at Bhatki, was granted three months' privilege leave, with effect from the afternoon of the 27th March 1886, and 2nd Class Hospital Assistant Mahesh Pershad, of the Government Reserve List, was appointed to act for him during his absence.

The 1st May 1886.

No. 1020 *G.*—With reference to Foreign Department Notification Nos. 789 G. and 877 G., dated the 15th and 27th April 1886, Messrs. T. J. C. Plowden, C.S., and A. Wingate, C.I.E., C.S., respectively, made over and received charge of the Meywar Residency on the forenoon of the 15th idem.

The 4th May 1886.

No. 1032 *G.*—With reference to this Office Notification No. 701 G., dated the 5th of April 1886, Messrs. R. E. Acklom and J. R. Tregear, respectively, delivered over and received charge of the Office of Superintendent, Rajputana-Malwa Railway Police, on the afternoon of the 27th idem.

By Order,
HUGH DALY,
for 1st Asst. to the Agent to the Govr. Genl., Rajputana.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 28th April 1886.

No. 1175-405.—The Officiating Resident in Mysore is pleased to rule that every candidate for an appointment in an Establishment under his control shall produce a certificate showing that he has been successfully vaccinated or otherwise adequately protected against small-pox.

2. The following officers are authorized to grant the certificates required under rule 1 :—
(1) The Residency Surgeon.
(2) The Hospital Assistants doing duty under the orders of the Residency Surgeon.

3. A fee of one rupee may be demanded for each certificate, provided that no fee shall be payable by any candidate for inferior service.

By Order,
E. A. FRASER, *Major*,
Assistant to the Resident.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 4th May 1886.

No. 1090 *S.*—Whereas land is required in the Ajmere District for a public purpose, namely, for Bathing Ghats, Dhobies' Cisterns and Cattle Troughs, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870 :—

District.	Pargana.	Village.	Amount required for Occupation.		Total.	Purpose for which required.	Remarks.
			Permanently Bighas.	Temporarily Bighas.			
			A. R. P.	A. R. P.	A. R. P.		
Ajmere .	Ajmere .	Ajmere .	3 3 38	...	3 3 38	For constructing Bathing Ghats, Dhobies' Cisterns and Cattle Troughs required at Ajmere.	The plan can be seen at the Office of the Assistant Commissioner, Ajmere.

By Order,
HUGH DALY,
for Offg. Secy. to Chief Commr., Ajmere-Merwara.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 27th April 1886.

No. 39.—Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is granted leave on medical certificate for nine months, with the usual subsidiary leave, with effect from 3rd April 1886.

The 28th April 1886.

No. 40.—Mr. J. E. P. Lincke, Executive Engineer, 2nd Grade, is granted leave on medical certificate for six months with the usual subsidiary leave, with effect from 10th April 1886, or such subsequent date as he may avail himself of the same.

The 30th April 1886.

No. 41.—Mr. R. C. Williams, Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, has been granted by Her Majesty's Secretary of State for India, leave on medical certificate for six months, in extension of the furlough granted him previously.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

EASTERN BENGAL STATE RAILWAY.

Calcutta, the 5th May 1886.

Form in which investments in the Register of the Examiner of Accounts, Eastern Bengal State Railway, are held.

Loan.	Stock Notes held by the Comptroller General.	Government Promissory Notes held by the Comptroller General in safe custody.	Total.
4 Per cent. of 1865	51,600	14,500	66,100
4½ Per cent. of 1870	1,000	..	1,000
Total	52,600	14,500	67,100

List of Invested Funds in the Register of the Examiner of Accounts, Eastern Bengal State Railway, on the 31st March 1886.

Name of Fund, Person or Estate.	Amount of Investment. 4 per cent. of 1805 and other years.	Amount of Investment. 4½ per cent. of 1870.	Total.	Class of Fund.
Baboo Ram Taran Bhattacharjee, Cashier	10,000	...	10,000	Security deposit.
,, Kaderessur Banerjee, Assistant Cashier	6,000	...	6,000	Ditto.
,, Kajkristo Chatterjee, ditto	4,000	...	4,000	Ditto.
,, Mohendro Lall Bhattacharjee, Assistant Cashier	3,600	...	3,600	Ditto.
,, Prosono Chunder Banerjee, Pay Clerk	2,500	...	2,500	Ditto.
,, Tariney Gopal Palit, ditto	3,000	...	3,000	Ditto.
,, Chunder Coomar Bose, ditto	3,000	...	3,000	Ditto.
,, Tarapodo Banerjee, ditto	3,000	...	3,000	Ditto.
,, Annoda Prosad Ghose, ditto	3,000	...	3,000	Ditto.
,, Kalika Ranjan Mookerjee, Cash Sircar	1,000	...	1,000	Ditto.
,, Durga Nundon Banerjee, ditto	1,000	...	1,000	Ditto.
,, Woopendro Nath Mookerjee, Pay Clerk	3,000	...	3,000	Ditto.
,, Woomes Chunder Singh, Goods Clerk	3,000	...	3,000	Ditto.
,, Jogin Chunder Bose, ditto	1,500	...	1,500	Ditto.
,, Khetter Mohun Ghose, (Freight Collector)	2,000	...	2,000	Ditto.
,, Soshi Bhusan Chuckerbutty, Goods Clerk	2,000	...	2,000	Ditto.
,, Hurdeb Dass, (Labor Contractor)	3,000	...	3,000	Ditto.
,, Bilashiram ditto	2,500	...	2,500	Ditto.
,, Hurry Mohun Dey, ditto	2,000	...	2,000	Ditto.
,, Bengal Coal Company (Coal Contractor)	5,000	...	5,000	Ditto.
Messrs. T. C. Mookerjee, Eng Coal Contractors	2,000	...	2,000	Ditto.
Baboo Rajendro Nath Banerjee (Contractor)	...	1,000	1,000	Ditto.
	66,000	1,000	67,100	

F. P. QUINLAN,
Examiner.

TREASURE TROVE.

NOTICE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on or about the 23rd August 1884, certain treasure consisting as under—

36 Panhali rupees.

215 Arcot rupees.

1 Silver hand ornament (Kada).

1 Silver hand ornament (Kada).

Hirdayacha sanam of silver.

1 Hirdayach mani of silver.

1 Kargote of silver.

1 Panhali half rupee.

of the aggregate value of ₹302-14-6, was found in a wall belonging to Rajaram Joshi and brothers at Trimali in Taluka Khutao of the District of Satara.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Khatao, at Vaduj, on the 31st July 1886, when the Mamlatdar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,
Acting Collector.

CAMP MALCOLMPET,
The 28th April 1886.

TREASURE TROVE.

NOTICE

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on 23rd November 1885, certain treasure consisting of 20 gold "varga" (an ornament) of the value of ₹91-15, and two silver necklaces of the value ₹6-15, aggregating in all ₹98-14, was found in a wall belonging to Parai Kharadin of Gopuj, in Taluka Khatao, in the District of Satara.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Khatao on the 30th July 1886, at Vaduj, when the Mamledar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,
Acting Collector.

CAMP MAHABLESHWAR,
The 28th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that on the 13th day of December 1885, treasure consisting of the undermentioned articles valued at ₹220, was found by one of the convicts belonging to the Extramural Convict Gang, while excavating the earth at the New Bazar site of Mahal Bagayat, in the town of Bijapur, District Bijapur, Bombay Presidency :—

Description of Property.	Value. ₹	a.	p.
8 Gold mohurs weighing 8 tolas and valued at	168	0	0
52 silver rupees, weighing about 52 tolas and valued at	52	0	0
TOTAL	220	0	0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of the Bijapur Taluka of the Bijapur District, at his office, on the 31st day of August 1886, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,
Acting Collector.

BIJAPUR,
The 28th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 27th day of June 1885, treasure consisting of the undermentioned articles, valued at ₹175, was found hidden within the limits of Tadalgi Pagoda, belonging to Ranava Devesthan, in the village of Tadalgi, in the Bagewadi Taluka, Bijapur District, Bombay Presidency :—

Description of Property.	Number.
1. Silver coins bearing inscription in native character for Hijari 1090	105
2. Silver coins bearing inscription in native character for Hijari 1819	90
3. Silver coins bearing inscription in native character for year not known	1
4. Silver coins bearing inscriptions in native character for 1819	1
5. Silver coins bearing inscription in native character for the year 30	3

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Bagewadi Taluka of the Bijapur District, at his office, on the 23rd day of August 1886, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,
Acting Collector.

BIJAPUR COLLECTOR'S OFFICE;
The 27th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove (Act VI of 1878), that about the month of September 1885, the treasure described below, and valued at ₹84-3, was found underground in Malekai village, Mardala Magane, in Uppinangadi Taluk of this District :—

Description of the Property.	Value. ₹	a.	p.
19 Gold pagodas, each worth ₹2	38	0	0
125 Gold coins, each worth 4 annas	31	4	0
1 Piece of gold ingot, weighing 7⅜ hana tukas	2	6	0
1 Pair of gold chain, called menasina kare	1	4	0
1 Pair of gold ear ornament, called bugudi	2	12	0
9 Sheets of gold	3	12	0
1 Piece of gold ingot, weighing 10 Hana tukas	3	7	0
1 Piece of gold ingot, weighing 4½ hana tukas	1	6	0
TOTAL	84	3	0

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent, before the Collector of South Canara, at his Office, on the 25th day of October 1886, in order to the matter being inquired into and determined according to the provisions of the said Act.

J. STURROCK,
Collector.

SOUTH CANARA COLLECTOR'S OFFICE,
MANGALORE.
The 27th April 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 5th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 28th April 1886	10,93,258	
Value of Government silver in the Mint on the same date	7,21,239	18,14,497
ADD—		
Silver received by the Mint during the week on account of the Currency Department	...	
Ditto ditto Government	...	...
		18,14,497
DEDUCT—		
New coin paid to Reserve Treasury during the week	2,37,000	
Petty items issued for miscellaneous purposes	357	2,37,357
Balance on the evening of the 5th May 1886	...	15,77,140
The Balance comprises—		
Silver held on account of the Currency Department	8,92,654	
Ditto ditto Government	6,84,486	15,77,140
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	501	
Ditto ditto Currency Department	55,85,350	55,85,851

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 6th May 1886.

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.
5	D 20—59144	100	Nihala Mal, Jullundur.

ALLAHABAD,
The 5th May 1886.

H. J. BRERETON,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
4	E 1—83806	1,000	
	,, —83807	1,000	
	,, —83808	1,000	
	,, —83809	1,000	
	,, —83823	1,000	
	,, —83462	1,000	
	,, —83816	1,000	
	,, —83817	1,000	
	,, —83818	1,000	
	,, —83819	1,000	
	,, —83820	1,000	
	,, —83821	1,000	
	E 2—92036	500	
	,, —92037	500	
	,, —92038	500	
	E 20—50865	100	
	E 26—28783	100	
	,, —31176	100	
	,, —31177	100	
	,, —31178	100	
	,, —31179	100	
	,, —31180	100	Pundit Ishri Pershad, Agent of Raja Hurbans Sing, Lahore.
	,, —31181	100	
	,, —31182	100	
	,, —31183	100	
	,, —31184	100	
	,, —31185	100	
	,, —31186	100	
	,, —31187	100	
	,, —31188	100	
	,, —51189	100	
	,, —31190	100	
	,, —31191	100	
	,, —31192	100	
	,, —31193	100	
	,, —31194	100	
	,, —31195	100	
	,, —31196	100	
	,, —31175	100	
	,, —29268	100	
	,, —22752	100	
	,, —19902	100	
	,, —24141	100	
	,, —29656	100	
	,, —31414	100	
	,, —31415	100	
5	E 26—99996	100	Jogul Keshore Joshi, Mohalla Gujrati, Mooradabad.

LAHORE,
The 1st May 1886.

W. H. EGERTON,
for Deputy Commisssioner of Currency.

GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 25th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye-sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,
Principal Govt. Engineering College.

SEEBPORE,
The 22nd April 1886.

POST OFFICE.

NOTIFICATIONS.

Simla, the 13th April 1886.

On and after the 1st May next the four descriptions of embossed envelopes described below will be available for sale to the public at Post Offices or by licensed stamp vendors at the prices stated :—

	₹ a. p.
HALF-ANNA SQUARE ENVELOPES.	
Any number less than 16 . . each	0 0 8
Packets of 16 . . . per packet	0 10 6
Example—	
3 envelopes cost	0 2 0
6 ,, ,, ...	0 4 0
12 ,, ,, ...	0 8 0
ONE-ANNA SQUARE ENVELOPES.	
Any number less than 8 . . each	0 1 2
Packets of 8 . . . per packet	0 9 3
Example—	
3 envelopes cost	0 3 6
6 ,, ,, ...	0 7 0
REGISTRATION ENVELOPES, SMALL SIZE.	
Any number less than 16 . . each	0 2 2
Packets of 16 . . . per packet	2 2 6
Example—	
3 envelopes cost	0 6 6
6 ,, ,, ...	0 13 0
12 ,, ,, ...	1 10 0
REGISTRATION ENVELOPES, LARGE SIZE.	
Any number less than 8 . . each	0 2 8
Packets of 8 . . . per packet	1 5 3
,, of 16 . . . ,, ,,	2 10 6
Example—	
3 envelopes cost	0 8 0
6 ,, ,, ...	1 0 0

2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time : they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of 4½ annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

L. G. WAIT,
Asst. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 6th May 1886.

Eart, A. C.
Galrty, A.
Hollingberry, R. H.
Smith, Mrs. Brooker.

Letters marked "Care of Post Office."

Aman, A.
Bates, J. N.
Bigex, Mon. E.
Bose, P. N.
Bowers, S.
B. R.
Brenneo, Baron de.
Capel, Lt.-Col.
C. B. H.
Chelton, H.
Clarke, F. G.
Cohen, Mr.
Crawford, J.
Dessa, H. T.
Dimmock, Basil.
D'Mello, Jose.
Dodd, C. B. N.
Dowling, D. G. A.
Drury, Surgeon F. T.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
Earl, T. S.
Easton, Percy H.
Ellis, Mrs. Jus.
Entwisle, R.
Fea, Lt. Col.
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Gow, J. F.
Grant, Mrs. M.
Groseman, Sig. L.
Grun, Otto.
Guerrier, H. J.
Gustare, Esq.
Hawley, H. H.
Hughes, Capt.
Hutton, Lt.-Col.
Inman, James.
Jefferson, J. J. D.
Kelly, Miss G.
K T M.
Kirkbride, J.
Lea, Jay.
Lemaitre, A.
Lloyd, E. T.
M. O.
McDonald, Miss.
McLaughlin, John.
Manfield, J. J.
Merrett, A.
Minaeff, Mr.
Morris, Paul.
Nellie, Miss N.
Norville, Mrs. L.
Olsen, J.
Parker, G. F.
Parker, Mrs. A. H.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Power, J. O.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Rawdall, T.
Reece, Mrs. A.
Rice, W. G. L.
Richardson, H. W.
Rishworth, B. J.
R. M. E., Miss.
Salten, Miss M.
Schmid, Otto.
Sharpe, Capt. A.
Shaw, H. J.
Simpson, Percy.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, J. M.
Speer, A. E.
Stanislaus, Walter.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Swingler, Mrs. C.
Tamsore, J.
Tcuzel, C. T. C.
Walker, G. A.
Walker, P. C.
Ward, Lieut. B. R.
Weir, W. H.
Wessendorff, Henri.

Registered Letters.

Brenner, Baron Joachim.
DeGuyther, L.
Freedman, S.
Godfrey, J. B.
Guerrier, H. J.
Mascowitz, Herman.
Ross, A.
Steruzilies, David.

Unclaimed Letters held in the Barrackpore Post Office on the 3rd May 1886.

Charters, Mas.
Chater, L.
Chatterjee, Hari Das.
Coles, J R.
DeMount, F.
Fowell, W.
Hobsan, E. N.
Landale, T.
Pearson, Rev. A. C.
Riddall, W.
Thomas, Major C. F.
Thomas, Mrs. M. J.
Todd, Miss.
Walker, P. G.
Wardsley, Mrs.

E. HUTTON,
Presidency Postmaster, Calcutta.

The 8th May 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom . . .	11th May	Per P. & O. Str. from Bombay.
Ditto Book Post and Pattern Packets	10th ,,	Ditto.
Zanzibar, Mozambique, East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	18th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan . .	11th ,,	Ditto.
Australia, New Zealand and Tasmania .	11th ,,	Ditto.
Madras and Colombo	12th ,,	Per P. & O. Str. *Brindisi.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	17th ,,	French Str. *Tibre.*
Straits and Hong-Kong	17th ,,	Per Str. *Taisang.*
Rangoon and Moulmein	12th ,,	Per Str. *Africa.*
Akyab, Kyouk Phyoo, and Rangoon . .	12th ,,	Per Str. *Kilwa.*
Port Blair *vid* Rangoon	12th ,,	Per Str. *Africa.*

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, ₹4-8 ; per eight-ounce tin, ₹8-8 ; per pound tin, ₹16-8. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, ₹5-8 ; per eight-ounce tin, ₹10-8 ; per pound tin, ₹20. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائڈين كا خوب قائم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سواے اونكے جو كوئي ايك مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ڈبين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ڈبين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ڈبين كا سوله روپيه آٹهه آنه '

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

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

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلین سنکونا دوائي بخار '

لال سنکونا بارک کي ایک نئي اور عمدہ دوا گورنمنٹ فاکٹري مین تیار ہوئي ھی معمولي بے صاف کي ہوئي دوائي بخار سے کونین کے لئے یہہ بہت خوب قایم مقام ھی اور سیب پور متصل کلکتہ کے بوٹانکل گارڈن یعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاري کام اور خیرات کے لئے اور وہ لوگ جو ایک مشت بیس پونڈ لین نقد اس بہار سے خرید سکتے ھین یعنے چار آونس کے ٹین کا چھہ روپیہ آٹھہ آنہ ; آٹھہ آونس کے ٹین کا بارہ روپیہ آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا چوبیس روپیہ—

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Notifications by High Court, Comptroller General, &c.

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NOTICE.

The 15th March 1886.

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Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

Publisher, Gazette of India.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 6th May 1886.

No. 555.—Mr. C. G. S. Wood, Assistant Surveyor, 3rd Grade, Survey of India, is granted extraordinary leave without allowances for twenty months, under Section 134, Chapter X of the Civil Leave Code, with effect from 1st May 1886, or such subsequent date as his services can be spared.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,

Offg. Surveyor General of India.

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	„ Hemnath	...	City College.
	Baksi, Taraprasanna	...	Metropolitan Institution.
	Bandyopadhyay, Abinaschandra		Free Church Institution.
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10	„ Asutosh	...	Ditto ...
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	„ Banwarilal	...	Free Church Institution.
	„ Baradakanta	...	Teacher.
	„ Bijaykrishna	...	Metropolitan Institution.
	„ Binodlal	...	Free Church Institution.
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	„ Dwaibachandra		Free Church Institution.
	„ Girischandra	...	Metropolitan Institution.
	„ Jogindranath	...	Free Church Institution.
20	„ Jogindranath	...	Metropolitan Institution.
	„ Kaliprasanna	...	Ditto.
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	„ Narendranath		Free Church Institution.
	„ Nrityagopal	...	Metropolitan Institution.
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	Gupta, Anilchandra	...	Teacher.
	„ Asutosh	...	Free Church Institution.
180	„ Baradacharan	...	Presidency College.
	„ Charuchandra	...	Metropolitan Institution.
	„ Gurulal	...	Teacher.
	„ Rasiklal	...	Metropolitan Institution.
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	Marik, Bhabataran	...	General Assembly's Institution.
	Mewa, Ram	...	Canning College.
	Mirza, Wahid Ali Beg	...	Ditto.
	Mitra, Aghornath	...	Metropolitan Institution.
	„ Akshaykumar	...	Ditto.
	„ Dharaniswar	...	St. Xavier's College.
	„ Haridas	...	Presidency College.
220	„ Indubhushan	...	General Assembly's Institution.
	„ Jogindranath	...	Presidency College.
	„ Kaliprasanna	...	Dacca College.
	„ Nagendranath	...	Presidency College.
	„ Nagendranath	...	Free Church Institution.
	„ Nibaranchandra	...	Metropolitan Institution.
	„ Nirmalchandra	...	General Assembly's Institution.
	„ Prabodhchandra	...	Ditto.
	„ Ramendralal	...	Presidency College.
	Muhammad, Ishfak	...	Free Church Institution.
230	„ Israel	...	Presidency College.
	„ Israil Khan	...	Ditto.
	Mukhopadhyay, Bipinbihari	...	St. Xavier's College.
	„ Bipinchandra	...	Free Church Institution.
	„ Birajchandra	...	Ditto.
	„ Charuchandra		Ditto.
	„ Gangacharan	...	Hughli College.
	„ Gaurhari	...	Free Church Institution.
	„ Girindrachandra		Metropolitan Institution.
	„ Girindranath	...	Presidency College.
240	„ Hangseswar	...	Metropolitan Institution.
	„ Haripada	...	Hughli College.
	„ Haripada	...	Presidency College.
	„ Jogindrachandra, No. 2,	...	Metropolitan Institution.
	„ Kalidas	...	Hughli College.
	„ Kalikananda	...	Presidency College.
	„ Kaliprasanna	...	General Assembly's Institution.
	„ Kedareswar	...	Metropolitan Institution.
	„ Kshitibhushan		Krishnagar College.
	„ Lalmohan	...	City College.
250	„ Mahendranath		Ditto.
	„ Rajendranath		Hughli College.
	„ Ramchandra	...	Metropolitan Institution.
	„ Saratchandra	...	Presidency College.
	„ Sasibhushan	...	City College.
	„ Sureschandra		Free Church Institution.
	„ Susilendra	...	Teacher.
	„ Taraprasanna	...	Metropolitan Institution.
	Munshi, Dakshinacharan	...	Rajshahye College.
	Murphy, E. A. B. E.	...	Mussoorie School.
260	Mustafi, Manmatha	...	Metropolitan Institution.
	Nag, Jyotindramohan	...	Ditto.
	Nandi, Rajaninath	...	General Assembly's Institution.
	Niyogi, Manmohan	...	Ditto.
	Nownidh Lal	...	Patna College.
	Owen, M.	...	St Xavier's College.
	Pal, Lakshminarayan	...	City College.
	„ Saradaprasanna	...	Metropolitan Institution.
	Palit, Kalicharan	...	General Assembly's Institution.
	„ Purnachandra	...	Ravenshaw College.
270	Raghupershad	...	Canning College.
	Rai, Prithwi Nath	...	Muir Central College.
	Ramprasada	...	Canning College.
	Ray, Chandrasekhar	...	General Assembly's Institution.
	„ Gopalchandra	...	Free Church Institution.
	„ Kulachandra	...	Metropolitan Institution.
	„ Lalitmohan	...	General Assembly's Institution.
	„ Nripendrachandra	...	Metropolitan Institution.
	„ Priyanath	...	City College.
	„ Purnachandra	...	General Assembly's Institution.
280	„ Sitanath	...	Free Church Institution.
	„ Surendranath	...	Ditto.
	Raychaudhuri Paresnath	...	Ditto.
	Sailajaprasad	...	Patna College.
	Sanyal Banichandra	...	Metropoliton Institution.
	Sarbadhikari Suresprasad	...	Metropolitan Institution.
	Sarkar Baradakanta	...	General Assembly's Institution.
	„ Bhabataran	...	Free Church Institution.
	„ Chintamani	...	Metropolitan Institution.

	Sarkar, Kalipada ...	General Assembly's Institution.	
290	,, Purnachandra ...	Metropolitan Institution.	310
	Sen, Asutosh ...	Free Church Institution.	
	,, Bhupendranath ...	General Assembly's Institution.	
	,, Bipinchandra ...	Metropolitan Institution.	
	,, Dakshinaranjan ...	Ditto.	
	,, Dinabandhu ...	St. Xavier's College.	
	,, Dinanath ...	Hughli College.	
	,, Jyotindrachandra ...	Doveton College.	
	,, Mathuranath ...	Metropolitan Institution.	
	,, Phanibhushan ...	General Assembly's Institution.	320
300	,, Saratchandra No. 2 ...	Metropolitan Institution.	
	,, Saratchandra ...	Benares College.	
	,, Sasikumar ...	General Assembly's Institution.	
	,, Surendrachandra ...	Doveton College.	
	,, Taraprasad ...	Dacca College.	
	Sengupta, Ambikaprasad ...	General Assembly's Institution.	
	Sil, Maniklal ...	Free Church Institution.	
	,, Ramhriday ...	Ditto.	330
	Sinha, Bankubihari ...	St. Xavier's College.	331

Sinha, Kedarnath ...	General Assembly's Institution.	
,, Madhusudan ...	Free Church Institution.	
,, Ramlal ...	Patna College.	
,, Satischandra ...	Free Church Institution.	
,, Shamsherbahadur ...	L. M. College Benares.	
,, Surendranath ...	Presidency College.	
Som, Baikunthanath ...	City College.	
,, Gopalchandra ...	Hughli College.	
Sundar Das Suri ...	Teacher.	
Sur, Bihariial ...	Ditto.	
,, Sasibhushan ...	Free Church Institution.	
Surya Prasad ...	Patna College.	
Syed Mahomed Ali ...	M. A. O. College, Aligarh.	
Syed Nazir Hassan ...	Free Church Institution.	
Talukdar Harendrachandra	General Assembly's Institution.	
Thakur Dayal ...	Patna College.	
Thakur Kesabadasa ...	Muir Central College.	
,, Narendranath ...	General Assembly's Institution.	
Ukil, Syamacharan ...	Free Church Institution.	
Venis, H. C. ...	Benares College.	
Wilayat Husain ...	M. A. O. College, Aligarh.	
Yawar Hosain Khan ...	Patna College.	
Zahurul Huson ...	Teacher.	

The undermentioned candidates have taken Honours in the B. A. Examination :—

These Lists are arranged in Order of Merit.

(C)	indicates 1st division in	Chemistry and Physics.	(c)	indicates 2nd division in	Chemistry and Physics.
(E)	... ...	English.	(e)	... ...	English.
(L)	... ...	Latin.	(l)	... ...	Latin.
(M)	... ...	Mathematics.	(m)	... ...	Mathematics.
(P)	... ...	Persian.	(p)	... ...	Persian.
(Ph)	... ...	Mental and Moral Science.	(ph)	... ...	Mental and Moral Science.
(S)	... ...	Sanskrit.	(s)	... ...	Sanskrit.

ENGLISH.

First Division.

1	Bhattacharyya, Janakinath, (S) (ph) ...	City College.
2	Mukhopadhyay, Durgadas. (Ph) ...	Free Church Institution.
3	Wheeler, E. M. (L) ...	Presidency College.
4	Das, Jogindranath ...	Ditto.
5	Das, Nibaranchandra. (Ph)	City College.
	Fernando, M. J. ...	Free Church Institution.
7	Ahmad	Presidency College.
8	Guha, Taraprasanna ...	Ditto.
9	Datta, Manmathanath ...	Metropolitan Institution.
10	Kastagiri, Saradacharan	Ditto.
11	Abdus Samad ...	Free Church Institution.
	Chattopadhyay, Nalinikanjan	Presidency College.
13	Bandyopadhyay, Chandrabhushan ...	Metropolitan Institution.
14	Majumdar, Surendranath	St. Xavier's College.
	Sen, Jagadischandra ...	Dacca College
16	Ramachandra ...	Muir Central College.
17	Dover, W. C. ...	St. Xavier's College.
18	Chattopadhyay, Kshirodchandra. (ph) ...	Presidency College.
	Guha, Umeschandra ...	Dacca College.
20	Ghosh, Atulkrishna ...	Muir Central College
	Sarkar, Rajanikanta ...	Free Church Institution.
22	Abdur Rahim ...	Presidency College.
	Ghosh, Saratchandra ...	Dacca College.
24	De, Manmathanath ...	Patna College.

Second Division.

25	Azmat Ali Firoz ...	Muir Central College.
26	De, Ramnath. (Ph) ...	Presidency College
27	Das, Bipinbihari (s) ...	Ditto.
	Mukhopadhyay, Saratchandra ...	Benares College.
29	Ghosh, Surendranath ...	Dacca College.
30	Chakrabarti, Phatikchandra ...	Krishnagar College.
31	Dasgupta, Mathuranath	Patna College.
32	Ráy, Kalicharen ...	Free Church Institution.
33	Bhaduri, Nabakrishna ...	Metropolitan Institution.
34	Sen, Debendranath ...	Teacher.
35	Muhammad Husain Azmi	Muir Central College.
36	Shibbon Lall ...	Agra College.
37	Abdul Karim ...	Presidency College.
38	Yugala Kishora ...	L. M. College, Benares.
39	Abdus Samad. (p) ...	Patna College.
40	Basu, Haridas ...	Metropolitan Institution.
41	Dasgupta, Prasannakumar. (s) ...	Dacca College.
42	Gouri Sankar. (c) ...	Muir Central College.
43	Ghosh, Ambikacharan ...	Dacca College.
	,, Syamacharan ...	Patna College.
	Gokulprasad. (s) ...	Muir Central College.
	Zahural Haq ...	Dacca College.
47	Gupta, Bhubanmohan ...	Metropolitan Institution.
48	Bardolai, Gopinath ...	General Assembly's Institution.
49	Dikshita, Ambikaprasad	Canning College.
50	Gupta, Sukhamay ...	Free Church Institution.
51	Bandyopadhyay, Purnachandra.	General Assembly's Institution.
52	Chattopadhyay, Haraprasad ...	Free Church Institution.
53	Gupta, Kaminimohan ...	Ditto.
54	Mitra, Hemchandra ...	Patna College.
55	Ray, Saratchandra ...	Presidency College.
56	Kanhaiya Lal Dave. (s) ...	Muir Central College.
57	Gangopadhyay, Bhupalchandra. (s) ...	Presidency College.
58	Sarmabiswas, Ramankrishna ...	Dacca College.

MENTAL AND MORAL SCIENCE.

First Division.

1	Majumdar, Syamaprasanna	Presidency College.
2	Raychaudhuri, Purnachandra ...	Ditto.
3	Ghosh, Atalbihari ...	Ditto.
4	Basu, Satyananda ...	Ditto.
5	De, Ramanath (e) ...	Ditto.
6	Mukhopadhyay, Durgadas. (E) ...	Free Church Institution.
7	Bandyopadhyay, Apurbakumar ...	St. Xavier's College.
8	Mitra, Basambad ...	City College.
9	Chattopadhyay, Charuchandra ...	Free Church Institution.
	Das, Nibaranchandra. (E)	City College.
11	Bandyopadhyay, Jagadananda ...	Metropolitan Institution.
12	Kunjbehari Seth ...	Canning College.

Second Division.

13	Trimbuckanant Sothey. (s)	Agra College.
14	Bhattacharyya, Janakinath. (E) (S) ...	City College.
15	Nand Kishore Lall ...	Presidency College.
16	Mukhopadhyay, Kalisankar ...	Ditto.
17	Chattopadhyay, Kshirodchandra. (E) ...	Ditto.
18	Dipchand ...	Agra College.
19	Das, Kanailal ...	Benares College.
20	Jugalbehari Makar ...	Agra College.
21	Haldar, Hiralal ...	General Assembly's Institution.
22	Sen, Upendranath ...	Canning College.
23	Rajaram ...	Ditto.

SANSKRIT.

First Division.

1	Bhattacharyya, Janakinath. (E) (ph) ...	City College.
2	Chakrabarti, Sitalchandra ...	City College.

Second Division.

3	Basu, Nityakrishna ...	Metropoliton Institution.
4	Sen, Kamini ...	Bethune Female School.
5	Trimbuckanant Sethey. (ph)	Agra College.
	Vinayak Rao Yadeo Bhope ...	Muir Central College.
7	Bandyopadhyay, Sasadhar ...	Presidency College.
8	Das, Bipinbihari. (e) ...	Ditto.
9	Kanhaiya Lal Dave. (e)	Muir Central College.
10	Mukhopadhyay, Girischandra ...	Hughli College.
11	Gangopadhyay, Bhupalchandra. (e) ...	Presidency College.
12	Das, Umakanta ...	City College.
13	De, Purnachandra	Metropolitan Institution.
14	Dasgupta, Prasannakumar. (e) ...	Dacca College.
15	Bandyopadhyay, Prabhacharan ...	Metropolitan Institution.
16	Gokulprasad. (e) ...	Muir Central College.
17	Bhattacharyya, Syamacharan ...	Metropolitan Institution.
18	Gangopadhyay, Pratapchandra ...	Dacca College.

PERSIAN.

First Division.

1	Zahhadur Rahim ...	Dacca College.
2	Mubarak Husain ...	Muir Central College.
3	Hafiz Ibadullah ...	Agra College.

Second Division.

4	Abdus Samad. (e) ...	Patna College.
5	Muhammad Habibullah...	Patna College.

LATIN.

First Division.

1	Wheeler, E. M. (E)	Presidency College.

Second Division.

2	Billing, W.	Teacher.

HISTORY.

First Division.

1	Mukhopadhyay, Satyachandra	City College.

Second Division.

2	Sen, Bhaminiranjan...	City College
3	,, Kedarnath ...	Metropolitan Institution.
4	Bandyopadhyay, Ramkrishna ...	City College.

MATHEMATICS.

First Division.

1	Basu, Abinaschandra ...	Presidency College.
2	Bandyopadhyay, Kshetramohan ...	Metropolitan Institution.
3	Mitra, Srischandra. (e)...	Presidency College.

SECOND DIVISION.

4	Haldar, Piyarilal. (c) ...	Presidency College.	12	Kundu, Radhagobinda ...	Hughli College.
5	Basak, Rajkisor ...	Ditto.	13	Datta, Radhakanta ...	Patna College.
	Das, Gobindachandra, No. 1. (C) ...	Dacca College.	14	Bhattacharyya, Saradamohan ...	Dacca College.
	Mukhopadhyay, Abinaschandra ...	Presidency College.	15	Ray, Kalikumar ...	Patna College.
8	Chaudhuri, Jnanendranath. (c) ...	Ditto.	16	Kshatriya, Debidayal ...	L. M. College, Benares.
9	Dhar, Mohinimohan ...	Metropolitan Institution.	17	Ghosh, Surendrakumar ...	Hughli College.
10	Bhattacharyya, Kalipada	Presidency College.	18	Datta, Satyakrishna ...	Presidency College.
	Chaturbedi, Badrinath ...	Muir Central College.	19	Narayan Moreswar Sane.	Muir Central College.

PHYSICS AND CHEMISTRY.

FIRST DIVISION.

1	Trivedi, Ramendrasundar	Presidency College.	2	Das, Gobindachandra, No. 1. (m) ...	Dacca College.

SECOND DIVISION.

3	Haldar, Piyarilal. (m) ...	Presidency College.	8	Saha, Gangadas ...	Presidency College.
	Mitra, Srischandra. (M)	Ditto.	9	Kastagiri, Dhirendralal ...	Ditto.
5	Sinha, Sureschandra ...	Ditto.	10	Gouri Sankar. (e) ...	Muir Central College.
6	Chaudhuri, Jnanendranath. (m) ...	Ditto.			
	Sarkar, Annadaprasad ...	Ditto.			

SENATE HOUSE,
The 3rd May 1886.

W. GRIFFITHS,
Registrar.

The undermentioned students have passed the Honours in Medicine Examination :—

SURGERY.

Barat, Surendranath ... ... Medical College.

MIDWIFERY.

In order of Merit.

1. **Bandyopadhyay, Trailokyanath ... ... Medical College.**
2. **Ghatak, Annadaprasanna ... ... Ditto.**
3. **Nallatamby, C. W. ... ... Ditto.**

W. GRIFFITHS, *Registrar.*

SENATE HOUSE, *the 11th May* 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 11th May 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,684	15	0
Public Deposits at Head Office ₹ 1,11,62,381 7 3 / Public Deposits at Branches 1,26,31,916 15 1	2,37,94,298	6	4
Other Deposits at Head Office and Branches	2,87,41,953	14	2
Bank Post Bills, &c.	3,18,623	8	0
Sundries	18,15,196	9	4
RUPEES	7,88,26,757	4	10

ASSETS.	₹	a.	p.
Government Securities	61,41,807	4	0
Other authorized Investments	46,29,342	8	0
Loans on Government and other authorized Securities	1,06,79,847	3	7
Accounts of Credit on Government and other authorized Securities	82,73,026	13	10
Bills discounted and purchased	2,47,91,632	8	0
Balances with other Banks	8,18,129	11	4
Bullion	24,972	4	4
Dead Stock	11,35,785	9	8
Stamps	8,998	5	0
Sundries	6,52,928	14	10
	5,71,56,471	2	7
Cash and Currency Notes at Head Office ₹ 83,30,519 15 2 / Cash and Currency Notes at Branches 1,33,39,766 3 1	2,16,70,286	2	3
RUPEES	7,88,26,757	4	10

BANK OF BENGAL,
Calcutta, 13th May 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

Rate for Demand Loans 6 per cent.
Percentage 39·6.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 22nd April 1886.

No. 9.—The services of 2nd Grade Senior Apothecary Thomas Lyons are placed at the disposal of the Bengal Government for permanent civil employment.

No. 10.—The services of the undermentioned 1st Grade Apothecaries are placed at the disposal of the Bengal Government, with effect from the dates specified :—

Richard Michael Blaker,—18th January 1886.
James Kelly,—23rd January 1886.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 10th May 1886.

Offices reported opened and closed during the month of April 1886 :—

Name of Station.	Where situated.	Date.	Remarks.
Aska	Madras Presdy.	9th Apl.	Opened.
Boileauganj	(Simla) Punjab	1st ,,	Ditto.
Darjeeling (Secretariat).	(Darjeeling) Bengal.	16th ,,	Ditto.
Erinpura	Rajputana	19th Mar.	Ditto.
Landour	N.-W. Provinces	1st Apl.	Ditto.
Maimensing	Eastern Bengal	4th ,,	Ditto.
Mussooree (Library Bazar).	N.-W. Provinces.	1st ,,	Ditto.
Panipat	Punjab	25th ,,	Ditto.
Ranikhet Cantonment.	N.-W. Provinces.	15th ,,	Ditto.
Sojat	Rajputana	6th ,,	Ditto.
Yandoon	Burmah	19th Mar.	Ditto.
Chunian	Punjab	30th Apl.	Closed.
Gyobin (field Office)	Upper Burmah	5th ,,	Ditto.
Malabar Point	Bombay	3rd ,,	Ditto.
Sittang	Burmah	8th ,,	Ditto.
	Railway.		
Ajodhya Junction	Oudh and Rohilkund Ry.	10th Apl.	Opened.
Darshannagar		10th ,,	Ditto.
Darshannagar		14th ,,	Closed.
Bhimun	Bhopal-Jhansi-Cawnpore Section of Indian Midland Ry.	1st ,,	Opened.
Chowra			
Pakhram			
Paman			
Lalpur			
Manihari	Assam-Behar State Ry.	16th ,,	Ditto.
Purneah		19th ,,	Ditto.

No. 3.—Mr. J. W. B. Duthy, Superintendent, 5th Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 15th April 1886.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th May 1886.

No. 142.—Mr. F. A. Patten has been granted by the Director, Persian Gulf Telegraph, furlough for one year and six months, under Section 50, and subsidiary leave, not exceeding five days, under Section 18(*a*), of the Civil Leave Code, with effect from 9th April 1886, subject to the confirmation by the Director-in-Chief, Indo European Telegraph.

J. GRIERSON, *Lt.-Col., Bo.S.C.,*
Examiner of Telegraph Accounts.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 5th May 1886.

No. 1796.—Lieutenant C. P. Campbell, Officiating 4th Squadron Commander, 2nd Regiment, Central India Horse, is granted accumulated privilege leave for ninety days from the 12th May 1886, or such date as he may avail himself of it.

The 7th May 1886.

No. 1818.—Captain E. S. Masters, Adjutant, Bhopal Battalion, is granted thirty days' privilege leave from the 3rd May 1886.

The 8th May 1886.

No. 1845.—In accordance with Foreign Department Notification No. 836 G., dated the 19th April 1886, Major N. C. Martelli made over and Captain A. P. Thornton received charge of the Office of Political Agent in Bhopawar on the forenoon of the 3rd May 1886.

By Order,

F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 5th May 1886.

No. 1043 *G.*—Surgeon W. W. Webb, Officiating Medical Officer, Meywar Bhil Corps, availed himself, on the forenoon of the 28th April 1886, of the privilege leave granted him in Foreign Department Notification No. 841 G., dated the 19th idem.

The 7th May 1886.

No. 1063 *G.*—Captain A. C. Talbot, C.I.E., Political Agent, Bickaneer, availed himself, on the afternoon of the 28th April 1886, of the privilege leave granted him in this Office Notification No. 811 G., dated the 14th idem.

Surgeon P. D. Pank, Agency Surgeon, Bickaneer, will hold charge of the current duties of the Bickaneer Agency Office, in addition to his own, during Captain Talbot's absence, or until further orders.

The 8th May 1886.

No. 1064 *G.*—Second Class Hospital Assistant No. 241, Gopal Dass, received medical charge of the Meywar Bhil Corps on the forenoon of the 28th April 1886, in addition to his own duties, from Surgeon W. W. Webb, proceeding on sixty days' privilege leave.

No. 1081 *G.*—Colonel A. Conolly, Commandant, Meywar Bhil Corps, is granted privilege leave for sixty days, with effect from the 20th May 1886, or such subsequent date as he may avail himself of the same.

The 10th May 1886.

No. 1094 *G.*—Lieutenant-Colonel A. W. Roberts, Political Agent, Ulwar, is granted two months' privilege leave, with effect from the 17th May 1886, or such subsequent date as he may avail himself of the same.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 7th May 1886.

No. 459-562 *IV.*—Mr. R. S. Whiteway, C.S., Settlement Officer, Ajmere-Merwara, after making over charge of his Office to the Commissioner, availed himself, on the afternoon of the 19th April 1886, of the furlough granted him in Foreign Department Notification No. 463 G., dated the 10th March 1886.

The 8th May 1886.

No. 475—96 *III.*—With reference to the Agent to the Governor General's Notification No. 815 G., dated the 14th April 1886, Colonel F. W. Boileau made over charge of the Office of Cantonment Magistrate, Deoli, to Lieutenant J. A. Bell on the afternoon of the 22nd April 1886.

Lieutenant Bell is invested with the powers of a Magistrate of the 2nd Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code), with effect from the 22nd ultimo, to be exercised during the time he may act as Cantonment Magistrate.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr Genl.*

No. 1117 *S.*—Whereas land is required in the Ajmere District for a public purpose, namely, for the proposed approach road to the Conservancy Collecting Station, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870:—

District.	Pargana.	Village.	Amount required for Occupation. Permanently.	Amount required for Occupation. Temporarily.	Total.	Purpose for which required.	Remarks.
			A. R. P.	*A. R. P.*	*A. R. P.*		
Ajmere .	Ajmere .	Ajmere .	0 3 10	...	0 3 10	For the proposed approach road from the Quaisarganj to the Conservancy Collecting Station.	The plan can be inspected at the Office of the Assistant Commissioner, Ajmere.

By Order,
S. S. JACOB, *Lieut.-Colonel,*
Offg. Secy. to the Chief Commr., Ajmere & Merwara.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	Description.	Metal.	Value R	Value a.	Value p.	Number available for sale.	Remarks.
	Found in the Fattehgarh District.						
1	Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper .	0	1 each	0	2	These coins will be available for sale up to and not later than the 4th September 1886.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver .	0	4 each	0	214	Do. 7th December 1886.
	Found in the Gujrat District (Punjab).						
22	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates.	Copper .	0	1 each	0	45	Do. 17th January 1887.
23	Ditto with illegible dates . .	Do. .	0	0 each	6	101	

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

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 May 1886.

Public Works (Buildings and Roads and Military Works Branch) and Telegraph.						Irrigation.					
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.			Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.		
1	Rajputana	Feb. 1886	Apl.	19,	1886	1	Rajputana	Feb. 1886	Apl.	16,	1886
2	Punjab	Do. "	Do.	22,	"	2	Punjab	Do. "	Do.	21,	"
3	Bombay	Do. "	Do.	26,	"	3	Bombay	Do. "	Do.	21,	"
4	Military Works Branch	Do. "	Do.	26,	"	4	Madras	Do. "	Do.	21,	"
5	Assam					5	Military Works Branch	Do. "	Do.	26,	"
6	Bombay					6	British Burma	Do. "	Do.	1,	"
7	Coorg					7	Bengal	Do. "	Do.	6,	"
	Central India	Do. "	Do.	27,	"		North-Western Provinces and Oudh.	Do. "	Do.		
	Hyderabad (Assigned Districts).										
	Madras										
	British Burma										
	North-Western Provinces and Oudh.	Do. "	May	1,	"						
	Bengal	Do. "	Do.	3,	"						

Public Works (Buildings and Roads and Military Works Branch) and Telegraph.						Irrigation.					
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.			Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.		
1	Rajputana	Feb. 1886	Apl.	19,	1886	1	Rajputana	Feb. 1886	Apl.	16,	1886
2	Punjab	Do. "	Do.	22,	"	2	Punjab	Do. "	Do.	21,	"
3	Bombay					3	Bombay	Do. "	Do.	21,	"
4	Military Works Branch	Do. "	Do.	26,	"	4	Madras	Do. "	Do.	21,	"
5	Assam					5	Military Works Branch	Do. "	Do.	26,	"
6	Bombay					6	British Burma	Do. "	Do.	1,	"
7	Coorg					7	Bengal	Do. "	Do.	6,	"
	Central India	Do. "	Do.	27,	"		North-Western Provinces and Oudh.	Do. "	Do.		
	Hyderabad (Assigned Districts).										
	Madras										
	British Burma										
	North-Western Provinces and Oudh.	Do. "	May	1,	"						
	Bengal	Do. "	Do.	3,	"						

State Railways (Capital).						State Railways (Revenue).					
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.			Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.		
1	Amritsar-Pathankot	Feb. 1886	Mar.	19,	1886	1	Amritsar-Pathankot	Feb. 1886	Mar.	19,	1886
2	Bengal Central	Do. "	Apl.	2,	"	2	British Burmah	Do. "	Apl.	24,	"
3	British Burmah	Do. "	Do.	16,	"		Eastern Bengal				
	State Ry. Stores Branch						Cawnpore-Achneyra				
5	Cawnpore-Achneyra	Do. "	Do.	20,	"	4	Kaunia-Dhurla	Do. "	Do.	25,	"
	Punjab Provl. Surveys						Northern Bengal				
6	Sindia	Do. "	Do.	22,	"		Umaria-Colliery				
	Sindh-Sagar					8	Jorhat	Do. "	Do.	27,	"
	Assam Subsidized Rys.						Nalhati				
	Bengal & North-Western					9	Nagpur-Chhattisgarh				
	Eastern-Bengal	Do. "	Do.	24,	"		Tirhoot	Do. "	Do.	30,	"
	Beliaspur-Etawah						Wardah Coal				
	Rewari-Ferozepore						Dacca-Mymensing				
	Wardah Coal					13	Bengal Administrative Charges.	Do. "	May	3,	"
	Assam Railway Surveys					15	Bhopal	Jan. "	Mar.	29,	"
	Dacca-Mymensing					16	South Indian Mahratta	Do. "	Apl.	13,	"
	Kaunia-Dhurla					17	East Indian	Do. "	Do.	19,	"
15	Nalhati	Do. "	Do.	26,	"	18	Rajputana-Malwah	Do. "	Do.	20,	"
	Northern Bengal										
	Nagpur-Chhattisgarh										
	Tirhoot										
	Umaria Colliery Works										
	Chirra Punji Mt.										
24	Jorhat	Do. "	Do.	27,	"						
26	Madras Railway Surveys										
27	Indian Midland Ry.	Do. "	Do.	29,	"						
	Bassein-Henzada	Do. "	May	1,	"						
	Bengal-Provincial Surveys										
28	Nagpur-Bengal	Do. "	Do.	3,	"						
	Rangghat-Bhagwangola										
31	Bhopal	Do. "	Do.	5,	"						
32	Holkar										
	Rajputana-Malwah	Jan. "	Mar.	29,	"						
35	Rewari-Ferozpur	Do. "	Apl.	9,	"						
	N.-W. P. and Oudh Subsidised Rys.										
35	Southern-Mahratta	Do. "	Do.	13,	"						
37	Cuddapah-Nellore	Do. "	Do.	16,	"						
	East Indian										
38	Indian Midland Ry. Cawnpore-Achneyra Section.	Do. "	Do.	20,	"						
	Punjab-Jhansi Section.										
40	Ghazipur-Dildarnagar	Do. "	Do.	22,	"						
42	N.-W. P. and Oudh Provincial Rys.	Do. "	Do.	24,	"						
43	Punjab Northern	Dec. 1885	Feb.	22,	"						
44	Indus Valley	Do. "	Mar.	12,	"						
45	Bellary-Kistna	Do. "	Apl.	5,	"						
46	Bolan	Do. "	May	5,	"						
47	Sind-Pishin (N. Section)	Nov. "	Apl.	5,	"						
							Foreign States.				
							Railways—Capital.				
1						1	Bhavnagar-Gondal .	Feb. 1886	Apl.	19,	1886
							Railways—Revenue.				
						1	Bhavnagar-Gondal .	Jan. 1886	Mar.	22,	1886

Irrigation.						Telegraph Department.					
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.			Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.		
1	Rajputana	Feb. 1886	Apl.	16,	1886	1	Indo-European	Jan. 1886	Apl.	17,	1886
2	Punjab	Do. "	Do.	21,	"	2	Indian	Do. "	May	3,	"
3	Bombay	Do. "	Do.	21,	"	3	General	Dec. 1885	Apl.	5,	"
4	Madras	Do. "	Do.	21,	"						
5	Military Works Branch	Do. "	Do.	26,	"						
6	British Burma	Do. "	Do.	1,	"						
7	Bengal	Do. "	Do.	6,	"						
	North-Western Provinces and Oudh.	Do. "	Do.								

Irrigation.						Guaranteed Railways.					
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.			Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.		
1	Rajputana	Feb. 1886	Apl.	16,	1886	1	State Railway Stores Branch.	Feb. 1886	Apl.	15,	1886
2	Punjab	Do. "	Do.	21,	"	2	North-Western Provinces and Oudh.	Do. "	Do.	22,	"
3	Bombay	Do. "	Do.	21,	"	4	Punjab	Do. "	Do.	24,	"
4	Madras	Do. "	Do.	21,	"	5	Bombay	Do. "	Do.	27,	"
5	Military Works Branch	Do. "	Do.	26,	"	6	Madras	Do. "	Do.	3,	"
6	British Burma	Do. "	May	1,	"		Bengal	Do. "	May		
7	Bengal	Do. "	Do.	6,	"						
	North-Western Provinces and Oudh.	Do. "	Do.								

A. G. BEGBIE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

SIMLA,
The 10th May 1886.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 5th May 1886.

No. 42.—Mr. A. Morse, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on 19th April 1886.

The 10th May 1886.

No. 43.—Mr. E. N. Homan, Class III of the Superior Revenue Establishment of State Railways, Stores Department, is transferred, in the interests of the public service, from the Sind-Pishin State Railway, Northern Section, to the Bellary-Kistna State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

Statement of Silver Balance in the Calcutta Mint for the week ending 12th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 5th May 1886 . . .	8,92,654	
Value of Government silver in the Mint on the same date .	6,84,486	15,77,140
ADD—		
Silver received by the Mint during the week on account of the Currency Department	453	
Ditto ditto Government	211	664
		15,77,804
DEDUCT—		
New coin paid to Reserve Treasury during the week .	1,93,000	
Petty items issued for miscellaneous purposes . . .	...	1,93,000
Balance on the evening of the 12th May 1886	...	13,84,804
The Balance comprises—		
Silver held on account of the Currency Department .	6,25,329	
Ditto ditto Government	7,59,475	13,84,804
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	9,077	
Ditto ditto Currency Department . . .	55,85,350	55,94,427

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 13th May 1886.

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.
6	N 4—17554	50	Madan Mohan, Allahabad.

ALLAHABAD,
The 12th May 1886.

H. J. BRERETON,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
6	E 26—26187*	100	Chiman Lal and Kidar Nath, Kurnal.
	,, —26188*	100	

* Sent to Agency No. 1, Rawalpindi.

LAHORE,
The 8th May 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F. A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 25th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye-sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,
Principal Govt. Engineering College.

SEEBPORE,
The 22nd April 1886.

FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1¼ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus for carriage to Patna. } ₹43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,
Principal Assistant to Opium Agent, Behar, Patna.

POST OFFICE.

NOTIFICATIONS.

Simla, the 13th April 1886.

On and after the 1st May next the four descriptions of embossed envelopes described below will be available for sale to the public at Post Offices or by licensed stamp vendors at the prices stated :—

	₹ a. p.
HALF-ANNA SQUARE ENVELOPES.	
Any number less than 16 . . each	0 0 8
Packets of 16 . . . per packet	0 10 6
Example—	
3 envelopes cost	0 2 0
6 ,, ,, ...	0 4 0
12 ,, ,, ...	0 8 0
ONE-ANNA SQUARE ENVELOPES.	
Any number less than 8 . . each	0 1 2
Packets of 8 . . . per packet	0 9 3
Example—	
3 envelopes cost	0 3 6
6 ,, ,, ...	0 7 0
REGISTRATION ENVELOPES, SMALL SIZE.	
Any number less than 16 . . each	0 2 2
Packets of 16 . . . per packet	2 2 6
Example—	
3 envelopes cost	0 6 6
6 ,, ,, ...	0 13 0
12 ,, ,, ...	1 10 0
REGISTRATION ENVELOPES, LARGE SIZE.	
Any number less than 8 . . . each	0 2 8
Packets of 8 . . . per packet	1 5 3
,, of 16 . . . ,, ,,	2 10 6
Example—	
3 envelopes cost	0 8 0
6 ,, ...	1 0 0

2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time : they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of 4½ annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

The 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *vid* the *United Kingdom* to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola).

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

The 5th May 1886.

No. 1808.—Lala Debiprasad is appointed to officiate as Superintendent, Post Master General's Office, Allahabad.

G. J. HYNES,
for *Director General of the Post Office of India.*

Unclaimed letters held in the Calcutta General Post Office on 13th May 1886.

Fletcher, Mrs.	Morton, Mrs. A.	Smith, Mrs. Brooker.
Gairty, A.	Schulze, W.	Wybergh, Rev. E. L.

Letters marked "Care of Post Office."

Aman, A.	Gilbert, Mrs. M.	Preston, R. C. Campbell.
Bates, J. N.	Goodall, Miss.	Pyle, Mrs. C. I.
Bigex, Mon. E.	Gow, J. F.	Randall, T.
Booth, P.	Grant, Mrs. M.	Rice, W. G. L.
Bose, P. N.	Groseman, Sig. L.	Richardson, H. W.
Bowers, S.	Guerrier, H. J.	Rishworth, B. J.
B. R.	Gustare, Esq.	R. M. E., Miss.
Bremner, Baron de.	Hutton, Lt.-Col.	Salten, Miss M.
Brunton, Mrs. J.	Inman, Capt. C.	Schmid, Otto.
Capel, Lt.-Col.	Inman, James.	Sharpe, Capt. A.
C. B. H.	Jefferson, J. J. D.	Shaw, H. J.
Checacacci, G. F.	Kelly, Miss G.	Simpson, Percy.
Chelton, H.	K. T. M.	Smallwood, Geo.
Clarke, F. G.	Kirkbride, J.	Smart, Mrs. R. B.
Cohen, Mr.	Lea, Jay.	Smith, J. M.
Crawford, J.	Lemaitre, A.	Sole, Rev. A. B.
D. C. J. E.	M. O.	Speer, A. E.
Dessa, H. T.	Manfield, J. J.	Stanislaus, Walter.
Dimmock, Basil.	McDonald, Miss.	Stone, Mrs. T.
D'Mello, Jose.	McGrath, Edwin.	Storey, A.
Dodd, C. B. N.	McLaughlin, John.	Straw, Mrs. R.
Drury, Surgeon F. J.	Miller, Capt. John C.	Swingler, Mrs. C.
Dukes, Mrs.	Minaeff, Mr.	Tamsure, J.
Dundas, Mrs.	Morris, Paul.	Thomson, G.
Dwarris, J. H.	Nellie, Miss N.	Thompson, R. D.
Earl, T. S.	Norville, Mrs. L.	Walker, G. A.
Easton, Percy H.	Olsen, J.	Walker, P. C.
Ellis, Mrs. Jas.	Parker, Mrs. A. H.	Ward, Lieut. B. R.
Entwisle, R.	Percy, A.	Weir, W. H.
Ferrell, Mrs. J. B.	Peterson, Dr. Geo.	Wessendorff, Henri.
Fez, Lt. Col.	Phillips, W. G. St. V.	Wilson, Mrs. Mark.
Gayer, A. H.	Power, J. O.	

Registered Letters.

Anderson, James.
Brenner, Baron Joachim.
DeGruyther, L.
Grogan, H. C.
Guerrier, H. J.
Ross, A.
Steruzilies, David.
Watson, A. W.

Unclaimed Letters held in the Barrackpore Post Office on the 10th May 1886.

Agan, H.
Arrakiel, M.
Barnett, Lt.
Berant, H. Commander
Charter, Mrs. C.
Charter, C.
Charters, Mrs. W.
DeMount, F.
Doyle, A. C.
Fowell, W.
Hart, E. H.
Hart, H.
Hobson, E. A.
Jouberf, C. H.
Landale, T.
McLaigh.
Nicholls, J.
Owen, M. S.
Pearson, Rev. A. C.
Riddall, W.
Secy. to Agricultural Show.
Smith, W.
Thomas, Major C. F.
Todd, Miss.
Wardsley, Mrs.

E. HUTTON,
Presidency Postmaster, Calcutta.

The 15th May 1886.
SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	18th May	Per P. & O. Str. from Bombay.
Ditto ditto ditto	22nd ,,	Ditto.
Ditto Book Post and Pattern Packets	17th ,,	Ditto.
Ditto ditto ditto	21st ,,	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	18th ,,	Ditto.
Ditto ditto ditto	22nd ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	25th ,,	Ditto.
Australia, New Zealand and Tasmania	25th ,,	Ditto.
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	17th ,,	Per French Str. *Tibre.*
Straits and Hong-Kong	17th ,,	Per Str. *Taisang.*
Rangoon and Moulmein	19th ,,	Per Str. *Patna.*
Akyab, Kyouk Phyoo, and Rangoon	19th ,,	Per Str. *Mahratta.*

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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, ₹4-8; per eight-ounce tin, ₹8-8; per pound tin, ₹16-8. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, ₹5-8; per eight-ounce tin, ₹10-8; per pound tin, ₹20. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فیوج

یہہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے پوٹانکل گارڈن یعنے کمپني باغ کے [illegible] صاحب ہے ہرایک ملازم سرکاري واسطے سرکاري کام [illegible] اور سوایہ اونکے جو کوئي ایک مشت بیس [illegible] بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ '

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

یہہ دوا کلکتہ کے بڑے بڑے ولایتي اور دیسي دوا خانونمین بکتي ہی ماسوائے قیمت مذکورۂ بالا کے محصول ڈاک چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹2 The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoign rates.

کرسٹلین سنکونا دوائي بخار '

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,
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SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 12th May 1886.

No. 556.—Mr. T. J. J. Mills, Assistant Surveyor, 3rd Grade, Survey of India, is granted privilege leave for two months, under Section 138, Chapter X, of the Civil Leave Code, with effect from 13th instant, or such subsequent date as his services can be spared.

The 14th May 1886.

No. 563.—Lieutenant H. M. Jackson, R.E., Officiating Deputy Superintendent, Survey of India, is granted privilege leave for one month, under Sections 71 to 74, Chapter V, of the Civil Leave Code, with effect from the 20th June 1886, or such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

Statement of the Affairs of the Bank of Bengal for the week ending 18th May 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,684	15	0
Public Deposits at Head Office ₹ 1,29,44,825 3 10	2,53,97,341	2	0
Public Deposits at Branches 1,24,52,515 14 2			
Other Deposits at Head Office and Branches	2,88,26,497	12	9
Bank Post Bills, &c.	3,13,511	7	11
Sundries	18,46,349	6	2
RUPEES	8,05,40,384	11	10

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				62,26,203	8	0
Other authorized Investments				47,56,267	8	0
Loans on Government and other authorized Securities				1,15,64,282	12	9
Accounts of Credit on Government and other authorized Securities				82,22,896	4	3
Bills discounted and purchased				2,36,64,971	5	6
Balances with other Banks				9,80,101	6	7
Bullion				19,742	3	1
Dead Stock				11,40,538	2	6
Stamps				8,673	14	0
Sundries				6,52,667	15	3
				5,72,36,344	15	11
Cash and Currency Notes at Head Office	1,10,20,567	4	3	2,33,04,039	11	11
Cash and Currency Notes at Branches	1,22,83,472	7	8			
RUPEES				8,05,40,384	11	10

BANK OF BENGAL,
Calcutta, 20th May 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 41·3.

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

The undermentioned Students have passed the Honours in Medicine Examination :—

SURGERY.

Barat, Surendranath . . . . Medical College.

MIDWIFERY.

In Order of Merit.

1 Bandyopadhyay, Trailokyanath . . Medical College.
2 Ghatak, Annadaprasanna . . . Ditto.
3 Nallatamby, C. W. . . . . Ditto.

SENATE HOUSE,
The 11th May 1886.

The undermentioned candidates have passed the First Examination in Arts :—

FIRST DIVISION.

In Order of Merit.

1 Majumdar, Upendralal ... Presidency College.
2 Brij Nandan Prasada Saith ... Muir Central College.
3 Bhattacharyya, Munindranath ... Presidency College.
4 Bandyopadhyay, Rakhalmohan ... Sanskrit College.
5 Ghosh, Jogindrakumar ... Dacca College.
6 Chattopadhyay, Rakhaldas ... Krishnagar College.
7 Mitra, Narendrakumar ... Presidency College.
8 Datta, Hirendranath ... Ditto.
9 Sen, Ambikaprasad ... Dacca College.
10 Bandyopadhyay, Haranchandra, No. 1. Presidency College.
11 Datta, Pramathanath ... Ditto.
11 Bal, Sureschandra ... Dacca College.
13 Gangopadhyay, Herambakisor ... Ditto.
14 Sen, Gopibhushan ... Hughli College.
14 Mallik, Debendranath ... St. Xavier's College.
16 Bhattacharyya, Haripada ... Metropolitan Institution.
17 Mukhopadhyay, Jogindranath ... Free Church Institution, Calcutta.
18 Mianbhai Abdul Hussain ... Jabbalpur College.
19 Laha, Syamlal ... Free Church Institution, Calcutta.
20 De, Chintaharan ... Dacca College.
21 Mitra, Adharchandra ... Muir Central College.
22 Chakrabarti, Srischandra ... Dacca College.
22 Chaudhuri, Kunjamohan ... Rajshahye College.
24 Datta, Bankubihari ... Metropolitan Institution.
24 Sen, Mohitchandra ... Ditto.
26 Chattopadhyay, Phakirchandra ... General Assembly's Institution.
27 Mukhopadhyay, Syamadas ... Hughli College.
28 Ray, Debiprasad ... Jabbalpur College.
29 „ Mahendranath ... St. Xavier's College.
30 Chaudhuri, Saradacharan ... Chittagong College.
31 Malhar Narayan Korday ... Free Church Institution, Nagpur.
31 Sen, Binayendranath ... Albert College.
33 Chakrabarti, Charuchandra ... St. Xavier's College.

34 Set, Nibaranchandra ... General Assembly's Institution.
34 Datta, Harischandra ... Ravenshaw College, Katak.
36 Chattopadhyay, Rajanimohan ... Metropolitan Institution.
37 Das, Abinaschandra ... Patna College.
38 Biswas, Kshirodkrishna ... Presidency College.
38 Pandit, Akshaykumar ... Hughli College.
38 Bhattacharyya, Srigopal ... Ravenshaw College, Katak.
41 Dover, R. W. ... La Martinière College.
42 Sen, Akshaykumar ... Dacca College.
43 Chattopadhyay, Susilchandra ... General Assembly's Institution.
44 Mukhopadhyay, Nandagopal ... St. Xavier's College.
44 Amrit Ramchandra Bambawale ... Jabbalpur College.
44 Abdul Hamid ... Doveton College.
47 Gopal Ji ... Patna College.
47 Babonau, C. Jane ... Doveton College.
47 Bandyopadhyay, Amulyachandra ... Free Church Institution, Calcutta.
50 „ Nibaranchandra ... Hughli College.
51 Datta, Saratchandra ... Patna College.
52 Bhattacharyya, Basantakumar ... Ripon College.
53 Sen, Harendranath ... Dacca College.
53 Bandyopadhyay, Lalitkumar ... St. Xavier's College.
55 Ray, Baradakanta ... Metropolitan Institution.
56 Das, Jadabendranandan ... Midnapur College.
57 Adhikari, Gopeschandra ... Free Church Institution, Calcutta.
57 Bhattacharyya, Nandalal ... Hughli College.
59 Kesho Das ... Muir Central College.
60 Baksi, Panchanan ... Krishnagar College.
61 Pal, Harischandra ... L. M. S. Institution, Bhowanipur.
62 Mallik, Prasaddas ... Hughli College.
63 Lisle, Freda ... Girls' High School, Allahabad.
63 Khan, Saratchandra ... General Assembly's Institution.
63 Chakrabarti, Indubhushan ... Ditto.
63 Gupta, Jnanendranath ... Metropolitan Institution.
67 Abbasali Sirdar ... Hughli College.

SECOND DIVISION.

In Alphabetical Order.

Ahmed Ullah ... Hughli College.
Ali Hasan ... Patna College.
Anant Lal ... Muir Central College.
Anup Singh ... Bareilly College.
Azad Ali ... Dacca College.
Bagchi, Brajanath ... City College.
„ Kailaschandra ... Rajshahye College.
Bagram, G. ... St. Xavier's College.
Balkrishna Ramchandra Bakhale ... Jabbalpur College.
10 Bandyopadhyay, Abinaschandra ... Patna College.
„ Atulkrishna ... St. Xavier's College.
„ Baranasi ... Sanskrit College.
„ Harimohan ... M. A. O. College, Aligarh.
„ Jyotindranath ... Metropolitan Institution.
„ Jyotischandra ... Ditto.
„ Manmohan ... Presidency College.
„ Matilal ... Metropolitan Institution.
„ Nibaranchandra ... Dacca College.
„ Nilratan ... Hughli College.
20 „ Parbaticharan ... Dacca College.
„ Raghunath ... Hughli College.
„ Rasbihari ... Ripon College.
„ Saradaprasad ... St. Xavier's College.
„ Sasikumar ... Jagannath College.
„ Satischandra ... Ditto.
„ Sibnarayan ... Free Church Institution, Calcutta.
„ Taranath ... Metropolitan Institution.
„ Tinkari ... Ditto.
Barma, Kshetranath ... Burdwan Raj College.
30 Basak, Radhaballabh ... Jagannath College.
Basu, Baikunthanath ... Metropolitan Institution.
„ Brajendrakumar ... Berhampur College.
„ Girischandra ... Ripon College.
„ Gobindachandra ... Ditto.

	Basu, Hariprasad	... Metropolitan Institution.
	,, Jyotindranath	... Presidency College.
	,, Nityananda	... Metropolitan Institution.
	,, Nripendranath	... St. Xavier's College.
	Basudeva Narayen	... L M. College, Benares.
40	Belletty, L.	... St. Xavier's College.
	Bera, Jayhari	... Ripon College.
	Bhaduri, Indubhushan	... Metropolitan Institution.
	Bhagabandasa, Bhargaba	... Muir Central College.
	Bhanja, Srischandra	... L M. S. Institution, Bhowanipur.
	Bhattacharyya, Biharilal	... Free Church Institution, Calcutta.
	,, Biswanath	... Metropolitan Institution.
	,, Jananranjan	... Krishnagar College.
	,, Kartikchandr	... General Assembly's Institution.
	,, Nandalal	... City College.
50	,, Saratchandra	... Rajshahye College.
	,, Surendranath	... Burdwan Raj College.
	Bhaumik, Hemchandra	... General Assembly's Institution.
	,, Maheschandra	... City College.
	Biswas, Gopalchandra	... Metropolitan Institution.
	,, Lalitkrishna	... St. Xavier's College.
	,, Saratchandra	... Free Church Institution, Calcutta.
	,, Taraprasad	... Jagannath College.
	Blanchett, H.	... Muir Central College.
	Bose, Bindubashini	... Free Church Normal School.
60	Bremner, D. S.	... La Martinière College.
	Cameron, Florence	... Allahabad Girls' High School.
	Chakrabarti, Benimadhab	... Krishnagar College.
	,, Brajendrakumar	... L. M. S. Institution, Bhowanipur.
	,, Chandrakumar	... Jagannath College.
	,, Girischandra	... Midnapur College.
	,, Mahendranarayan	... Metropolitan Institution.
	,, Rajanikanta	... Chittagong College.
	,, Rajanikanta	... Dacca College.
	,, Rasikbihari	... Ditto.
70	,, Tarakeswar	... Rajshahye College.
	Chandra, Rasmohan	... Ditto.
	Chattopadhyay, Annadacharan	... Metropolitan Institution.
	,, Asutosh	... Ripon College.
	,, Bhupatibhushan	... Metropolitan Institution.
	,, Binodbihari	... L. M. S. Institution, Bhowanipur.
	,, Girijabhushan	... Free Church Institution, Calcutta.
	,, Hemchandra	... Metropolitan Institution.
	,, Jogeschandra	... Hughli College.
	,, Mathuranath	... Dacca College.
80	,, Radhanath	... Sanskrit College.
	,, Rajendranath	... Metropolitan Institution.
	,, Rakhalchandra	... Burdwan Raj College.
	Chaube, Devakinandan	... Agra College.
	Chaudhuri, Annadacharan	... Chittagong College.
	,, Brindabanchandra	... Free Church Institution, Calcutta.
	,, Kedarnath	... Metropolitan Institution.
	,, Satisnarayan	... Rajshahye College.
	,, Rakhaldas	... Metropolitan Institution.
	Das, Jnanadaprasad	... Jagannath College.
90	,, Kandarpakumar	... City College.
	,, Krishnadhan	... Metropolitan Institution.
	,, Nagendrachandra	... Ditto.
	,, Radhamohan	... Dacca College.
	Dasgupta, Jagneswar	... Ditto.
	Datta, Binaykrishna	... St. Xavier's College.
	,, Chandicharan	... Hughli College.
	,, Girischandra	... Rajshahye College.
	,, Gobindakisor	... Ripon College.
	,, Jnanendramohan	... Patna College.
100	,, Nabinkrishna	... Metropolitan Institution.
	,, Sasibhushan	... St. Xavier's College.
	,, Surendranath	... Burdwan Raj College.
	De, Kailaschandra	... Metropolitan Institution.
	,, Nilmani	... Free Church Institution, Calcutta.
	,, Sureschandra	... Metropolitan Institution.
	,, Tulsicharan	... Ditto.

	Deb, Gobindachandra	... Patna College.
	,, Mahendrachandra	... Dacca College.
	Deefholts, L. J.	... St. Xavier's College.
110	Dhar, Gopalchandra	... General Assembly's Institution.
	,, Haridas	... Presidency College.
	Dharmakirti, J. A.	... Trinity College, Kandy.
	Din Dyal	... M. A. O. College, Aligarh.
	F. Riyazuddin Quazi	... St. Xavier's College.
	Gangadhar Sitaram Brahmarakshas	... Free Church Institution, Nagpur.
	Gangapadhyay, Haridas	... Hughli College.
	,, Kaliprasanna	... Ditto.
	Ghosh, Abinaschandra	... Ravenshaw College, Katak.
	,, Basantakumar	... General Assembly's Institution.
120	,, Bipinbihari	... Rajshahye College.
	,, Bipinbihari	... Midnapur College.
	,, Dharmadas	... Metropolitan Institution.
	,, Haridas	... Hughli College.
	,, Harigopal	... L. M. S. Institution, Bhowanipur.
	,, Jaygopal	... Ditto ditto.
	,, Kripanath	... Jagannath College.
	,, Lalitmohan	... Free Church Institution, Calcutta.
	,, Narayandas	... L. M. S. Institution, Bhowanipur.
	,, Nityananda	... Patna College.
130	,, Saratchandra	... Metropolitan Institution.
	,, Sasibhushan	... Ravenshaw College, Katak.
	,, Satischandra	... Presidency College.
	,, Satischandra	... Patna College.
	,, Sitanath	... City College.
	,, Tarachand	... Metropolitan Institution.
	,, Taraknath	... Ripon College.
	,, Umeschandra	... Ditto.
	Ghoshal, Binodbihari	... Presidency College.
	,, Manmohan	... Free Church Institution, Calcutta.
140	Gopal Mukund Damlay	... Jabbalpur College.
	Goswami Jagadischandra	... Agra College.
	Guha, Biharilal	... City College.
	,, Chandrakanata	... Jagannath College.
	,, Ramchandra	... Albert College.
	,, Umaprasanna	... St. Xavier's College.
	Gun, Taraknath	... Dacca College.
	Gupta, Dwijendranath	... Hughli College.
	,, Jagneswar	... Jagannath College.
	Hajra, Amritalal	... Metropolitan Institution.
150	Har Bilas	... Ajmere Government College.
	Hiralal	... Jabbalpur College.
	Jaygobinda Sahay	... Patna College.
	Jha, Bindhyanath	... Benares College.
	Kar, Pramathachandra	... Presidency College.
	Kastagiri, Hemendralal	... Ditto.
	Kumar, Nrityagopal	... Ditto.
	Kundu, Gopikrishna	... Metropolitan Institution.
	,, Tarinicharan	... City College.
	Kshatriya, Bhairablal	... Presidency College.
160	Lahiri, Bankimchandra	... Rajshahye College.
	,, Kalidas	... Metropolitan Institution.
	,, Mohinimohan	... City College.
	Lakshman Panditji	... Free Church Institution, Nagpur.
	Mahadeo Gopal Borgaonkar	... Jabbalpur College.
	Mahanti, Narayanprasad	... Teacher.
	Maitra, Haridas	... Presidency College.
	,, Ramchandra	... Krishnagar College.
	,, Syamacharan	... Metropolitan Institution.
	Majumdar, Asutosh	... Rajshahye College.
170	,, Banamali	... Metropolitan Institution.
	,, Harinath	... Ripon College.
	,, Kshetragopal	... Krishnagar College.
	Mallik, Amritakrishna	... General Assembly's Institution.
	Mandal, Krittibas	... Ripon College.
	Manley, H. F.	... Teacher.
	Maula Baksh	... Ditto.
	M. Farhat Ahmed	... M. A. O. College, Aligarh.
	Misra, Bhubaneswar	... Rajshahye College.
	,, Kanhaiya Lal	... Bareilly College.

180	Mitra, Bijaykesab	... Metropolitan Institution.
	„ Gopalchandra	... Ditto.
	„ Jadunath	... Canning College.
	„ Jugalkisor	... St. Xavier's College.
	„ Jyotindralal	... Hughli College.
	„ Jyotishchandra	... Metropolitan Institution.
	„ Kshetranath	... Presidency College.
	„ Kumudbihari	... Metropolitan Institution.
	„ Narendranath	... Presidency College.
	„ Nareschandra	... City College.
190	„ Saratchandra	... Ditto.
	„ Upendramohan	... General Assembly's Institution.
	Mohan Lal	... Teacher.
	Moung Ohu Hpay	... Rangoon College.
	Muhammad Abdul Rafay Khan	... Bareilly College.
	Muhammad Hasan	... Dacca College.
	Mukhopadhyay, Amritasekhar	... Berhampur College.
	„ Asutosh	... Metropolitan Institution.
	„ Atulchandra	... Patna College.
	„ Gopalchandra	... Hughli College.
200	„ Harihar	... City College.
	„ Jaykrishna	... Metropolitan Institution.
	„ Jogindrachandra	... Hughli College.
	„ Jogindranath	... Burdwan Raj College.
	„ Kedarnath	... Hughli College.
	„ Kshetrachandra	... Presidency College.
	„ Nalinikanta	... Free Church Institution, Calcutta.
	„ Nilratna	... Burdwan Raj College.
	„ Tinkari	... Ditto ditto.
	„ Tulsidas	... St. Xavier's College.
210	„ Upendrachandra	... Jagannath College.
	Nag, Dakshinakumar	... City College.
	Nath, Amritalal	... Ditto.
	Ohdedar, Debendranath	... Muir Central College.
	Oliur Rahman	... Dacca College.
	Pal, Anantalal	... Free Church Institution, Calcutta.
	„ Annandaprasad	... Metropolitan Institution.
	„ Dwarkanath	... Dacca College.
	„ Mahendrachandra	... L. M. S. Institution, Bhowanipur.
	„ Surathnath	... Bishop's College.
220	Panda Baijnath Deoshanker	... Jabbalpur College.
	Pandit, Biswambharnath	... Presidency College.
	„ Kashinath Ganjur	... Canning College.
	Pathak, Chandrakanta	... City College.
	Poddar, Bipinbihari	... Ditto.
	Ponsonby, P.	... St. Thomas College, Colombo.
	Po Thoung	... Rangoon College.
	Raghunath Prasad Sonar	... Jabbalpur College.
	Routh, Jagatchandra	... Dacca College.
	Ray, Indukumar	... Krishnagar College.
230	„ Jadabananda	... Rajshahye College.
	„ Jadunath	... Hughli College.
	„ Madhusudan	... Rajshahye College.
	„ Mahendralal	... Dacca College.
	„ Mohinimohan	... St. Xavier's College.
	„ Mahimchandra	... Ripon College.
	„ Nanimadhab	... Patna College.
	„ Prasannakumar	... Ditto.
	„ Saradaprasad	... Krishnagar College.
	„ Satischandra	... Ditto.
240	„ Satischandra	... Dacca College.
	„ Satyendranath	... Metropolitan Institution.
	„ Umacharan	... St. Xavier's College.
	„ Upendranath	... Free Church Institution, Calcutta.
	Raymaulik, Binodbihari	... Dacca College.
	„ Priyabhushan	... Ditto.
	Rebeiro, E.	... St. Xavier's College.
	Saha, Jogindralal	... Metropolitan Institution.
	Sanyal, Chandranath	... Rajshahye College.
	„ Piyarilal	... Ditto ditto.
250	Sarkar, Durganath	... Sanskrit College.
	„ Krishnasundar	... General Assembly's Institution.
	„ Nagendranath	... Metropolitan Institution.

	Sarkar, Radhikaprasad	... Ripon College.
	Sarma, Bishenlal	... Agra College.
	„ Kamalchandra	... Metropolitan Institution.
	Sayyed Aulad Hosein	... M. A. O. College, Aligarh.
	Sen, Bipinbihari	... L. M. S. Institution, Bhowanipur.
	„ Bishnupada	... Free Church Institution, Calcutta.
	„ Biswanath	... Canning College.
260	„ Gangaprasanna	... Jagannath College.
	„ Hemchandra	... City College.
	„ Jagadindrachandra	... L. M. College, Benares.
	„ Jnanendrakumar	... L. M. S. Institution, Bhowanipur.
	„ Kaliprasanna	... Rajshahye College.
	„ Nibaranchandra	... Metropolitan Institution.
	„ Narottamdas	... Ditto ditto.
	„ Praphullanath	... Ditto ditto.
	„ Purnananda	... L. M. College, Benares.
	„ Saratchandra	... L. M. S. Institution, Bhowanipur.
270	Set, Bipinbihari	... Metropolitan Institution.
	„ Radheschandra	... Rajshahye College.
	Sheo Prasada	... Fyzabad High School.
	Shivaram Sadashiva Pitambar	... Jabbalpur College.
	Shore, J.	... St. George's College, Mussoorie.
	Shum Suzzoha	... Patna College.
	Siddha Gopal	... L. M. College, Benares.
	Sil, Narayanprasad	... Presidency College.
	„ Rasik Lal	... Free Church Institution, Calcutta.
	Sinha, Kumar Kumadchandra	... Presidency College.
280	„ Manindralal	... St. Xavier's College.
	„ Mathuranath	... Metropolitan Institution.
	„ Matilal	... Burdwan Raj College.
	„ Narigopal	... Midnapur College.
	„ Taraknath	... City College.
	Singh, Shivanath	... Patna College.
	Strange, H. R. W.	... Doveton College.
	Syed Ahmed Ali	... Patna College.
	Syed Golam Durwash	... Ditto.
	Syed Mahmud Al Hasan	... Agra College.
290	Thomas, E. H.	... St John's College, Agra.
	Tiwari, Ambikacharan	... Fyzabad High School.
	Trivedi, Ayodhya Prasad	... Bareilly College.
	Ukil, Ambikacharan	... Ripon College.

THIRD DIVISION.

In Alphaeblical Order.

	Abu Said	... Patna College.
	Abul Mahmud	... Calcutta Madrasa.
	Adhikari, Aghornath	... General Assembly's Institution.
	„ Satkari	... Berhampur College.
	Afzal Hossein	... Muir Central College
	Aich, Ramaprasad	... Burdwan Raj College.
	Akbar Hossain	... Teacher.
	Anup Narayan	... Patna College.
	Ashun Ullah	... Jabbalpur College.
10	Ashurfee Lal	... Agra College.
	Bagchi, Durgadas	... Metropolitan Institution.
	„ Manaranjan	... Burdwan Raj College.
	Baliram Anant Deshkar	... Free Church Institution, Nagpur.
	Baliram Naryan Deshmukh	... Ditto.
	Balram Das	... Muir Central College.
	Banarsi Das	... M. A. O. College, Aligarh.
	Bandyopadhyay, Akshaykumar	... Hughli College.
	„ Amritalal	... Ripon College.
	„ Aswinikumar	... Dacca College.
20	„ Basantakumar	... Free Church Institution, Calcutta.
	„ Bijaychandra	... Dacca College.
	„ Charuchandra	... Free Church Institution, Calcutta.
	„ Dibakar	... Ditto.
	„ Haranchandra, No. II	... Presidency College.
	„ Haripada	... Ripon College.
	„ Harendramohan	... Jagannath College.
	„ Jogindrachandra	... Free Church Institution, Calcutta.
	„ Kalidas	... Krishnagar College.

	Bandyopadhyay,	Kalidas	... Sanskrit College.
30	,,	Kesablal	... Dacca College.
	,,	Kisorimohan	... Metropolitan Institution.
	,,	Kshitischandra	... Berhampur College.
	,,	Lalitmohan	... St. Xavier's College.
	,,	Rakhaldas	... Rajshahye College.
	,,	Ramchandra	... City College.
	,,	Saratchandra	... Ripon College.
	,,	Saratkumar	... Ditto.
	,,	Surendranath	... Berhampur College.
	,,	Sureschandra	... Canning College.
40	,,	Upendranath	... Free Church Institution, Calcutta.
	Basak,	Biharilal	... Dacca College.
	Basu,	Amritalal	... Ripon College.
	,,	Baburam	... Burdwan Raj College.
	,,	Bankubihari	... Presidency College.
	,,	Baradaprasad	... General Assembly's Institution.
	,,	Bhubaneswar	... Metropolitan Institution.
	,,	Bidhubhushan	... General Assembly's Institution.
	,,	Chandrakanta	... Dacca College.
	,,	Dwijendranath	... Berhampur College.
50	,,	Hiralal	... Metropolitan Institution.
	,,	Jogindranath, No. I	... Ripon College.
	,,	Kunjabihari	... Canning College
	,,	Mahendranath	... Metropolitan Institution.
	,,	Manmathanath	... Ditto.
	,,	Nibaranchandra	... Midnapur College.
	,,	Pannalal	... Ripon College.
	,,	Pramodakumar	... Metropolitan Institution.
	,,	Purnachandra, No. II	... Ditto.
	,,	Sitaram	... Teacher.
60	Bhaduri,	Saratchandra	... Muir Central College.
	Bhar,	Kanailal	... General Assembly's Institution.
	,,	Purnachandra	... Ripon College.
	Bhairo	Dyal	... Patna College.
	Bhaskar	Rao	... Free Church Institution, Nagpur.
	Bhattacharyya,	Bholanath	... Sanskrit College.
	,,	Bipinbihari	... Metropolitan Institution.
	,,	Chandroday	... Albert College.
	,,	Debendranath	... Patna College.
	,,	Ramakshay	... Burdwan Raj College.
70	,,	Ramprasanna	... Canning College.
	,,	Saratkumar	... St. Xavier's College.
	,,	Sibanath	... Teacher.
	Bhikkan	Lal	... Bareilly College.
	Bhunia,	Radhakrishna	... Metropolitan Institution.
	Bindeshwari	Prasád Pande	... Muir Central College.
	Bishwambhar	Dayal	... Canning College.
	Biswas,	Kailaschandra	... Burdwan Raj College.
	,,	Kamikshyanath	... Metropolitan Institution.
	,,	Kasigopal	... Jagannath College.
80	,,	Rajanikanta	... Krishnagar College.
	Blanchett,	E. P.	... Muir Central College.
	Chakrabarti,	Durgadas	... Hughli College.
	,,	Hridaynath	... Free Church Institution, Calcutta.
	,,	Jaykali	... Ditto.
	,,	Kasinath	... Burdwan Raj College.
	,,	Rajaninath	... Jagannath College.
	,,	Ramkamal	... General Assembly's Institution.
	,,	Srischandra	... Canning College.
	Chandra,	Banamali	... Midnapur College.
90	,,	Rajchandra	... Presidency College.
	Changdar,	Sasikisor	... Rajshahye College.
	Chhatradhari	Lal	... Patna College.
	Chattopadhyay,	Annadacharan	... General Assembly's Institution.
	,,	Atulchandra	... Ripon College.
	,,	Binaykrishna	... Free Church Institution, Calcutta.
	,,	Girischandra	... Ditto.
	,,	Gurudas	... Albert College.
	,,	Haridas	... General Assembly's Institution.
	,,	Harinath	... Free Church Institution, Calcutta.
100	,,	Haripada	.. Krishnagar College.

	Chattopadhyay,	Jitendraprasad	... Krishnagar College.
	,,	Kanailal	... Presidency College.
	,,	Kshetranath	... Burdwan Raj College.
	,,	Nagendranath	... Ripon College.
	,,	Nilkanta	... Albert College.
	,,	Purnachandra	... Teacher.
	,,	Purnananda	... Ravenshaw College.
	,,	Santoshkumar	... Metropolitan Institution.
	,,	Sarkari	... L. M. S. Institution, Bhowanipur.
110	,,	Satyacharan	... Hughli College.
	,,	Satyendranath	... City College.
	,,	Sitanath	... Jagannath College.
	Chaudhuri,	Agnikumar	... Ditto.
	,,	Akhilchandra	... Burdwan Raj College.
	,,	Benimadhab	... Albert College.
	,,	Harinath	... L. M. S. Institution, Bhowanipur.
	,,	Jogindranath	... Free Church Institution, Calcutta.
	,,	Madanmohan	... Burdwan Raj College.
	,,	Maheschandra	... Ripon College.
120	,,	Mangobinda	... Hughli College.
	,,	Pramathanath	... Berhampur College.
	,,	Pratapchandra	... Jagannath College.
	,,	Purnachandra	... Dacca College.
	,,	Ramnárayan	... General Assembly's Institution.
	,,	Saratchandra	... Hughli College.
	,,	Sasikumar	... Ripon College.
	,,	Sitalchandra	... Ditto
	,,	Surendranath	... Metropolitan Institution.
	Clarke,	A. J.	... Muir Central College.
130	Dana,	Nibaranchandra	... Burdwan Raj College.
	Das,	Amulyachran	... Albert College.
	,,	Annadacharan	... General Assembly's Institution.
	,,	Basantakumar	... Hughli College.
	,,	Bhagabanchandra	... Ripon College.
	,,	Biswambharcharan	... Metropolitan Institution.
	,,	Dutiram	... City College.
	,,	Gobindachundra	... Metropolitan Institution.
	,,	Harendranath	... Ditto.
	,,	Kuladaprasad	... Jagannath College.
140	,,	Kunjabihari	... Midnapur College.
	,,	Narendrachandra	... Metropolitan Institution.
	,,	Padmanath	... City College.
	,,	Prakaschandra	... Jagannath College.
	,,	Ramanimohan	... Metropolitan Institution.
	,,	Ramprasad	... Free Church Institution, Calcutta.
	Dasgupta,	Abinaschandra	... Dacca College.
	,,	Sriskamal	... Free Church Institution, Calcutta.
	Dassawoo,	Aghornath	... Metropolitan Institution.
	Datta,	Anilchandra	... Presidency College.
150	,,	Annadaprasad	... L.M.S. Institution, Bhowanipur.
	,,	Aswinikumar	... Jagannath College.
	,,	Atulchandra	... Chittagong College.
	,,	Biharilal	... Ripon College.
	,,	Ghandrakisor	... General Assembly's Institution.
	,,	Charuchandra	... Ditto.
	,,	Jogindrachandra	... Metropolitan Institution.
	,,	Jnanendranath	... Free Church Institution, Calcutta.
	,,	Kalikamal	... Rajshahye College.
	,,	Krishnamadhab	... Burdwan Raj College.
160	,,	Lalbihari	... L. M. S. Institution, Bhowanipur.
	,,	Madanmohan	... Presidency College.
	,,	Nagendrachandra	... Ditto.
	,,	Rasbihari	... Hughli College.
	,,	Satyabhushan	... Dacca College.
	,,	Sureschandra	... Albert College.
	,,	Taranath	... Metropolitan Institution.
	De,	Sasimohan	... General Assembly's Institution.
	Deb,	Makundalal	... Rajshahye College.
	,,	Saratchandra	... Dacca College.
170	Devanath	Sahay	... Patna College.
	Dube,	Har Dayal	... Canning College.
	Edwards,	J. R.	... Trinity College, Kandy.
	Enda,	Kailaschandra	... Metropolitan Institution.
	Faizuddin	Mollah	... Free Church Institution, Calcutta.

	Fernand, W. J. A.	...	Teacher.
	Fuzlal Huq	...	St. Xavier's College.
	Gangopadhyay, Anisprakas	...	Free Church Institution, Calcutta.
	,, Nanigopal	...	Ripon College.
	Ghatak, Mohinimohan	...	Rajshahye College.
180	Ghosh, Abinaschandra		Free Church Institution, Calcutta.
	,, Akhilchandra	...	Patna College.
	,, Anukulchandra	...	Ripon College.
	,, Anukulchandra	...	Metropolitan Institution.
	,, Asutosh	...	Benares College.
	,, E.	...	St Xavier's College.
	,, Gobindachandra	...	Chittagong College.
	,, Harischandra	...	Muir Central College.
	,, Jnanchandra	...	Metropolitan Institution.
	,, Jogindranath	...	Free Church Institution, Calcutta.
190	,, Kedarnath	...	Benares College.
	,, Kumudbihari	...	Burdwan Raj College.
	,, Lalgopal	...	City College.
	,, Nibaranchandra	...	Metropolitan Institution.
	,, Nrisinhachandra	...	Ditto.
	,, Umeschandra	...	Ditto.
	Golam Hosein	...	Hughli College.
	Gopal Ramchunder Kango	...	Jabbalpur College.
	Gopinath	...	Jaypur Maharaja's College.
	Gordon, J. W. D.	...	Muir Central College.
200	Goswami, Haridhan	...	Free Church Institution, Calcutta.
	Gregory, G.	...	St. Xavier's College.
	Guha, Atulchandra	...	Jagannath College.
	,, Hemendranath	...	Berhampur College.
	,, Jagadis	...	Dacca College.
	,, Mukundanath	...	Jagannath College.
	Gupta, Asutosh	...	Burdwan Raj College.
	,, Radhanath	...	Jagannath College.
	Handy, C. C.	...	Trinity College, Kandy.
	Harsaran	...	St. John's College, Agra.
210	Harihur Prasad	...	Patna College.
	Harris, E. F.	...	Agra College.
	Hajra, Kalipada	...	Midnapur College.
	Hensman, J. S.	...	Trinity College, Kandy.
	Jagadamba Prashad	...	St. John's College, Agra.
	Jagarnath Sahay	...	Patna College.
	Jagat Narayan	...	Muir Central College.
	Kanhia Lal Srivastava	...	Canning College.
	Kazi Saiyid Hamid Ali	...	M. A. O. College, Aligarh.
	Khaleelur Rahman	...	Patna College.
220	Khattry, Kanhya Lal	...	Canning College.
	Kishun Sahay	...	Patna College.
	Kundu, Chunilal	...	Metropolitan Institution.
	Lala, Annadacharan	...	Chittagong College.
	Lal Bihari Naguma	...	Canning College.
	Lalji Sinha	...	Patna College.
	Lalla Durgacharan Srivasto	...	Canning College.
	Mahapatra, Tarapada	...	Free Church Institution, Calcutta.
	Mahendra Prasad	...	Patna College.
	Maitra, Chandicharan	...	Burdwan Raj College.
230	,, Chandrabhushan	...	Ripon College.
	,, Radhikakrishna	...	Rajshahye College.
	,, Rajendralal	...	Free Church Institution, Calcutta.
	Majumdar, Bidhubhushan	...	Rajshahye College.
	,, Haladhar	...	Jagannath College.
	,, Kedarnath	...	Free Church Institution, Calcutta.
	,, Prabodhchandra	...	Ripon College.
	,, Priyanath	...	Burdwan Raj College.
	,, Sureschandra	...	Rajshahye College.
	,, Tarinicharan	...	Patna College.
240	Mallik, Debendrachandra	...	Burdwan Raj College.
	Mandal, Sasadhar	...	Free Church Institution, Calcutta.
	Md. Karim Uldin	...	Bareilly College.
	Md. Sakhawat Hosen	...	Ditto.
	Meer Mushfi Hossain	...	Presidency College.
	Mirza Wajahut Husain	...	Patna College.
	Misra, Ram Dayal	...	Canning College.
	Mitra, Bhubanbihari	...	General Assembly's Institution.

	Mitra, Harendranath	...	General Assembly's Institution.
	,, Jagindranath	...	City College.
250	,, Kalibar	...	Metropolitan Institution.
	,, Krittibas	...	L. M. S. Institution, Bhowanipur.
	,, Madanmohan	...	Dacca College.
	,, Nibaranchandra	...	Ripon College.
	,, Saradaprasanna	...	Metropalitan Institution.
	,, Sureschandra	...	Patna College.
	Muhammad Abdul Moqit	...	St. Xavier's College.
	Muhammad Hobibullah	...	Free Church Institution, Calcutta.
	Muhammud Maqboob Alam	...	Muir Central College.
	Muhammad Matin	...	Ditto.
260	Muhammad Noor	...	Patna College.
	Muhammad Zahur Alam	...	Free Church Institution, Calcutta.
	Mukhopahyay, Abinas chandra	...	Canning College.
	,, Ayodhyanath	...	Hughli College.
	,, Asatosh, No. II	...	Ripon College.
	,, Baranasi	...	Krishnagar College.
	,, Bhagabaticharan	...	Metropolitan Institution.
	,, Bidhubhushan	...	Krishnagar College.
	,, Debendranath	...	Metropolitan Institution.
	,, Gopinath	...	Berhampur College.
270	,, Jitendranath	...	Ditto.
	,, Kanailal	...	St. Xavier's College.
	,, Krishnadhan*	...	Metropolitan Institution.
	,, Kshirodkumar	...	Patna College.
	,, Nagendranath (Sr.)	...	Metropolitan Institution.
	,, Nagendranath	...	Muir Central College.
	,, Nanigopal	...	Sanskrit College.
	,, Purnachandra	...	Patna College.
	,, Piyarimohan	...	Metropolitan Institution.
	,, Radhikacharan	...	Free Church Institution, Calcutta.
280	,, Rammohan	...	Ripon College.
	,, Saratchandra	...	Ditto.
	,, Sasadhar	...	Burdwan Raj College.
	,, Sasankamohan	...	Dacca College.
	,, Satischandra	...	Jagannath College.
	,, Satsaran	...	L. M. S. Institution, Bhownipur.
	,, Upendranath	...	St. Xavier's College.
	Mundle, Bibhoodan	...	Bishop's College.
	Mustafi, Debendranath	...	Ripon College.
	,, Satischandra	...	Presidency College.
290	Nandi, Dakshinacharan	...	City College.
	Narayan Sahay	...	Patna College.
	Niyogi, Brajanandan	...	Burdwan Raj College.
	,, Saratchandra	...	Free Church Institution, Calcutta.
	Nisar Ahmed	...	M. A. O. College, Aligarh.
	Poddar, Gopiraman	...	Chittagong College.
	Pal, Akshaykumar	...	Bareilly College.
	,, Tarakchandra	...	Jagannath College.
	Palit, Hridaynath	...	City College.
	,, Satchitananda	...	Ripon College.
300	Pande, Kaliprasanna	...	Burdwan Raj College.
	Pandit, Shankar Lal	...	Muir Central College.
	,, Suraj Nath	...	Ditto
	Prag Din Shurma	...	Canning College.
	Qaseem Beg Chagtai	...	Agra College.
	Ratha Kishen	...	St. John's College, Agra.
	Rahmut Ullah	...	Jabbalpur College.
	Rahmat Ullah	...	Agra College.
	Ramchandra Prasad	...	Patna College.
	Ram Das	...	St. John's College, Agra.
310	Ram Newas	...	Jaypur Maharaja's College.
	Ram Prasad	...	M. A. O. College, Aligarh.
	Ram Sarup	...	Muir Central College.
	Ray, Basantamohan	...	St. Xavier's College.
	,, Bhabanicharan	...	Ripon College.
	,, Binodchandra	...	Burdwan Raj College.
	,, Birajmohan	...	St. Xavier's College.
	,, Brajendrachandra	...	Burdwan Raj College.
	,, Chunnilal	...	St. Xavier's College.
	,, Dineschandra	...	City College.
320	,, Dolgobinda	...	Burdwan Raj College.
	,, Durgakanta	...	Metropolitan Institution.

* While the First Arts list published in the *Calcutta Gazette* on Wednesday the 19th of May was being printed this name was omitted from it by oversight.

	Ray, Harendranarayan	...	Midnapur College.
	,, Harinath	...	Presidency College.
	,, Harinarayan.	...	Rajshahye College.
	,, Hariranjan	...	Burdwan Raj College.
	,, Janendramohan	...	Albert College.
	,, Kailaschandra	...	Jagannath College.
	,, Ksiretraprasad	...	Burdwan Raj College.
	,, Narayanchandra	...	General Assembly's Institution.
330	,, Nrityagopal	...	Albert College.
	,, P. N.	...	Canning College.
	,, Parbatidas	...	Berhampur College.
	,, Rasbihari	...	Dacca College.
	,, Saratchandra	...	Burdwan Raj College.
	,, Sasibhushan	...	Ripon College.
	,, Surendranath	...	Burdwan Raj College.
	Raychaudhuri, Asutosh	...	Ditto.
	,, Brindabanchandra	...	Hughli College.
	,, Surendrakumar	...	Metropolitan Institution.
340	S. M. Ishaq	...	Muir Central College.
	Saha, Harilal	...	Metropolitan Institution.
	Salt, E. P.	...	St. Peter's College, Agra.
	Sambhu Nath	...	Patna College.
	San La	...	Rangoon College.
	Saughat Ali	...	Calcutta Madrasa.
	Sanyal, Baidyanath	...	Dacca College.
	,, Chandramay	...	St. Xavier's College.
	,, Radhikaprasad	...	Free Church Institution, Calcutta.
	,, Satischandra	...	Rajshahye College.
350	Sarkar, Baradakanta	...	Free Church Institution, Calcutta.
	,, Haribhushan	...	Metropolitan Institution.
	,, Priyanath	...	Free Church Institution, Calcutta.
	Sarma, Gopinath	...	Agra College.
	Satikrishna Swarup	...	Muir Central College.
	Sayyid Zaheeruddin Ahmed	...	St. Xavier's College.
	Sayyid Zamiruddin Ahmed	...	Presidency College.
	Sen, Binodbihari	...	General Assembly's Institution.
	,, Jagindrakumar	...	Ditto.
	,, Kaliprasanna	...	Ditto.
360	,, Kshirendrasankar	...	Berhampur College.
	,, Mahendrakumar	...	Dacca College.
	,, Mahendrakumar	...	General Assembly's Institution.
	,, Parsanath	...	Albert College.
	,, Purnachandra	...	Rajshahye College.
	,, Rajkumar.	...	General Assembly's Institution.
	,, Syamacharan	...	Chittagong College.
	Sengupta, Saratchandra	...	Metropolitan Institution.
	,, Taraprasad	...	Sanskrit College.
	Set, Upendranath	...	Free Church Institution, Calcutta.
370	Shyam Lal	...	Fyzabad High School.
	Sil, Jaharlal	...	Metropolitan Institution.
	Singha, D.	...	Bishop's College.
	Singh, Gurusahay	...	Patna College.
	,, Ramadhikari	...	Ditto.
	Sinha, Baikunthanath	...	Ripon College.
	,, Harimohan	...	General Assembly's Institution.
	,, Hiralal	...	Benares College.
	,, Kumar Pramodchandra	...	Presidency College.
	,, Sasibhushan	...	Canning College.
380	,, Srimohan	...	St. Xavier's College.
	Sinharay Abinaschandra	...	Hughli College.
	Sitaram Ganesh Bhagwet	...	Jabbalpur College.
	Sivanandan Lal	...	Patna College.
	Som, Nandalal	...	Free Church Institution, Calcutta.
	,, Paresch andra	...	Ripon College.
	,, Rameschandra	...	Metropolitan Institution.
	Supurus Das	...	Patna College.
	Sur, Sitanath	...	Jagannath College.
	Suryya Kumar	...	Patna College.
390	Syed Abdul Majid	...	Hughli College.
	,, Ali Mazhar	...	Patna College.
	,, Hasrat Alley	...	Hughli College.
	,, Mustafa	...	Muir Central College.
	,, Warasat Hosain	...	Patna College.

	Tewari, Satischandra	...	Burdwan Raj College.
	,, Srischandra	...	Ditto.
	Thakur Radhakrishna	...	Berhampur College.
	Thoy, C.	...	St. Francis de Sales' School, Nagpur.
	Ukil, Annadaprasad	...	Ripon College.
400	,, Hazari Lal	...	Ditto.
	Wazir Ahmed	...	M. A. O. College, Aligarh.
	Winn, G. F.	...	Muir Central College.

The undermentioned candidates have passed the Entrance Examination :—

FIRST DIVISION.

In Alphabetical Order.

	Adhikari, Kesablal	...	15	Metropolitan Institution.
	,, Ramdayal	...	15-5	Dumka Zila School.
	Afsaruddin, Mahommed	...	16	Barisal Zila School.
	Agha Husain	...	20	M. A. O. College, Aligarh.
	Ahmad Kabir	...	17	Chittagong Collegiate School.
	Akbar Masih	...	20-2	Banda Zila School.
	Ali Hassan	...	16-9	Bhagalpur Zila School.
	Atmaram, Narayan Shrouty	...	17	City School, Nagpur.
	Augustus, J.	...	14-2	St. Paul's High School, Rangoon.
10	Aung Ba	...	20-3	Rangoon College.
	Avadha Biharilal	...	17-9	Allahabad Government High School.
	Bagchi, Jyotindramohan	...	13	Rajshahye Collegiate School.
	Bandyopadhyay, Bamapada	...	15-4	Baluti H. E. School.
	,, Bipinbihari	...	15-2	Bankura Zila School.
	,, Harendranath	...	16-8	Hughli Collegiate School.
	,, Purnachandra	...	17	Balagarh School.
	,, Ramchandra	...	15-6	Barisal Zila School.
	,, Saradaprasad	...	15-5	Hare School.
	,, Sasibhushan	...	18-3	Dacca Pogose School.
20	,, Sasisekhar	...	16	Metropolitan Institution.
	,, Satischandra	...	14-9	M. A. O. College, Aligarh.
	,, Satinath	...	16-2	Dacca Collegiate School.
	,, Upendralal	...	19-6	Canning College, Lucknow.
	Baqar Husain	...	17	Allahabad Government High School.
	Barlow, T.	...	15-9	St. Xavier's College.
	Beechey, F.	...	16-4	Bishop Cotton School, Simla.
	Bhagat Ram	...	18-6	Ludhiana Mission School.
	Basu, Asutosh	...	19	Donogh High School, Jamalpur.
	,, Asutosh	...	18-4	Hughli Collegiate School.
30	,, Binodbihari	...	15-6	Hare School.
	,, Girischandra	...	17-7	Uttarpara School.
	,, Haricharan	...	17	Dacca Collegiate School.
	,, Janakinath	...	16 2	Hindu School.
	,, Sureschandra	...	16	South Suburban School, Bhowanipur.
	Bhaduri, Jyotibhushan	...	14-2	Metropolitan Institution.
	Bhattacharyya, Asutosh	...	17-10	Sanskrit Collegiate School.
	,, Basantakumar	...	15	Barasat Government School.
	,, Gopalchandra	...	14	Hughli Branch School.
	,, Mahimanath	...	15-10	Hindu School.
40	,, Narayanchandra	...	16-6	City Collegiate School.
	,, Padmanath	...	16-5	Sylhet Government High School.
	,, Rampran	...	16	Sanskrit Collegiate School.
	,, Sureschandra	...	16	Harinavi A. S. School.
	Biswas, Jagadballabh	...	15-3	Rajshahye Collegiate School.
	,, Kunjabihari	...	16	Metropolitan Institution.
	,, Nellie	...	.....	Cawnpur Girls' High School.
	Bose, A. L.	...	15-8	Private Student.
	Buchanan, W. J.	...	15-1	Rangoon College.
	Cansley, H. B.	...	16	Mussoorie School.
50	Cartland, Ruth	...	.....	Doveton Institution.
	Cecilia, Brooking	...	.....	Convent School, Rangoon.
	Chakladar, Krishnanath	...	19-2	Mymensingh Zila School.
	Chakrabarti, Amritalal	...	16	Albert Collegiate School.
	,, Aswinikumar	...	15	Dacca National School.
	,, Banamali	...	20	City Collegiate School.
	,, Chintaharan	...	18-10	Dacca Collegiate School.
	,, Gangeschandra	...	18	Santosh Janhabi School.

	Chakrabarti, Hemchandra	...	17-3	Sylhet Government High School.
	,, Mahimachandra	...	18-11	Mymensingh Zila School.
60	Chandra, Atulchandra	...	16-3	Hindu School.
	,, Matilal	...	15-8	Hughli Collegiate School.
	Chanmukam, J. K.	...	22-9	Canadian Mission High School.
	Chattopadhyay, Amritalal	...	16	Hindu School.
	,, Bankimchandra	...	18	Dacca Pogose School.
	,, Bipinbihari	...	17	Sanskrit Collegiate School.
	,, Khagendranath	...	16-1-11	Uttarpara School.
	,, Manmohan	...	16	Nimta H. E. School.
	,, Phanindramohan	..	13-11	Ravenshaw Collegiate School, Katak.
	,, Prabodhchandra	...	16-1	Hare School.
70	,, Raikisor	...	17	Ruplal Raghunath School.
	,, Saratchandra	...	18	Calcutta Training Academy.
	,, Sriram	...	14-8	Madrasa-i-Anwaria.
	,, Surendranath	...	15	Howrah Government School.
	Chaudhuri, Asitchandra	...	15-8	Commillah Zila School.
	,, Jaynarayan	...	17-6	Ravenshaw Collegiate School, Katak.
	Madanmohan	...	16-5	Purulia Zila School.
	Srischandra	...	15-2	Dacca Collegiate School.
	Surendranarayan	...	15	Naral H. E. School.
	Colthurst. L. S.	...	18-4	Doveton College.
80	Das, Benimadhab	...	19-3	Chittagong Collegiate School.
	,, Bidhubhushan	...	16-6	Midnapur Collegiate School.
	,, Bipinchandra	...	19-8	Jagannath Collegiate School.
	,, Gopalchandra	...	18-11	Sylhet Government High School.
	,, Gurusaran	...	17-4	Allahabad Government High School.
	,, Purnachandra	...	17	Santipur Municipal School.
	,, Raimohan	...	18	Dacca National School.
	Dasgupta, Manoranjan	...	13	Kalia H. E. School.
	Datta, A.	...	17-6	St. Xavier's College.
	,, Atulchandra	...	13-9	Dacca Collegiate School.
90	,, Bhubanmohan	...	15-2	Metropolitan Institution.
	,, Nagendranath	...	16	Ditto.
	,, Satyendranath	...	16-1	Patna Collegiate School.
	D'Abreu, Sophia	...	.....	Cawnpur Girls' High School.
	D'Sylva, E.	...	15-10	St. Xavier's College.
	DeSylva, J. S.	...	17-9	Prince of Wales' College, Moratuwa.
	De, Adharchandra	...	16	Howrah Government School.
	,, Bipinbihari	...	16-2	Uttarpara School.
	,, Brajendrakumar	...	16-6	Town School, Midnapur.
	,, Haribhushan	...	16	Hindu School
100	,, Kiranchandra	...	15	Metropolitan Institution.
	Dhar, Batakrishna	...	15-6	City Collegiate School.
	Dube, Bholanath	...	17-10	Kandi School.
	Emile, C. H. A.	...	17-5	Canning College, Lucknow.
	Falkner, G	...	18-6	St. Xavier's College.
	Foley, E. J.	...	19-6	Doveton College.
	Ford, W R. C.	...	17-6	Private Student.
	Fox, A.	...	15-4	St. George's College, Mussoorie.
	,, Helen	...	... ...	Doveton Institution
	Foy, G. E.	...	15-5	Allahabad Government High School.
110	Furdoonjee Muncherjee	...	19	St. Francis de Sales' School, Nagpur.
	Gangopadhyay, Gopalchandra	...	13-6	Santipur Municipal School.
	,, Jaygopal	...	15	Bhagalpur Zila School.
	,, Nisikanta	...	21-10	Mymensingh Zila School.
	,, Ramanimohun	...	16	Purnia Zila School.
	Ganpati Krisna Chitley	...	17	F. C. Institution, Nagpur.
	Ghosh, Anilchandra	...	15	Metropolitan Institution.
	,, Baradaprasanna	...	19	Taki Government School.
	,, Dasurathi	...	16 5	Hughli Branch School.
	,, Gopalchandra	...	18	Naral H E. School.
120	,, Maheschandra	...	17-9	Hazaribagh Zila School.
	,, Manmathnath	...	17	Metropolitan Institution.
	,, Prasannakumar	...	17-4	Barisal Zila School.
	,, Ramaprasad	...	15	Hare School.
	,, Santiram	...	16-7	Oriental Seminary.
	,, Satischandra	...	16-4	Metropolitan Institution, B. Branch.
	,, Upendranath	...	17-1	Saradaprasad Institution, Chakdighi.
	Ghoshal, Phakirchand	...	16	Bagnan H. E. School.
	Gonsalves, W.	...	15-11	St. Xavier's College.
	Goodman, W. J.	...	16-8	St. Thomas' College, Murree.

130	Gopi Ballabh	...	18-3	Moradabad Government High School.
	Gordon, E. D.	...	17-3	Allahabad Boys' High School.
	Gracias, H. D.	...	16	St. Xavier's College.
	Guha, Priyanath	...	17-2	Dacca Collegiate School.
	Habiullah Kaderbhoy M.	...	18-10	Jabbalpur Collegiate School.
	Harrison, A. G.	...	16	St. George's College, Mussoorie.
	Howe, R. T. V.	...	17-7	Doveton College.
	Hurprashad Gour	...	16-3	F. C. Institution, Nagpur.
	Jagannath Prasada	...	15-3	Benares Collegiate School.
	Jayatilake, D. B.	...	17-11	Wesley College, Colombo.
140	Johory, E.	...	20-3	C. M. S. Boarding School, Calcutta.
	Johory, J.	...	17-5	Ditto ditto.
	Kamala Charan	...	17-2	Patna Collegiate School.
	Keshao Ballal	...	18-2	F. C. Institution, Nagpur.
	Knight, Ethel	...	.....	Allahabad Girls' High School.
	Lala Thakur Prasad	...	17-5	Jabbalpur Collegiate School.
	Mahadeva Prasada	...	17	Jaunpur C. M. High School.
	Majumdar, Bhupendranath	...	17	Bhagalpur Zila School.
	Makund Rao Lonkras	...	15-10	Jabbalpur Collegiate School.
	Mandal, Gokulchandra	...	14-10	Hughli Collegiate School.
150	McNaught, J. H.	...	18-3	St. Paul's School, Darjeeling.
	Mendis, H. J.	...	17-2	Wesley College, Colombo.
	Misser, Bhubaneswar	...	18-10	Darbhanga Raj School.
	Misra, Madhu Sodhon	...	21-4	Sambalpur High School.
	,, Sripati	...	16	Arrah Zila School.
	Mitra, Abinaschandra	...	15	Jirat Chandrakona H. C. E. School.
	,, Amarendrachandra	...	17-5	Birbhum School.
	,, Annadaprasad	...	14-9	Searsole H. E. School.
	,, Debendrakumar	...	16	Debrugarh High School.
	,, Hemchandra	...	16	Hindu School.
160	,, Saratchandra	...	17-8	Saradaprasad Institution, Chakdighi.
	Mirza Muhammad Askri	...	19-3	Canning College, Lucknow.
	Muhammad Abid	...	18	Arrah Zila School.
	,, Abdul Hafiz	...	17	Jabbalpur Collegiate School.
	,, Abdul Bashir Khan	...	17-2	Ditto.
	,, Esa	...	16-8	Patna Collegiate School.
	,, Manzurullah	...	19	Moradabad Government High School
	Mukhopadhyay, Bhabataran	...	16	Bhagalpur Zila School.
	,, Charuchandra	...	16	Barisa H. C. E. School.
	,, Girijabhushan	...	16-7	Patna Collegiate School.
170	,, Gobindabandhu	...	15-3-10	Debrugarh High School.
	,, Jahnabicharan	...	15-2	Hughli Collegiate School.
	,, Jajneswar	...	16-8	Lahore District School.
	,, Jogindranath	...	16-11	South Suburban School, Bhowanipur.
	,, Jogindranath	...	15	L. M. S. Institution, Bhowanipur.
	,, Jyotindramohan	...	18-4	Hindu School.
	,, Nabagopal	...	17-2	Balagarh School.
	,, Pramathanath	...	15-4	Halisahar English School.
	,, Satischandra	...	18-7	Dacca Collegiate School.
	,, Satyabhushan	...	16-3	Rajshahye Collegiate School.
180	,, Satyaprasanna	...	16-8	Birbhum School.
	Mulraj	...	18-9	Ludhiana Mission School.
	Muttiah, J.	...	17-4	Wesley College, Colombo.
	Nag, Girischandra	...	18-6	Graham School, Tangail.
	Nandi, Jagatchandra	...	16-8	Dacca Collegiate School.
	Nath, Nilkrishna	...	16-4	Dacca Pogose School.
	Niyogi, Bhabaniprasad	...	15	Donogh High School Jamalpur.
	,, Hemkumar	...	15-5	Faridpur Zila School.
	,, Sasikumar	...	14-1	Ditto.
	O'Donoghue, P. E.	...	16-6	St. George's College Mussoorie.
190	Pal, Chandranath	...	16-10	Dacca Pogose School.
	Perera, S.	...	20-8	Prince of Wales' College, Moratuwa.
	Pereira, J. E. Friend	...	18	St. Xavier's College.
	Platel, J.	...	15-11	Ditto.
	Po Thaw	...	17-11	Rangoon College.
	Poojhary, Mudden Mohun	...	19-5	Sambalpur High School.
	Power, J.	...	15-5	St. Joseph's Seminary, Darjeeling.
	Pramanik, Kantichandra	...	17	Canning College, Lucknow.
	Price, Mabel	...	... ...	Doveton Institution.
	Raha, Abhaycharan	...	18	Khulna Zila School.
200	Raphel, Ethel	...	...	Lalbagh Girls' High School
	Ray, Atulchandra	...	16-3	Hare School.
	,, Baninath	...	15-9	Krishnagar Collegiate School.

	Ray, Dewanchandra	...	15-9	Hughli Branch School.
	„ Jogindranath	...	15-4	Bali Rivers Thompson School.
	„ Matilal	...	15	Jamalpur H. C. E School
	„ Manimohan	...	15-1	Barisal Zila School.
	„ Nabendrakisor	...	13-6	Noakhali Zila School.
	„ Rajendrachandra	...	17	Dacca Pogose School
	„ Ramanikanta	...	21	Rajshahye Collegiate School
210	Raychaudhuri, Bipindrakumar	...	15-6	Baripur H. C. E. School.
	Revie, Annie	...	...	Teacher.
	Robertson, J. A.	...	17-7	St. Mary's Institution, Chandernagar.
	Rudra, Chandrakumar	...	18	L M. S. Institution, Bhownipur
	Sahay, Gopaljee	...	15	Arrah Zila School.
	„ Harbans	...	15-1	Patna Collegiate School.
	Sajjad Husain	...	17	Pertapgar High School.
	Santra, Biharilal	...	16	Howrah Government School.
	Sarkar, Jogindranath	...	19-10	Searsole H. E. School.
	„ Nakulchandra	...	14	Pabna Zila School.
220	„ Saradakanta	...	16	Rangpur Zila School.
	„ Umeschandra	...	16	Rajshahye Collegiate School.
	Sarkies, P.	...	15-11	La Martiniére College, Calcutta.
	Sarma, Chandranath	...	18-5	Sylhet Government High School.
	Sen, Akshaykumar	...	19	Dinajpur Zila School.
	„ Annadacharan	...	17-5	Chittagong Collegiate School.
	„ Basantakumar	...	16	Barisal Zila School.
	„ Bilaschandra	...	16	Kalia H. E. School.
	„ Bipinchandra	...	18-4	Dacca Pogose School.
	„ Debendranath	...	15-11	Dinajpur Zila School.
230	„ Gokulnath	...	16	Hughli Collegiate School.
	„ Mahatapchandra	...	16-5	Oriental Seminary.
	„ Rakhaldas	...	15-9	Dinajpur Zila School.
	„ Rajanikanta	...	15	Malda Zila School.
	„ Rajanikanta	...	16-1	Chittagong Collegiate School.
	„ Syamacharan	...	15	Commillah Zila School.
	Sengupta, Prabodhprakas	...	16	New Indian School.
	Shahabuddin	...	19	Tikari H. C. E. School.
	Shaikhe Mohamed Abdul Majid	...	15-7	Chapra Zila School.
	Shimbu Dial	...	19-2	St. John's College, Agra.
240	Shukul, Gangadayal	...	18-3	Bareilly High School.
	Singh, Umraw	...	18	Aligarh Government High School.
	Sinha, Brahmananda	...	17	Canning College, Lucknow.
	„ Dwijadas	...	16	Bhagalpur Zila School.
	„ Jyotindramohan	...	14	Faridpur Zila School.
	„ Lalbihari	...	19-3	Benares Collegiate School.
	„ Raghunath	...	15-5	M. A. O College, Aligarh.
	„ Raghunath	...	20	Arrah Zila School
	„ Surat	...	19-6	Benares Collegiate School.
	Sitarama Agravala	...	18	Mirzapur Government High School.
250	Sukhbir Sinh	...	17	Agra Collegiate School.
	Sur, Rajanikanta	...	17-6	Chittagong Collegiate School.
	Talukdar, Chandranath	...	17-3	Rajshahye Collegiate School.
	Tewari Shuk Deo	...	15-8	Jabbalpur Collegiate School.
	Thompson, H.	...	18-6	St. Xavier's College.
	Verrieres, E. J.	...	17-2	St. Peter's College, Agra.
	West, C. H.	...	15	La Martiniére College, Calcutta.
	White, H. P. S.	...	17-10	Rangoon College.
	Wilson, R. C.	...	16-6	Mussoorie School.
	Wrixon, P. A.	...	15-3	Ditto.
260	Yadava Prabhakar Watak	...	18-8	F. C. Institution, Nagpur.
	Yeo Woon Tsin	...	18	Rangoon College.
	Yusuf	...	19	Ditto.
	Zille Hasuain	...	17	Moradabad Government High School.
	Zorab, Z. M.	...	15-9	La Martiniére College, Calcutta.

SECOND DIVISION.

In Alphabetical Order.

Aasaf Khan	...	16	Rangpur Zila School.
Abajee Nanajee Mooley	...	18-2	Free Church Institution, Nagpur.
Abdool Cawdre Naikwara	...	19-3	St. Paul's School, Rangoon.
Abdul Halim	...	17	Patna City Zila School.
Abdul Hamid Khan	...	18-2	Moradabad Government High School.

	Abdul Khalaque	...	19-8	Hughli Collegiate School.
	Abdul Lateef	...	16-2	Ditto.
	Abdul Majid	...	16	Rangpur Zila School.
	Abdul Rahim	...	18	Government High School, Aligarh.
10	Abdul Rahman	...	19	Ajmere Government College.
	Abdullah Gazi	...	17	Calcutta Institution.
	Abdur Rahim	...	14-7	Calcutta Madrasa.
	Abdus Samad	...	17	Darbhanga Raj School.
	Abdus Samad	...	19	Moradabad Government High School.
	Abul Hasanath Mohamed Abdur Rahman	...	16	M. A. O. College, Aligarh.
	Abunnase Mazhurul Hak	...	18-6	Ditto.
	Adhya, Akshaykumar	...	18	Badla H. C. E. School.
	„ Mohanbihari	...	17-8	Hare School.
	Afsaruddin Ahmed	...	16	Dacca Madrasa.
20	Agha Ali	...	20-2	Fyzabad Government High School.
	Amba Lal	...	18-5	Jhalarapatan Darbar Chaoni School.
	Amberdekar Jayaram Dinkar	...	20	Teacher.
	Amir Singh	...	17-1	Mayo College.
	Andrews, O. W.	...	18-1	Doveton College.
	Anthony, J. F.	...	16-7	Jabbalpur Collegiate School.
	Atai Elahi	...	15-5	Hughli Collegiate School.
	Avery, W. P.	...	15-2	St. Paul's School, Darjeeling.
	Azizul Haq	...	18	Calcutta Madrasa.
	Bagchi, Kedarnath	...	16	Santosh Jahnabi School.
30	„ Nagendranath	...	16-4	Metropolitan Institution, B. Branch.
	Bahraichi Lal	...	19-4	Benares Collegiate School.
	Baij Nath	...	19	Muttra High School.
	Balkrishna Anandrao Gupte	...	19	City School, Nagpur.
	Balvant Narayan Sathaye	...	17-7	Ditto.
	Balwant Rao Karkaray	...	18	Jabbalpur Collegiate School.
	Bandyopadhyay, Asutosh	...	18	Teacher.
	„ Bipinbihari	...	19-4	Canning College.
	„ Chandrasikhar		18-1	Albert Collegiate School.
	„ Gangadhar	...	17	St. John's College, Agra.
40	„ Hariprasanna	...	15-2	Dacca Collegiate School.
	„ Jnanadacharan		17	Barisal Zila School.
	„ Jogindronath	...	16-9	Ditto.
	„ Kamakshyaprasad		14	Balagarh School.
	„ Kedarnath	...	16-3	Agarpara H. C. E. School.
	„ Krishnachandra		16-11	Khulna Zila School.
	„ Kshetranath	...	18-4	Uttarpara School.
	„ Kshirodnath	...	17	Midnapur Collegiate School.
	„ Matilal	...	15	South Suburban School, Bhowanipur.
	„ Nilmani	...	15-6	Baharu H. C. E. School.
50	„ Nimchand	...	19-2	Brajamohan Institution, Barisal.
	„ Nisikanta	...	15-5	Dacca Collegiate School.
	„ Prannath	...	17-4	C. M. School, Amritsar.
	„ Purnachandra		16-4	Dacca Collegiate School.
	„ Sambhuchandra		17	Metropolitan Institution.
	„ Saradakanta	...	16-3	Dacca Pogose School.
	„ Sasibhushan	...	16	Hare School.
	„ Satischandra	...	15-6	Halisahar English School.
	„ Sibadas	...	15-8	Baharu H. C. E. School.
	„ Sridhar	...	15	Howrah Government School.
60	Banik, Rakhalchandra	...	13	Dacca National School.
	Bapuli, Banipada	...	16-8	B. P. School, Benares.
	Barat, Rajanikanta	...	15-9	Hughli Branch School.
	Barma, Harachandra	...	14-2	Bogra Zila School.
	Baruya, Chandrasekhar	...	16-2	Sibsagar High School.
	„ Isanchandra	...	18	Commillah Zila School.
	„ Kailasnath	...	16	Nowgong High School.
	„ Nabinchandra	...	16	Gauhati High School.
	Barve Mukund Wamonrao	...	17	Indore Madrasa.
	Basak, Sujannath	...	16-1	Hare School.
70	Basu, Amarnath	...	16-6	Jabbalpur Collegiate School.
	„ Anathsaran	...	20-4	Burdwan Raj Collegiate School.
	„ Anukulchandra	...	16	Commillah Zila School.
	„ Anukulchandra	...	14	Hare School.
	„ Bamacharan	...	16-7	Taki Government School.
	„ Bijaykrishna	...	17-4	City Collegiate School.
	„ Debendrachandra	...	15-4	Hughli Branch School.
	„ Gopalchandra	...	15-5	Canning College.

	Basu, Haridas	15-4	Metropolitan Institution, S. Branch.
	„ Hemchandra	16	South Suburban School, Bhowanipur.
80	„ Hridaychandra	17-8	Balasore Zila School.
	„ Jagadiswar	17-6	Boinchi B. L. Institution.
	„ Krishnachandra	18	Jabbalpur Collegiate School.
	„ Manmathanath	16-4	Hindu School.
	„ Mohanlal	17	Jessore Zila School.
	„ Nagendranath	17	Ripon College.
	„ Nagendranath	15-6	Basirhat Municipal School.
	„ Nilmani	16	Howrah Government School.
	„ Purnachandra	17	Rajagram A. S. School.
	„ Rasbihari	18	Rajshahye Collegiate School.
90	„ Satinath	16	Magura H. E. School.
	„ Satischandra	15-6	Barahanagar School.
	„ Suprasanna	18-4	Canning College.
	„ Surendrachandra	15-6	Hughli Branch School.
	„ Upendralal	15	Ruplal Raghunath School.
	Bechu Lal	17-4	Unao High School.
	Bejbaruya, Lakshminath	18	Sibsagar High School.
	Bhaduri, Kalidas	18	Victoria School, Ghazipur.
	„ Rajanikanta	18-2	Dighapatia H. C. E. School.
	„ Rajanikanta	19-1	Rajshahye Collegiate School.
100	„ Sibchandra	16-6	Victoria School, Ghazipore.
	Bhagawati Prasada Katara	18 6	Government High School, Allahabad.
	Bhagwan Prasad	12	Gorakhpur C. M. H. School.
	Bhairab Ramchandra Hardiker	20	Jabbalpur Collegiate School.
	Bhar, Benimadhab	19-3	Metropolitan Institution.
	Bhattacharyya, Abhaycharan	16-5	Albert Collegiate School.
	„ Asutosh	16	L M S. School, Khagra.
	„ Atulchandra	16	L. M. S Institution, Bhowanipur.
	„ Benimadhab	18-8	Ripon College.
	„ Bhabataran	18-2	L M S. Institution, Bhowanipur.
110	„ Bisweswar	17-6	Bali Rivers Thompson School.
	„ Charuchandra	16	Harinavi A S. School.
	„ Girischandra	18	Sahzadpur H. E School.
	„ Gurucharan	16	Bramanbaria Annada H. E. School.
	„ Kailaschandra	19	Donogh H. School.
	„ Kshetramohan	20-5	Kendraparah H. E. School.
	„ Lalitmohan	18	L. M. S. Institution, Bhowanipur.
	„ Nimaichandra	16	Ranchi Zila School.
	„ Panchanan	18	Katwa H. E. School.
	„ Rakhaldas	16-5	Bankipur. T. K Ghosh's Academy.
120	„ Ramakanta	14-6	Rangpur Zila School.
	„ Ramdas	15-10	Mozufferpur Zila School.
	„ Ramdas	16	Barasat Government School.
	„ Surendranath	16-3	Baharu H. C. E. School.
	„ Umeschandra	15-2	Jagannath Collegiate School.
	Bhaumik, Akshaychandra	20	Mymensing Institution.
	Bhuniya, Upendranath	17	Town School, Midnapur.
	Bhura Mal	18-6	Jaypur Maharaja's College.
	Bihari Lal	22	Ghazipur Mission High School.
	Bindesvar Prasada Varma	17-3	Allahabad Government High School.
130	Bion, F. F.	15-7	St. Paul's School, Darjeeling.
	Bishun Datta	16-7	Patna Collegiate School.
	Biswas, Amulyadhan	16-6	Metropolitan Institution.
	„ Dinanath	15	Nawab's High School, Murshedabad.
	„ Haripada	16	Bhagalpur Zila School.
	„ Janakinath	17	Magura H. E. School.
	„ Kartikchandra	17	Bankura Zila School
	„ Nabinchandra	19-9	Krishnagar Collegiate School.
	„ Nagendranath	18	Allahabad Government High School.
	Bomanji Nasarwanji Mullan	15-8	St. Francis de Sales' School.
140	Brahmachari, Tarasankar	18	Chatmohar Sambhunath H. E. School.
	Bridgnell, M.	18-8	St. Xavier's College.
	Budri Bakhsh	19-2	Ajmere Government College.
	Budriprasada	16-8	Agra Collegiate School.
	Budri Prasada	17-9	Sahjehanpur High School.
	Burnham, Blanche	.....	Doveton Institution.
	Buzlul Huq	15	Barisal Zila School.
	Chuckerbutty, Shorat		Lalbagh Girls' High School.
	Chakrabarti, Ambikacharan	17	Commillah Zila School.
	„ Annadaprasad	16	Jagannath Collegiate School.
150	„ Bangabihari	14-5	Dacca Pogose School.

	Chakrabati, Bankimchandra	15-2	Free Church Institution, Calcutta.
	„ Biharilal ...	16	Nabadwip Hindu School.
	„ Haridas	18	Harinavi A. S. School.
	„ Jogeschandra	14-10	Rajshahye Collegiate School.
	„ Kaliprasanna	15-10	Krishnagar Collegiate School.
	„ Kedarnath	15-8	Chapra Zila School.
	„ Paresnath	17	Dacca National School.
	„ Praphullakumar	14-7	Krishnagar Collegiate School.
	„ Pratapchandra	18	Commillah Zila School.
160	„ Purnachandra	17-2	Rajshahye Collegiate School.
	„ Purnachandra	17	Baharu H. C. E. School.
	„ Rajanikanta	16-1	Rangpur Zila School.
	„ Saratchandra, No I.	18-4	Metropolitan, Institution B. Branch.
	„ Umacharan	16	Commillah Zila School.
	Chattopadhyay, Aghornath	13-8	Halisahar English School.
	„ Annadaprasad	18-11	Benares Collegiate School.
	„ Basantakumar	16-2	Faridpur Zila School.
	„ Basantalal	17-5	Ripon College.
	„ Bhupatinath	16-8	Hughli Branch School.
170	„ Bipinchandra	16-7	Fyzabad Government High School.
	„ Chintaharan	15-5	Dacca Collegiate School.
	„ Girindranath	17-10	Benares Collegiate School.
	„ Haricharan	17-5	Bankipur T. K. Ghosh's Academy.
	„ Hiralal	15	Dhubri High School.
	„ Jyotindramohun	13-6	Ditto.
	„ Manindralal	16-6	Birbhum School.
	„ Mohitkumar	15	Jamalpur H. C. E. School.
	„ Nibaranchandra	18	Mahes H. E. School.
	„ Rasbihari	18	Dacca National School
180	„ Upendrachandra	17	Bankura Zila School.
	Chaudhuri, Bhabanigobinda	15	Rajshahye Collegiate School
	„ Chandrakisor	15-4	Bhagalpur Zila School.
	„ Purnachandra	20-2	Rajshahye Collegiate School.
	„ Ramgopal	17-11	Patna Collegiate School.
	Chel Bihari Lal Mathur, No. II	15-11	Agra Collegiate School.
	Chhannoo Lal	19-6	Benares B. P. School.
	C. Kanaka Raja Moodelliar	18-4	Free Church Institution, Nagpur.
	Connor, G.	15-6	Private Student.
	Cornabe, A. P.	15-6	La Martiniére College.
190	Curtis, J. H.	16-2	Ditto.
	Daji Panday	19-8	Free Church Institution, Nagpur.
	Das, Chakradhar	16-2	Ravenshaw Collegiate School, Katak.
	„ Charuchandra	14-8	Hughli Collegiate School.
	„ Chittaranjan	15-3	L. M. S. Institution, Bhowanipur.
	„ Gangagobinda	17-3	Faridpur Zila School.
	„ Girischandra	16	Noakhali Zilla School.
	„ Haridas	15	Jagannath Collegiate School.
	„ Harsaran	16-2	Aligarh Government High School.
	„ Jogeschandra	14	Rangpur Zila School
200	„ Kailaschandra	16-4	Sylhet Government High School.
	„ Kaminikumar	17-3	Chittagong College School.
	„ Kasiswar	18-1	Jenkin's School, Cooch Behar.
	„ Lakshmanchandra	16	Chatra H. C. E. School.
	„ Madhusudan	14-3	Rangpur Zila School.
	„ Mihirlal	17-7	Hughli Collegiate School.
	„ Prankrishna	18	Malda Zila School.
	„ Rajendranath	17	Metropolitan Institution, S. Branch.
	„ Rajendranath	19-1	Uttarpara School.
	„ Ramgati	20-5	Sylhet Government High School.
210	„ Sarbeswar	13-7	Barpeta H. E. School.
	„ Satyendranath	13-6	Midnapur Collegiate School.
	Dasgupta, Ambikacharn	20-2	Dacca Collegiate School.
	„ Asutosh	14	Free Church Institution, Calcutta.
	Datta, Ambikacharan	16-4	Madaripur H. C. E. School.
	„ Ambikacharan	16-11	L. M. S. Institution, Bhowanipur.
	„ Bankubihari	18	Dacca Pogose School.
	„ Basantakumar	18	Dacca National School.
	„ Chandrabhusan	16	Bankura Zila School.
	„ Gobindachandra	16	Sarnamay's H. C. E. School, Ulipur.
220	„ Haridas	16-2	Hindu School.
	„ Jagadischaran	17-2	Dacca Collegiate School.
	„ Jyotilal	16	Howrah Government School.
	„ Kalidas	16	Mahes H. E. School.

	Datta, Lalitmohan ...	19-4	Dacca Pogose School.
	„ Mahendranath ...	14-2	Sibpur Higher English School.
	„ Upendranath ...	18-1	Khulna Zila School.
	Davis, W. ...	17-9	Private Student.
	De, Bisweswar ...	21-2	Kalaskati H. E. School.
	„ Gobindaprasad ...	16-9	Albert Collegiate School.
230	„ Nepalchandra ...	17-5	Barahanagar School.
	„ Pratulchandra ...	16	L. M. S. Institution, Bhowanipur.
	„ Satischandra ...	14-11	Hare School.
	„ Upendranath ...	15-10	General Assembly's Institution.
	Deb, Lakshminath ...	19-2	Habiganj High School.
	Debi Prasad Lala ...	18-6	Jabbalpur C. M. S. High School.
	Deetjen, J. ...	17	St. Paul's High School, Rangoon.
	De Silva, W. H. ...	17-4	Prince of Wales' College, Moratuwa.
	D'Souza, Amy ...		Cawnpur Girls' High School.
	Dhani Ram ...	16-8	St. John's College, Arga.
240	Dhar, Chandranath ...	16-7	Rajshahye Collegiate School.
	„ Saradacharan ...	18-2	Mymensingh Zila School.
	„ Surendranath ...	16-2	Oriental Seminary.
	Dhoondi Gunwant Thengdi ...	18	City School, Nagpur.
	Dikshit Jagannath ...	18	Hume's High School, Etawah.
	Dover, Grace ...		La Martiniere for Girls.
	Dube, Lakshmi Prashad ...	20	Sultanpur Zila School.
	„ Mannoo Lal ...	19	Jabbalpur Collegiate School.
	Dwarka Narayan Mathur ...	17-10	Allahabad Government High School.
	Enayat Karim, H. S. ...	19-2	Calcutta Madrasa.
250	Etha ...	20-1	Akyab Government High School.
	Faizuddin Ahmed ...	18	Debrugarh High School.
	Fakher Uddin ...	17-1	Patna Collegiate School.
	Forbes, Honorine ...		Convent School, Rangoon.
	Ganaishi Lall ...	18-3	Hume's High School, Etawah.
	Ganga Vishun ...	15	Chapra Zila School.
	Gangopadhyay, Asutosh ...	15-3	Howrah Government School.
	„ Bipradas ...	17	Bhagalpur Zila School.
	„ Debendranath ...	16	Burdwan Municipal School.
	„ Haralal ...	17-8	Patna Collegiate School.
260	„ Manmathanath	15	L. M. S. Institution, Bhowanipur.
	„ Manmathanath	15-11	Dinajpur Zila School.
	„ Nripendranath	16-6	Barasat Government School.
	„ Panchanan ...	18	Konnagar H. C. E. School.
	Gasper, C. S. ...	17-6	Doveton College.
	Ghatak, Gangeschandra ...	18	Ranaghat H. A. V. School.
	Ghosh, A. ...	17-6	St. Xavier's College.
	„ Abanikumar ...	17	Dacca National School.
	„ Akshaykumar ...	17-10	Hindu School.
	„ Amiyanath ...	16-8	Metropolitan Institution, S. Branch.
270	„ Binodbihari ...	13	Naral H. E. School.
	„ Gopalchandra ...	13	Faridpur Zila School.
	„ Gopalchandra ...	16	Jagannath Collegiate School.
	„ Harendrakumar ...	14	Barisal Zila School.
	„ Hiralal ...	16-10	Behar H. C. E. School.
	„ Jagatchandra ...	17-2	Chittagong Collegiate School.
	„ Kasinath ...	15-10	Metropolitan Institution.
	„ Narayanchandra ...	14	Hare School.
	„ Priyanath ...	16	Ditto.
	„ Rameschandra ...	18	Jagannath Collegiate School.
280	„ Ramraman ...	18-1	Narit H. E. School.
	„ Sarojkanti ...	15-6	City Collegiate School.
	„ Sasibhusan ...	16	Metropolitan Institution.
	„ Satischandra ...	16-6	Hare School.
	„ Surendranath ...	15-6	Ditto
	„ Taraprasanna ...	17	Purulia Zila School.
	„ Umeschandra ...	18	Khulna Zila School.
	Ghoshal, Gopalchandra ...	19-10	Harinavi A. S. School.
	„ Sarala	.....	Bethune Female School.
	Gobind Balwant	17-9	Jabbalpur Collegiate School.
290	Godwin, G. L.	21-3	Armenian Phil. Academy.
	Gokool Chand ...	19-2	Allahabad Government High School.
	Gopal Shridhar Godgil ...	17-7	Free Church Institution, Nagpur.
	Gorman, J. C.	16-5	St. Thomas' College, Murree.
	Goswami, Nrityagopal ...	18	Dall's High School.
	„ Subhrendu	16	Sibsagar High School.
	Guha, Asitakumar	16-3	University College.

	Guha, Rairaman	17	Narayanganj H. C. E. School.
	Gulab Jagosing	17	City School, Nagpur.
	Gulzari Lall	19	Kayastha Pathsala, Allahabad.
300	Gupta, Binaychandra	16-3	Dacca Collegiate School.
	„ Harananda	17	Jagannath Collegiate School.
	„ Haricharan	17-2	Hindu School
	„ Jnanendramohan ...	17	Santosh Jahnabi School.
	„ Kalimohan	17-4	Jalpaiguri Zila School.
	„ Kshetramohan	18-9	Hughli Collegiate School.
	„ Makhanlal	16	Hare School.
	„ Nandalal	15 6	Ripon College.
	„ Pramatheswar	14	Dacca National School.
	„ Sauribilas	17-4	Banwaribad H. C. E. School.
310	Gya Prasad	17-6	Fyzabad Government High School.
	Habibar Ruhman	15	Midnapur Collegiate School.
	Hajra, Annadaprasad ...	16-11	Burdwan Raj Collegiate School.
	Haldar, Anathnath	16 2	L. M. S. Institution, Bhowanipur.
	„ Haridas	18	South Suburban School Bhowanipur.
	Hannah, A. R.	16-9	Allahabad Boys' High School.
	Harak Narayan	16	Bankipur T. K. Ghosh's Academy.
	Harinanda Sahay	16 6	Patna Collegiate School.
	Hari Narayan	21	Jaypur Maharaja's College.
	Harris, G. H.	18-5	Private Student.
320	Hazari Lal	19-3	Barabanki High School.
	Hein, A. G.	15-8	Bishop Cotton School, Simla.
	Hemingway, Lizzie	.....	Diocesan Girls' School, Naini Tal.
	Htun Hla W.	16-7	Akyab Government High School.
	Hui, Nibaranchandra ...	16-3	Burdwan Raj Collegiate School.
	Ikbal Kishaw Dar	16-6	Victoria Collegiate School, Agra.
	Imtiaz Ahmad	20	Canning College.
	Jackson, L. J.	16-1	Cawnpur Memorial School.
	Jacob, E.	18	Jabbalpur Collegiate School.
	Jagadamba Prasad ...	17	Mirzapur Government High School.
330	Jagannath Pershad ...	17-6	Bareilly High School.
	Jamiluddin	17-3	Allahabad Government High School.
	Janaki Sahay ...	15	Gya Zila School.
	Janki Prashad ...	15-5	Bhagalpur T. N. City School.
	Jaymungal Prasad ...	16	Chapra Zila School.
	Jeotiprasada ...	16-6	Benares Collegiate School.
	Jeremiah, J. R. ...	18-5	Wesley College, Colombo.
	Jeremy, A. S. ...	15-11	Meerut C. M. High School.
	Jotirvid, Badri Datta ...	16-9	Bareilly High School.
	Kali Sahai ...	19	Bahraich High School.
340	Kamaluddin ...	17	Behar National Institution.
	Kama Prasad, No. I ...	20	Hume's High School, Etawah.
	Kanahya Lall ...	15-8	Bareilly High School.
	Kar, Atulchandra ...	18	Dacca Pogose School.
	„ Jagatchandra ...	17-6	Mymensingh Zila School.
	Karani, Nimaicharan ...	19-3	Ditto ditto.
	Karmakar, Kumudnath ...	15	Rangpur Zila School.
	Kesho Rao Sadashiva ...	17-1	Jabbalpur Collegiate School.
	Khan, Saradanath ...	14-4	Bogra Zila School.
	Khoob Lall Dass ...	15-9	Bhagalpur T. N. City School.
350	Khoorsheid Ali ...	15	Ravenshaw Collegiate School, Katak.
	Kishori Lal ...	17-6	Govt. High School, Aligarh.
	Kraal, Ella ...	...	Doveton Institution.
	Krishna Ballabh ...	17-3	Bankipur T. K Ghosh's Academy.
	Krishna Deva Narayan ...	16-4	Mozufferpur Zila School.
	Krishna Rao Pamaskr ...	15	Jabbalpur Collegiate School.
	Kuladwipa Sahay ...	16	Gya Zila School.
	Kumar, Bipranarayan ...	15-10	Jenkin's School, Cooch Behar.
	Kunjabihari Lal ...	18-6	Patna Collegiate School.
	Kunti Damodar Kesheo ...	17-6	Indore Madrasa.
360	Lachman Prasada ...	18-10	Rai Bareilly Government High School.
	Lachminarain ...	17-6	Patna Collegiate School.
	Ladli Prasad ...	17-6	Allahabad Government High School.
	Lala Kamta Prasada ...	17-6	Sitapur High School.
	Lalitaprasad ..	17-8	Gorakhpur C. M. High School.
	Lalta Prasada ...	16-10	Fyzabad Government High School.
	Laville, B. L. A. ...	17-6	Lahore Boys' High School.
	Laxman Vyankatesh Parnaik ...	19-3	Dhar High School.
	Lyell, H. S. ...	16-7	St. Xavier's College.
	McGinn, E. ...	15	St. George's College, Mussoorie.

370	McGrath, E. J.	...	18-5	St. Xavier's College.
	McLean, E. G.	...	18	St. Paul's School, Darjeeling.
	Madanmohun Lal	...	20	Balia School.
	Madho Prashad	...	17-3	Allahabad Government High School.
	Mahabir Sarana	...	16	Chapra Zila School.
	Mahanti, Harakrisna	...	15-1	Ravenshaw Collegiate School, Katak.
	Mahmood-ul Huq	...	15 4	Patna Collegiate School.
	Maitra, Hemantakumar	...	15-8	Berhampur Collegiate School.
	,, Kalipada	...	15-5	Azamgarh C. M. High School.
	Maji, Hridaynath	...	16-2	Hamilton School, Tamluk.
380	Majid Hasain	...	17-2	Sultanpur Zila School.
	Majumdar, Baradaprasanna	...	17	Jessore Zila School.
	,, Harachandra	...	16 3	Rajshahya Collegiate School.
	,, Hariprasad	...	16-7	Commillah Zila School.
	,, Priyasankar	...	16-2	Hindu School.
	,, Rajendranath	...	16	Howrah Government School.
	,, Saradacharan	...	17-4	Rajshahye Collegiate School.
	,, Sibchandra	...	16	Rangpur Zila School.
	Malia, Pramathanath	...	15	Searsole H. E. School.
	Mallik, Arabindaprakas	...	15-10	Agra Collegiate School.
390	,, Goshthabihari	...	17-4	Tarakeswar School.
	,, Jnanendrachandra	...	16	Kalna Maharaja's School.
	,, Jnanendranath	...	18	Hare School.
	,, Krishnalal	...	15-8	Hughli Branch School.
	,, Saratchandra	...	16	Metropolitan Institution.
	,, Satischandra	...	15	Midnapur Collegiate School.
	,, Surendranath	...	15	Hare School
	Mandal, Benimadhab	...	15	Malda Zila School.
	Mangli Prasad	...	17	Sultanpur Zila School.
	Maqboolul Haque	...	17	Noakhali Zila School.
400	Master, L. S	...	19	Hazaribagh Zila School.
	Meherbai Byramjee Nusserwanjee			Doveton Institution.
	Miller, A. H.	...	15-3	Rangoon College.
	Mirza Ahmad Jan	...	19-2	Victoria Collegiate School, Agra.
	,, Muhammad Nazir	...	17	Bhadrak H. E. School.
	Mitra, Akshaykumar	...	15-7	Hughli Branch School.
	,, Asutosh	...	15	Dasghara School.
	,, Asutosh	...	14	Metropolitan Institution, S. Branch.
	,, Bamacharn	...	14-10	Hare School.
	,, Binaykrishna	...	16-3	Ariadaha H. E. School.
410	,, Binodchandra	...	14	Hindu School.
	,, Bipinbihari	...	16-1	Rajshahye Collegiate School.
	,, Gopeswar	...	14-3	Hitampur School.
	,, Hariprasad	...	19-10	Krishnagar Collegiate School.
	,, Jotindraprasad	...	16-4	Hare School.
	,, Kalicharan	...	15-6	Benares Collegiate School.
	,, Kiranchandra	...	16	Metropolitan Institution, S. Branch.
	,, Madhusudan	...	20-4	Piyarimohan Academy, Katak.
	,, Mahindranath	...	19	Pertabgarh High School.
	,, Nilgirindra	...	15	University College.
420	,, Raghunath	...	15-1	Agra Collegiate School.
	,, Sarbagunakar	...	18	University College.
	,, Syamacharan	...	19-1	Piyarimohan Academy, Katak.
	,, Upendramohan	...	15	Commillah Zila School.
	,, Upendranath	...	18	Metropolitan Institution.
	Mitthu Lal	...	16-9	Government High School, Aligarh.
	Mockbul Ali	...	17-5	Brahmanbaria Annada H. E. School.
	Mohan Lal	...	18-6	Allahabad Government High School.
	Moinuddin Ahmed	...	18-6	Ambala Mission High School.
	Moung Hla Baw	...	17-3	Rangoon College.
430	,, Kyi O.	...	15-4	Mergui Government School.
	,, Ka	...	15-4	Akyab Government High School.
	Muhammad Abdul Guffar	...	18-3	Jabbalpur Collegiate School.
	Muhammad Amanul Haqq	...	16-8	Gorakhpur C. M. High School.
	Muhammad Daud Abbasi	...	17	M. A. O. College, Aligarh.
	Muhammad Hasan	...	16-3	Benares Collegiate School.
	Muhammad Maqsud Ali Khan	...	20-3	Jabbalpur Collegiate School.
	Muhammad Qumrul Huda	...	17-3	Patna Collegiate School.
	Muhammad Qutab Alam	...	17-6	Ditto.
	Muhammad Rafi	...	18	Ghazipur Mission High School.
440	Muhammad Saadutullah Khan	...	20	Ajmere Government College.
	Muhammad Sadiq	...	19	Bareilly High School.
	Muhammad Sayid	...	18	Arrah Zila School.

	Muhammed Wajib	...	18-5	M. A. O. College, Aligarh.
	Muhammad Yusuf	...	15-7	Patna Collegiate School.
	Mukh Ram	...	18-9	Moradabad Government High School.
	Mukhopadhyay, Abhaypada	...	17-8	Bali Rivers Thompson School.
	,, Annadaprasad	...	17	Hare School.
	,, Atindriya	...	17	L. M. S. Institution Bhowanipur.
	,, Baikunthanath	...	18-4	Mahisadal H. E. School.
450	,, Bankimnath	...	16	Birbhum School.
	,, Bhubanchandra	...	17-7	Kalna Maharaja's School.
	,, Bipradas	...	13-8	Ranaghat H. A. V. School.
	,, Girindranath	...	15	Metropolitan Institution.
	,, Haricharan	...	15-5	Kalna Maharaja's School.
	,, Hariprasanna	...	17-3	Dacca Collegiate School.
	,, Kalidas	...	17-6	Ariadaha H. E. School.
	,, Kaliprasanna	...	18-4	Monghyr Zila School.
	,, Mahendranath	...	15-6	Malda Zila School.
	,, Meghnath	...	15-4	Burdwan Raj Collegiate School.
460	,, Mrigendralal	...	16-3	Birbhum School.
	,, Nagendranath	...	17-7	Boinchi B. L. Institution.
	,, Nilmani	...	15	Kuchiakol Radha Institution.
	,, Paradakinkar	...	16-6	Birbhum School.
	,, Priyanath	...	17-2	Cawnpur Zila School.
	,, Purnachandra	...	17	Ghatal H. C. E. School.
	,, Rakhalchandra	...	15-7	Bankura Zila School.
	,, Ramchandra	...	17-2	Brajamohan Institution, Barisal.
	,, Sasikanta	...	18-2	Chittagong Collegiate School.
	,, Satischandra	...	17	Santipur Municipal School.
470	,, Surathnath	...	15	Hughli Collegiate School
	,, Surendranath	...	15	Howrah Government School.
	Murali Manohar Lala	...	21	Rewah High School.
	Murli Dhar Ganesh	...	18-7	Jabbalpur C. M. S High School.
	,, Dhar Nagar	...	18-4	Benares Collegiate School.
	Mustafi, Asutosh	...	16	Balagarh School.
	,, Mahitosh	...	17-4	Howrah Government School.
	Nabi Bakhsh	...	16-6	Ludhiana Mission School.
	Nag, Gangakanta	...	15-4	Dacca Collegiate School.
	,, Hanseswar	...	16-9	Jangipur H. E. School.
480	Nandi, Atulkrishna	...	16-2	Metropolitan Institution, B. Branch
	,, Brajagopal	...	15-2	A. P. Mission School, Allahabad.
	,, Satyendranath	...	15	Ranaghat H. A. V. School.
	Narain Dalla Khawas	...	19-1	Ramsay College, Almorah.
	Narain Sing	...	19-6	Unao High School.
	Nath, Kshetramohan	...	17	L. M. S. Institution, Bhowanipur.
	Nathooram	...	17-10	Jabbalpur C. M. S High School.
	Nawab Lal	...	14	Balia School.
	Naziruddin Ahmed	...	17	Benares Collegiate School.
	Nurullah	...	16	Calcutta Madrasa.
490	O'Byrne, F.	...	15-8	St. George's Colleges, Mussoorie.
	Omar Khan	...	14-5	Calcutta Madrasa.
	Pakrasi Bhubanmohan	...	17-3	Banda Zila School.
	Pal, Jyotishchandra	...	17	Bhagalpur Zila School.
	,, Satyapradip	...	17	Sridhar Bansidhar School Nawabganj.
	Palchaudhuri, Hemendranath	...	16-2	Ranaghat H. A. V. School.
	Pandit, Ayodhianath	...	17	Canning College.
	,, Mohan Kissen	...	20	Ditto.
	,, Rajnarain	...	19	Ditto.
	Pandit, Pirthu Nauth Muttoo	...	16-2	Sitapur High School.
500	Patra, Haridas	...	15	Howrah Government School.
	Pershadi Lal	...	19	Aligarh Government High School.
	Platts, S. G.	...	15-6	Benares Collegiate School.
	Pramanik, Goshthabihari	...	16-7	Rajshahye Collegiate School.
	,, Rakhalchandra	...	16	Santipur Municipal School.
	,, Rammay	...	19	Ditto.
	Prem Bihari Lal	...	16	Bareilly High School.
	Pudampurshad	...	18-5	Ajmere Government College.
	Quasim Uddin Khan	...	15	Bhagalpur Zila School.
	R. Hazari Lall	...	17-3	Jabbalpur Collegiate School.
510	Raghunandana Pershad	...	16-2	Chapra Zila School.
	Raghunath Keshava Sarvate	...	17-1	Jabbalpur Collegiate School.
	Raghunath Prasad Seth	...	18	L. M. Collegiate School, Benares.
	Raha, Sasadhar	...	16	Bagirhat English School.
	Rahim Bakhsh	...	18-7	Gonda High School.
	Rai Durga Prasad	...	19	Jabbalpur Collegiate School.

	Raja Bahadur	...	20	Bahraich High School.
	Ram Adheen	...	18	Ditto.
	Ram Charan	...	20	Bareilly High School.
	Ram Chandra	...	19	Jaynarayan College, Benares.
520	Ramchandra Daji	...	17	City School, Nagpur.
	Ramchandra Vishnu Kukde	...	18	Ditto.
	Ram Dhan	...	22	Teacher.
	Ramji Das	...	21	Saharanpur Mission School.
	Ram Lal Kahar	...	16-9	Sambalpur High School.
	Ram Pershad	...	17-8	Agra Collegiate School.
	Ram Prasad	...	18-4	Victoria Collegiate School. Agra.
	Ram Puri Goshain	...	26-1	Private Student.
	Ramratan Prasad	...	18	Chapra Zila School.
	Ray, Abinaschandra	...	15	Jamalpur H. C. E. School.
530	,, Akshaykumar	...	15-2	Bogra Zila School.
	,, Anukulchandra	...	15	Barisal Zila School.
	,, Baidyanath	...	16-4	Dumka Zila School.
	,, Banamali	...	16-2	Hughli Collegiate School.
	,, Bhabeschandra	...	15-9	Hare School.
	,, Brajendranath	...	16	Monghyr Zila School.
	,, Chandicharan	...	14	Kalia H. E. School.
	,, Chandrakumar	...	17	Mymensingh Institution.
	,, Girijaprasanna	...	16	South Suburban School, Bhowanipur.
	,, Haralal	...	16	Pabna Zila School.
540	,, Jadabchandra	...	16-7	Barisal Zila School.
	,, Jasadakumar	...	18	Chittagong Municipal School.
	,, Jyotindramohan	...	17	Taki Government School.
	,, Jyotindramohan	...	15	Hare School.
	,, Kailaschandra	...	18-8	Naldanga Bhushan School.
	,, Kalikacharan	...	15-6	Manikganj H. C E. School.
	,, Kasiswar	...	15-3	Nawab's High School, Murshedabad.
	,, Kiranchandra	...	17-9	Naral H. C. E. School.
	,, Kumudnath	...	14-6	Pabna Zila School
	,, Lalbihari	...	18-6	Jagatballabhpur H. C. E. School.
550	,, Mahimachandra	...	18	Jagannath Collegiate School.
	,, Manoranjan	...	13	Sarnamay's H. C. E. School, Ulipur.
	,, Mukundanath	...	16	Dinajpur Zila School.
	,, Paramesprasanna	...	14-9	Dacca National School.
	,, Purnendu	...	15	Mahes H. E. School.
	,, Raghunath	...	16-3	Ravenshaw Collegiate School, Katak.
	,, Rajendramohan	...	16	Rowile H. School.
	,, Rakhaldas	...	17-2	Barasat Government School.
	,, Rakhalraj	...	20	Gar Bowanipur H. C. E. School.
	,, Rasbihari	...	17-6	Ghatal H. C. E. School.
560	,, Saradakanta	...	14-1	Bogra Zila School.
	,, Sudhangsukumar	...	15-6	Hare School.
	Raychaudhuri, Sibadas	...	16	Baripur H. C. E. School.
	,, Umacharan	...	14-2	Dacca National School.
	Reyazuddin	...	21-3	Ajmere Government College.
	Ross, A. B.	...	16-1	St. Peter's College, Agra.
	Rustomjee, C. H. M.	...	15-6	Doveton College.
	Saheb Rai	...	23	Sultanpur Zila School.
	Sakhawat Hossain	...	17-3	Patna City Zila School.
	Samanta, Radhacharan	...	18	Searsole H. E. School.
570	Sambhu Prasada	...	16	Bankipur T. K. Ghosh's Academy.
	Sankhua, Daityariprasad	...	17-6	Balasore Zila School.
	Sanyal, Baradakanta	...	15-4	Bhagalpur Zila School.
	,, Girischandra	...	19-6	Puthia H. E. School.
	,, Krishnabandhu	...	17-5	Uttarpara School.
	Sarju Parshad	...	18-7	Bareilly High School.
	Sarkar, Akshaykumar	...	16-10	Oxford Mission School.
	,, Binodbihari	...	15	Free Church Institution, Chinsurah.
	,, Jyotindramohan	...	16	Dacca National School.
	,, Saratchandra	...	14-3	Dinajpur Zila School.
580	,, Saratkumar	...	16-5	Hindu School.
	,, Sasisekhar	...	16-5	Rajshahye Collegiate School.
	,, Satyacharan	...	20	Mahisadal H. E. School.
	,, Sureschandra	...	16-6	Krishnagar Collegiate School.
	,, Sureschandra	...	15-5	Birbhum School.
	Sarma, Chandrakumar	...	20	Sylhet National School.
	,, Rajkisor	...	18	Cachar High School.
	Sen, Abaninath	...	18	Dacca National School.
	,, Abhaycharan	...	19	Ditto.

	Sen, Chandrakumar	...	19-3	Sylhet Government High School.
590	,, Haranchandra	...	17	Hindu School.
	,, Harimanikya	...	17	Dacca National School.
	,, Janardanhari	...	15	Noakhali Zila School.
	,, Kalimohan	...	17	Dacca Pogose School.
	,, Kaminikumud	...	16	Chittagong Collegiate School.
	,, Kedarnath	...	17-11	Brajamohan Institution, Barisal.
	,, Kshirodlal	...	13-1	Hindu School.
	,, Nisichandra	...	20	Chittagong Municipal School.
	,, Prankrishna	...	16	Noakhali Zila School.
	,, Ramchandra	...	16-6	Dinajpur Zila School.
600	,, Saradakanta	...	16-7	Burdwan Municipal School.
	,, Saratchandra, No. I	...	14	Barisal Zila School.
	,, Saratchandra, No. II	...	14	Ditto.
	,, Sasibhushan	...	17-6	Bankipur T. K. Ghosh's Academy.
	,, Syamacharan	...	18	Dacca National School.
	,, Tattweskamal	...	15 9	Jenkin's School, Cooch Behar.
	Sengupta, Chandrakumar	...	18	Chittagong Municipal School.
	,, Krishnakumar	...	13	Santosh Jahnabi School.
	,, Nagendranath	...	17	Ranaghat H. A. V. School.
	Shakespeare, J. C.	...	14-8	St. Francis de Sales' School.
610	Shambhunarayan Varma	...	18	Allahabad Government High School.
	Shamsul Husun	...	20-9	Jabbalpur Collegiate School.
	Shankar Lall. No. I	...	18-4	Meerut Government High School.
	Shankar Lall. No. II	...	18	Ditto.
	Shelverton, T.	...	16-9	Private Student.
	Shiam Narayan	...	19	Hardoi High School.
	Shiva Sahaylall	...	20-7	Patna Collegiate School.
	Shumbhoo Dayal	...	19-3	Barabanki High School.
	Shway Hpaw Oo	...	18 9	Akyab Government High School.
	Shwe Mya	...	20-10	Rangoon College.
620	Sil, Nandalal	...	15-1	Hume's High School, Etawah.
	,, Nityalal	...	16	Hare School.
	Singh, Karher	...	17	Muttra High School.
	,, Sheo Nandan	...	17	Chapra Zila School.
	,, Shew Shankar	...	20	Pertabgarh High School.
	Sinha, Bishnuprasad	...	21	Rajshahye Collegiate School.
	,, Gadadhar	...	16-2	Benares Collegiate School.
	,, Karunasindhu	...	17-8	Lakshannath H. C E School.
	,, Lakshmiprasad	...	19-2	Kendrapara H. E School.
	,, Natabar	...	17	Bankura Zila School.
630	,, Rajanikanta	...	16-2	Kandi School.
	Siv Pratap Narayen	...	15-6	Arrah Zila School.
	Siv Singh	...	20	Bareilly High School.
	S. M. Habibur Rohoman	...	16	Free Church Institution, Calcutta.
	Sobhakar, Kshetranath	...	17-5	Hindu School.
	Som, Saratchandra	...	16-8	Commillah Zila School.
	Subhan Kareem	...	22-7	Patna Collegiate School.
	Sundar Narain Mushran	...	20	Private Student.
	Suraj Bakhsh	...	18-2	Fyzabad Government High School.
	Sur, Kamadaprasad	...	16-7	Hindu School.
640	Suryya Deva Narayan	...	17	Mukerji's Seminary, Mozufferpur.
	Syed Abdul Ghani	...	17-6	Jaunpur Government High School.
	Syed Abdul Jabber	...	17	Habiganj High School.
	Syed Ali Ahmed	...	16	M. A. O. College, Aligarh.
	Syed Mahammad Zahural Haq	...	14	Calcutta Madrasa.
	Syed Mahammad Yusuf Ahmed	...	16-3	M. A. A. School, Patna.
	Tagore, Sudhin Iranath	...	15-6	Metropolitan Institution.
	Telluckdhari Lall	...	17-2	St. Xavier's College.
	Templeton, J. H.	...	16-7	Rangoon College.
	Tewari, Ramanandan	...	17	Balia School.
650	Tha Gywai	...	16-1	Rangoon College.
	Thakur Prasad	...	18	Sultanpur Zila School.
	,, Premsankar	...	19	Jabbalpur Collegiate School.
	Thorpe, A.	...	16-3	Lahore Boys' High School.
	Tikaram	...	18-3	Bareilly High School.
	Ujagir Lal	...	17-3	Arrah Zila School.
	Upadhyay, Brijkisor	...	18	Mukerji's Seminary, Mozufferpur.
	Vidya Parshad	...	19	Aligarh, Government High School.
	Vidyadhar Shridhar Joshee	...	16-9	Free Church Institution, Nagpur.
	Vijaya Anand	...	17	L. M. Collegiate School, Benares.
660	Vishnu Prakash	...	18-2	Hardoi High School.
	Wale, J P.	...	18 6	Lahore Boys' High School.

	Wallace, Mary	...	.....	Convent School, Rangoon.
	Waman Vithal Kane	...	16	City School, Nagpur.
	Wasi Ahmed	...	19-7	Patna Collegiate School.
	Winterscale, J. C.	...	16-9	La Martiniére College.
	Wise, Janet	...	.....	Doveton Institution.
	Xavier, E. C.	...	15-10	Ravenshaw Collegiate School, Katak.
668	Zamin Ali	...	16-4	Hughli Collegiate School.

THIRD DIVISION.

In Alphabetical Order.

	Abdul Aziz	...	17-4	Sylhet National School.
	Abdul Gani	...	20-2	Ludhiana Mission School.
	Abdul Goni	...	21	Free Church Institution, Calcutta.
	Abodhbihari Lali	...	18	Bhagalpur Zila School.
	Abul Muzaffar Muhammad Ataur Rahman	...	15	Albany Institution.
	Acharyya, Jyotishchandra	...	13	Gauhati High School.
	Aftab Ahmad Khan Ahmadi	...	17-10	M. A. O. College, Aligarh.
	Afzalur Rohoman	...	20	Dacca Pogose School.
10	Akbar Husain Khan	...	18	M A. O. College, Aligarh.
	Ali Haidar	...	16-8	Bareilly High School.
	Ambica Parsad	...	16	Chapra Zila School.
	Amin Akshaykumar	...	22-8	Private Student.
	Ananta Prosad	...	18	Bhagalpur Zila School.
	Avadh Beharilal Mathur	...	17-4	Moradabad Government High School.
	Badri Pershad	...	22	Sultanpur Zila School.
	Bagchi, Abinaschandra	...	16	Rajshahye Collegiate School.
	„ Girijakanta	...	18-1	Jalpaiguri Zila School.
	„ Umeschandra	...	21	Parjana Mukundanath School.
20	Baksi, Krittichandra	...	18	Pandra H. E. School.
	Balaji Jairam Chhaney	...	17	City School Nagpur.
	Balkrishna Govind Devaikar	...	19	Free Church Institution, Nagpur.
	Balkrishna Wasudeo	...	18	Ditto ditto.
	Bandyopadhyay, Asokjiban	...	14-11	M. A. O. College, Aligarh.
	„ Asutosh	...	18	Boinchi B. L. Institution.
	„ Bamacharan	...	14-4	Free Church Institution, Chinsurah.
	„ Banwaribhushan		17-10	Banwaribad H. C. E. School.
	„ Baradaprasad	...	15-3	Konnagar H. C. E. School.
	„ Bhubaneswar	...	14	Serajganj H. E. School.
30	„ Jibankrishna	...	15	Bali, Rivers Thomson School
	„ Jogeschandra	...	16	Barisal Zila School.
	„ Jogindranath	...	17	Bhagalpur Zila School.
	„ Kirtichandra	...	20	Ruplal Raghunath School.
	„ Lalbihari	...	16-4	Metropolitan Instn., S. Branch.
	„ Manmathnath	...	17-8	Khulna Zila School.
	„ Matilal	...	18-2	New Indian-School.
	„ Natabihari	...	18-4	Ditto.
	„ Pannalal	...	18	Midnapur Collegiate School.
	„ Prabhatchandra	...	16	Sanskrit Collegiate School.
40	„ Prandhan	...	16-2	Sibpur H. C. E. School.
	„ Rajendrachandra		17-4	Jagannath Collegiate School.
	„ Rajkumar	...	16	Nabadwip Hindu School.
	„ Saradaprasad	...	16	South Suburban School, Bhowanipur.
	„ Saratchandra	...	19	Narayanganj H. C. E. School.
	„ Saratchandra	...	17-6	Shahjehanpur High School.
	„ Saratkumar	...	16-4	Hardoi High School
	„ Sasibhushan	...	18	Nowgong Cantonment School.
	„ Sripati	...	14-8	Nawab's High School, Murshedabad.
	Banka Vihari	...	16	Gya Zila School.
50	Bans Gopal	...	20	Hume's High School, Etawa.
	BapuWaman	...	16	Jabbalpur Collegiate School.
	Baranasiprasad	...	18	Monghyr Zila School.
	Barùya, Mathuramohan	...	17-5	Gauhati High School.
	Basu, Adharchandra	...	18-3	Bishenpur H. E. School.
	„ Amalananda	...	15	Dacca National School.
	„ Chandramadhab	...	18	Free Church Institution, Chinsurah.
	„ Girischandra	...	15-5	Serajganj H. E. School.
	„ Ramanimohan	...	21-1	Jenkin's School, Cooch Behar.
	„ Sasibhushan	...	15	Albert Collegiate School.
60	Beni Madho Lall	...	14	Gazipur Mission High School.
	Bhagwan Prasad Varma	...	21-4	Allahabad Government High School.
	Bhar, Bhabanicharan	...	17	Chandernagar School.

	Bhar, Saratchandra	...	17	Metropolitan Institution.
	Bhattacharyya, Dwijendra	...	17-8	Hare School.
	„ Manmathanath	...	15-6	Uttarpara School.
	„ Rasikchandra	...	18	Dacca Pogose School.
	„ Saratchandra	...	14	Naral H. E School.
	„ Udaykanta	...	15	Ripon College.
	„ Upendranath	...	18	Allahabad Government High School.
70	Bhaumik, Gagacharan	...	18	Rangpur Zila School.
	„ Mahendrachandra	...	17	Dacca National School.
	Bid, Sasibhushan	...	17-6	Metropolitan Institution
	Bihari Lall	...	18-3	Moradabad Government High School.
	Bindeshree Pershad	...	17-3	Dinapur Aided School.
	Bireshwarnath	...	19	Balarampur Lyall Collegiate School.
	Biswas, Dwarkanath	...	18-3	Chittagong Collegiate School.
	„ Hiralal	...	20	Ripon College.
	„ Narendrakrishna	...	15	Dasghara School.
	Bonny, F.	...	14-5	St. Francis de Sales' School.
80	Brahmaniker Ramchandra Krishna		19-5	Indore Madrasa.
	Chhajjoo Singh	...	18	Meerut Government High School.
	Chhotay Lall	...	20	Private Student.
	Chakrabarti, Akshaykumar	...	18	Bhastara School.
	„ Bipinbihari	...	17	Albert Collegiate School.
	„ Brindabanchandra	...	18	Commillah Zila School.
	„ Chandrakumar	...	16-2	Chittagong Collegiate School.
	„ Dinanath	...	16	Chatmohar Sambhunath School.
	„ Gokulcharan	...	15	Dacca National School.
	„ Gopalchandra	...	15	Rajshahye Collegiate School.
90	„ Lalitmohan	...	19-6	Dacca National School.
	„ Saratchandra	...	16	Sanskrit Collegiate School.
	„ Srischandra	...	15-6	Metropolitan Institution.
	„ Syamacharan	...	17-4	Chittagong Collegiate School.
	Chander Pal Singh	...	19-2	M. A. O. College, Aligarh.
	Chattopadhyay, Adharnath	...	15-4	Barasat Government School.
	„ Ambujkumar	...	15-3	Hare School.
	„ Bholanath	...	16-2	Metropolitan Institution.
	„ Binodkumar	...	17-3	Howrah Bible H. C. E. School.
	„ Debendranath	...	17	Searsole H. E. School.
100	„ Harischandra	...	15-10	Mirzapur Government High School.
	„ Hemkamal	...	15-3	Dacca Pogose School.
	„ Karunamay	...	17	Burdwan Raj Collegiate School.
	„ Narayanchandra	...	18-9	Ariadaha H. E. School.
	„ Narayandas	...	15-8	Bali, Rivers Thompson School.
	„ Pratapchandra	...	18	Lauhajang H. C. E. School.
	„ Purnachandra	...	19-4	Kandi School.
	„ Ramratan	...	16	Bankura Zila School.
	„ Sitalchandra	...	17	A. P. Mission School, Allahabad.
	„ Srinarayan	...	13	Free Church Institution, Chinsurah.
110	„ Upendranath	...	20	P. Gopinathpur School.
	Chaudhuri, Anandakumar	...	14	L. M. Collegiate School, Benares.
	„ Harendrachandra	...	20	Sylhet Government High School.
	„ Hridaynath	...	20-6	Graham School, Tangail.
	„ Nagendranath	...	16	Metropolitan Institution.
	„ Padmakumar	...	17	General Assembly's Institution.
	„ Priyanath	...	18	Kutwa H. E. School.
	Chunni Lall	...	19	Bareilly High School.
	Das, Akshaykumar	...	16	Free Church Institution, Chinsurah.
	„ Baidyanath	...	16-3	Town School, Midnapur.
120	„ Dalimchandra	...	17-5	Tejpur High School.
	„ Durgacharan	...	17-5	Kandi School.
	„ Harkishen	...	19-6	Agra Collegiate School.
	„ Hridaychandra	...	17-4	Habiganj High School.
	„ Iswarchandra	...	15	Hare School.
	„ Jagadananda	...	20	Sylhet National School.
	„ Jagamohan	...	21	Ditto.
	„ Jaygopal	...	16	Barasat Government School.
	„ Jaykrishna	...	18	Agra Collegiate School.
	„ Kanailal	...	16-8	Naral H. E. School.
130	„ Lalmohan	...	16-8	Balasore Zila School.
	„ Maheswar	...	19-2	Barpeta H. E. School.
	„ Madhusudan	...	18-7	Town School, Midnapur.
	„ Nabinchandra	...	18-3	Dacca National School.
	„ Nikunjabihari	...	16-4	Barisal Zila School.

	Das, Padmaram	...	14-4	Gauhati High School.
	„ Saratsankar	...	15	Metropolitan Institution.
	„ Sayamchand	...	18	Ravenshaw Collegiate School, Katak.
	Dasgupta, Baradacharan	...	15-3	Dacca Collegiate School.
	„ Jagadbandhu	...	17	Brajamohan Institution, Barisal.
140	„ Nagendranath	...	14	Kalia H. E. School.
	Datta, Annadacharan	...	15	Patiya H. E. School.
	„ Aswinikumar	...	15	Metropolitan Institution.
	„ Bamacharan	...	18	Dacca Pogose School.
	„ Binodbihari	...	19-6	Kalaskati H. E. School.
	„ Gurucharan	...	17	Rangpur Zila School.
	„ Jyotindranath	...	17	Ravenshaw Collegiate School, Katak.
	„ Maheschandra	...	16-8	Dacca Collegiate School.
	„ Nagendrachandra	...	15	Cachar High School.
150	„ Nisikanta	...	15-11	Dacca National School.
	„ Nrisinhachandra	...	16-7	Free Church Institution, Calcutta.
	„ Pulinbihari	...	16	Teacher.
	„ Saradaprasad	...	19	Ghatal H. C. E School.
	„ Rajanikanta	...	20	Jagannath Collegiate School.
	„ Surendra	...	14-4	Sibpur H. C. E. School.
	De, Girischandra	...	16-10	L. M. School, Midnapur.
	„ Gopalchandra	...	19	Harinabhi A. S. School.
	„ Haricharan	...	15-3	Free Church Institution, Chinsurah.
	„ Mahimchandra	...	18-4	Sylhet Government High School.
	„ Mukundalal	...	17-6	Serajganj H. E. School.
160	„ Nabinchandra	...	17-11	Kisorganj H. E. School.
	„ Rasiklal	...	14-3	Kuchikol Radhaballabh Institution.
	„ Tinkari	...	17-3	Hindu School.
	Deb, Mahimlal	...	16	Meerut C. M. High School.
	„ Ramanchandra	...	20-1	Sylhet Government High School.
	Debipershad Pandit	...	19-4	Canning College.
	Donald, R.	...	18-2	Bishop Cotton School, Simla.
	Dube, Ajodhyaprasad	...	21	Hume's High School, Etawa.
	„ Brindaban	...	18-9	Gazipur Mission High School.
	„ Mangalram	...	15-5	Benares Collegiate School.
170	Gonesh Vithal Bhut	...	21-1	Free Church Institution, Nagpur.
	Ganga Nath Jha	...	13-7	Darbhanga Raj School.
	Gangaprasad	...	16-8	Dumraon Maharaja's School.
	Gangopadhyay, Kalidas	...	17-8	Birbhum School.
	„ Makhanlal	...	13	Kuchiakol Radhaballabh Institution.
	„ Saratchandra	...	14-4	Muragacha H. C. E. School.
	„ Srikantha	...	17-6	Hindu School.
	„ Srinath	...	17	Jagannath Collegiate School.
	Gargari, Satischandra	...	17	Chandernagar School.
	Ghose, Minna	...	.....	Amritsar Alexandra School.
180	Ghosh, Abinaschandra	...	15-6	General Assembly's Institution.
	„ Annadacharan	...	20	Dacca National School.
	„ Asutosh	...	18	Burdwan Raj Collegiate School.
	„ Debendranath	...	18	Allahabad Government High School.
	„ Gopalchandra	...	15-4	Berhampur Collegiate School.
	„ Haricharan	...	18-3	Mozufferpur Zila School.
	„ Hiralal	...	17	Calcutta Institution.
	„ Jnanendranath	...	16	Hughli Branch School.
	„ Jogindrachandra	...	14-5	Barisal Zila School.
	„ Jogindranath	...	17	Dacca National School.
190	„ Kaliprasanna	...	17	Ditto.
	„ Nandalal	...	16-4	Oriental Seminary.
	„ Rajendranath	...	17	Mymensingh Institution.
	„ Ramanimohan	...	16-10	Kandi School.
	„ Saratchandra	...	16	South Suburban School, Bhowanipur.
	„ Satischandra	...	15-8	Dacca Pogose School.
	Ghoshal, Jajneswar	...	19-5	Ariadaha H. E School.
	„ Ramchandra	...	19	Kaikala H. C. E. School.
	Girijadyal ...	...	20-11	Lakhimpur Govt. High School.
	Goppi, Dwarikanath ...	...	15	Nowgong High School.
200	Goswami, Bhupati ...	...	18-5	Khanakul K. Institution.
	„ Ramanimohan	...	17-6	Ditto.
	„ Upendragopal	...	17-8	Jangipur H. E. School.
	Govind Vishnu Chitaley	...	17-6	Jabbalpur Collegiate School.
	Guha, Mahananda ...	...	20	Dacca National School.
	„ Nutanchandra ...	...	21	Chittagong Collegiate School.
	„ Satischandra ...	...	17	Mymensingh Zila School.
	Guin, Narayanchandra	...	16	Sodpur H. E. School.

	Gupta, Bimala ...	...	...	Eden Female School, Dacca.
	„ Kaminikanta	...	16	Free Church Institution, Calcutta.
	„ Rasamay ...	...	18-8	Brajamohan Institution, Barisal.
210	Hajra, Gurudas ...	...	16-9	Dacca National School.
	„ Raghunandan ...	...	16	Patrasaer H. E. School.
	Hamilton, G. ...	...	18-5	St. Xavier's College.
	Harakh Prasad ...	...	20-6	Teacher.
	Hargu Lal	...	18	Ambala Mission High School.
	Hari Wakratund Munjey	...	22-4	Private Student.
	Har Narayan Prasad ...	...	19	Allahabad Kayastha Pathsala.
	Har Prasad ...	...	15-9	Agra Collegiate School.
	Harprasad Agnihotry...	...	15-7	Jabbalpur Collegiate School.
	Hazaree Sah ...	...	16	Mukerjee's Seminary, Mozufferpur.
220	Imtiyaz Ahmud ...	...	19	Pertapgarh High School.
	Jagadip Sahay ...	...	16	Gya Zila School.
	Jagannath Saran ...	...	14	Chapra Academy.
	Jai Lal Sah Chakurayat	...	22-7	Teacher.
	Jiyalal Tewari ...	...	18-9	Jabbalpur Collegiate School.
	Jeswant Rao ...	...	22-3	Farakabad Mission High School.
	Kailasnath Kanzru ...	...	18-7-21	Agra Collegiate School.
	Kar, Mathurachandra ..	...	20-5	Sylhet Government High School.
	„ Syamacharan ...	...	15-5	Howrah Govt. School.
	Khaja, M. Ismail ...	...	16 2	Patna Collegiate School.
230	Kosal Kishore Bhargav	...	20	M. A. O. College, Aligarh.
	Krishna Sahai ...	...	19	Unao High School.
	Kumar, Barham Narayan	...	16	Matihari Zila School.
	Kunwar, Bahadur Lal	...	15-6	Benares Collegiate School.
	Lajwanti Rallia Ram	...	.....	Amritsar Alexandra School.
	Lakshminarayan	...	18	Gya Zila School.
	Lala, Mritunjay Lal	...	16-3	Birbhum School.
	Lalita Prsada No. I	...	17-10	Benares Collegiate School.
	Lalita Prsada No. II	...	16-5	Ditto.
	Liladhar Purshad	...	20	Chapra Zila School.
240	Mahabir Prasad	...	17	Victoria School, Gazipur.
	Mahadeva Datta	...	20-8	Arrah Town School.
	Maharaj Krishna	...	17-4	Fyzabad Government High School.
	Mahee Uddin Ahmed	...	15	Behar National Institution.
	Mahmood Ali, P.S.	...	15	M. A. O. College, Aligarh.
	Maiti, Gobindaprasad	...	18	Contai H. E. School.
	Maitra, Satischandra	...	19-6	Ripon College.
	„ Umeschandra	...	17-3	Bogra Zila School.
	Majumdar, Basantakumar	...	17-2	Dacca Collegiate School.
	„ Charukrishna	...	17	Hindu School.
250	Malir, J.	...	16-6	St. Fidelis's School.
	Mallik, Bhupendrachandra	...	15	Hughli Collegiate School.
	„ Maniklal	...	15	Ditto.
	„ Nirmalchandra	...	16-4	Naral H. E. School.
	„ Phanilal	...	16	Hughli Collegiate, School.
	Mandal, Chintamani	...	20	Searsole H. E. School.
	„ Madhusudan	...	17-3	Bishenpur H. E. School.
	„ Sisirkanta	...	16	Barisa H. C. E. School.
	Maroti, Probhakar Lothey	...	22	City School, Nagpur.
	Mitra, Bijaykumar	...	15-4	Metropolitan Institution S. Branch.
260	„ Gopalchandra	...	16	Hare School.
	„ Kalidas	...	17-2	Benares Collegiate School.
	„ Krishnapada	...	17	Metropolitan Institution,
	„ Mrigendralal	...	18	City Collegiate School.
	„ Nandalal	...	17-5	Konnagar H. E. School.
	„ Nripendranath	...	16-4	Metropolitan Institution B. Branch.
	„ Srischandra	...	18-8	Barabanki High School.
	Muhammad Ishaq	...	14-9	Calcutta Madrasa.
	Muhammad Faruq	...	21	Seoni Mission School.
	Muhammad Jalaluddin	...	18-4	Moradabad Government High School.
270	Muhammad Sarfaraz Ali	...	20-10	Fyzabad Govt. High School.
	Mukhopadhyay, Anukulchandra	...	16	Hughli Collegiate School.
	„ Brajendranath	...	16	Krishnagar Collegiate School.
	„ Charuchandra	...	16	Ranchi Zila School.
	„ Charuchandra	...	17	Hare School.
	„ Haranchandra	...	18	L. M. S. Institution, Bhowanipur.
	„ Haridas	...	18	Ilsoba Mondlye School.
	„ Jogindranath	...	15	Albert Collegiate School.
	„ Jogindranath No. 1		15	Metropolitan Institution.
	„ Jyotindralal	...	17	Chuadanga H. E. School.

280	Mukhopadhyay, Kaliprasanna	...	16-3	Saduhati H. E. School.
	,, Krishnadhan	...	15-4	Howrah Bible H. E. School.
	,, Kshetrapada	...	14-10	Town School, Midnapur.
	,, Natabar	...	15	Kuchiakol Radhaballabh, Institution.
	,, Nirendranath	...	17-4	Nibodia H. E. School.
	,, Pannalal	...	17	Aryan Institution.
	,, Prakaschandra	...	17-3	Madrasa-i-Anwaria.
	,, Ramdas	...	17-2	Banawaribad H. C. E. School.
	,, Saratkumar	...	17	Dehra Dun Training School.
	,, Sasibhushan	...	18-8	Gobardanga H. E. School.
290	,, Sasibhushan	...	17	Kandi School.
	,, Sitalchandra	...	17	Allahabad Government High School.
	,, Sripaticharan	...	19	L. M. School, Midnapur.
	,, Tarapada	...	15	Simla High School.
	Murphy, J. H.	...	17-4	St. George's School, Mussoorie.
	Naha, Iswarchandra	...	18	Jagannath Collegiate School.
	Naik, Jaydeb	...	17-4	Piyarimohan Academy, Katak.
	,, Radhamadhab	...	18-1	Ditto
	Nanabhoy Nourajee Burjorjee	...	16-3	Rangoon College.
	Nandi, Amulyacharan	...	19-3	University College.
300	,, Nabadwipchandra	...	17	Jagannath Collegiate School.
	Narayan Bhat	...	17	Gya Zila School.
	Pakrasi, Prasannakumar	...	16-2	Hare School.
	Pal, Hemchandra	...	17-5	Serajganj H. E School.
	,, Janakinath	...	17-3	Kumarkhali H. E. School.
	,, Kisorimohan	...	19	Ripon College.
	,, Mathuranath	...	17	Santosh Jahnabi School.
	Palit, Matangicharan	...	16-4	Burdwan Raj Collegiate School.
	,, Narendranath	...	18	Albert Collegiate School.
	Panda, Narendranath	...	19	Ghatal H. E. School.
310	Pande, Ramkumar	...	17	Benares Collegiate School.
	Pandit, Bihari Lal Nahru	...	18-7	Ambala Mission High School.
	,, Uttam Nath	...	19-6	Residency, College Indore.
	Pathak, Bijayram	...	20-3	Behar H. C. E. School.
	Patanaik, Banamali	...	16-8	Puri Zila School.
	,, Satyabadi	...	18-5	Piyarimohan Academy, Katak.
	Pramanik, Pratapchandra	...	18-7	University College.
	Prayag Dutt	...	18	Unao High School.
	Prayag Das Katara	...	20-5	Allahabad Government High School.
	Purnachandra	...	17-6	L. M. Collegiate School Benares.
320	Pyaray Lal Agnihotri	...	17-4	Allahabad Government High School.
	Raghunath Rao K.	...	18	Jabbalpur Collegiate School.
	Rajaram Apajee	...	20	Free Church Institution, Nagpur.
	Rajkhowa Indradhar	...	16	Debrugarh High School.
	Rajnarain	...	17-3	Bareilly High School.
	Ramchand	...	18	Allahabad Government High School.
	Randhir Prashad	...	17-2	Ranchi Zila School.
	Ramgholam Lal	...	17	Chapra Zila School.
	Ram Kishin	...	16-6	Ludhiana Mission School.
	Ramkrishna Bishnu Bhagwat	...	18-2	Jabbalpur Collegiate School.
330	Rashid Husan	...	17	Moradabad Government High School.
	Ray, Abinaschandra	...	15	Hare School.
	,, Annadaprasad	...	17	Hindu School.
	,, Apurbakrishna	...	15-3	South Suburban School, Bhowanipur.
	,, Chandrakisor	...	15	Commillah Zila School.
	,, Gopalchandra	...	18	Garbhabanipur School.
	,, Indusekhar	...	16-4	Birbhum School.
	,, Jagadindranath	...	17-4	Rajshahye Collegiate School.
	,, Jnanchandra	...	19	Jagannath Collegiate School.
	,, Jyotindramohan	...	16	Kutwa H. E. School.
340	,, Kalikinkar	...	17	Bankura Zila School
	,, Kaliprasanna	...	16-7	Rajshahye Collegiate School.
	,, Krishnanath	...	16-6	Seal's Free College.
	,, Pratapchandra	...	19	Bhagalpur Zila School.
	,, Satyendranath	...	16-2	Pirozpur H. E. School.
	,, Suryyakumar	...	17	Town School, Midnapur.
	,, Tarasundar	...	17	Pabna Zila School.
	Roy Zada Nunnaylal Varma	...	16	M. A. O. College, Aligarh.
	Saha, Harendranath	...	17-10	Dighapatia H. E. School.
	Salig Ram	...	17-3	Canning College.
350	Sanyal, Durgadas	...	17-3	Berhampur Collegiate School.
	,, Kalilochan	...	17	Chatmohar Sambhunath School.
	,, Kisorimohan	...	19-2	Rajshahye Collegiate School.

	Sarkar, Asutosh	...	16	Purnia Zila School.
	,, Baradasankar	...	17-5	Rajshahye Collegiate School.
	,, Jagadiswar	...	19	Burdwan Raj Collegiate School.
	,, Kaliprasanna	...	16-3	Rajshahye Collegiate School.
	,, Manmathanath	...	15	Krishnagar A. V. School.
	,, Narayanchandra	...	16-6	Jirat Chandrakona H. E. School.
	,, Saratchandra	...	18	Midnapur Collegiate School.
360	,, Satinath	...	18	Chuadanga H. E. School.
	,, Upendranath	...	15	Metropolitan Institution.
	Sayyad Wajih Uddin	...	20	Bareilly High School.
	Sen, Bimalaprasanna	...	14	Metropolitan Institution.
	,, Hemchandra	...	14-6	Hindu School.
	,, Lalitmohan	...	14	Ditto.
	,, Manmathanath	...	14	Metropolitan Institution.
	,, Matilal	...	16	Sodpur School.
	,, Prakritiprasanna	...	17-5	Albert Collegiate School.
	,, Sureschandra	...	16	Oriental Seminary.
370	Sengupta, Bhubaneswar	...	16	Kalia H. E. School.
	,, Debendranath	...	16	Jessore Zila School.
	,, Indranarayan	...	16-6	Birbhum School.
	,, Mahendrachandra	...	19-3	Nabadwip Hindu School.
	,, Rasbihari	...	17	Bagirhat H. E. School.
	Set, Praphullachandra	...	16	Metropolitan Institution.
	Shaik Baboo Jan	...	19-9	Howrah Bible H. C. E. School.
	Sheikh Bisarat Ulla	...	15-6	Nawab's High School, Murshedabad.
	Sheo Prasad Agnihotri	...	16-7	Jabbalpur Collegiate School.
	Shew Parshad	...	18	Bareilly High School.
380	Shiva Bart Lal Varma	...	17-11	Allahabad Government High School.
	Shiv Chand	...	25-7	Teacher.
	Shiva Mongal Ray	...	17	Gazipur Mission High School.
	Shiva Ram	...	23-9	Teacher.
	Shunker Singh	...	18-2	Meerut Government High School.
	Shyam Lall	...	16	Chapra Zila School.
	Sinha, Baijnath	...	17	Balia School.
	,, Brijkumar	...	17-8	Teacher.
	,, Indranarayan	...	16-8	Kandi School.
	,, Jogindranarayan	...	18-11	Uttarpara School.
390	,, Kedarnath	...	16-1	Mozufferpur Zila School.
	,, Tarinicharan	...	16	L. M. S. School, Khagra.
	Sitla Sahay	...	19	Pertabgarh High School.
	Syed Abdul Sattar	...	19	Sylhet Government High School.
	Syed Mahmud Raza	...	17-2	Canning College.
	Tagore, Balendranath	...	15-3	Hare School.
	Thakurdas	...	19-9	Benares Collegiate School.
	Thakur, Kedarnath	...	18	Pandra H. E. School.
	Thakur Prasad	...	17	Arrah Town School.
	Tripati, Brajamohan	...	16-2	Ranchi Zila School.
400	Vishnoo Gopal Naik	...	16	Jabbalpur Collegiate School.
	Viswas Rao Bhaway	...	19	Ditto ditto.
	Wasudeo Ramchandra Halwi	...	15	Ditto ditto.
	Wasudeo Vithal Limaye	...	15-10	City School, Nagpur.
	Wyankatesh Seoram Bhalerao	...	17-3	Ditto ditto.
	Zainuddin Ahmed	...	18	Bhagulpur Zila School.

SENATE HOUSE,
The 17th May 1886.

W. GRIFFITHS,
Registrar.

INSPECTOR GENERAL OF MILITARY WORKS.

Account of Government Promissory Notes deposited as Security for the faithful performance of Contracts by persons having dealings with the Military Works Department as per Register kept by the Examiner and posted to the 31st March 1886.

Item.	Name, occupation and address.	Amount of Investment. 4½ per cent. of 1870.	4½ per cent. of 1879.	4 per cent. of 1865.	Various 4 per cents.	Name of officer to whom interest is sent.	Remarks.
	Notes converted into Trust Stock by Comptroller General.						
1	Narain Das, Cashier, Rawalpindi Division	1,000	...	...	...	Examiner of Accounts, Military Works.	Balance in hand on 31st March 1886.
2	Gunga Ram, Cashier, Umballa Division	...	...	1,000	...		Do.
3	Anunt Ram, Storekeeper, Ferozepore Division	...	...	500	...		Do.
4	Chunder Coomar Banerjee, Cashier, Fort William Division	...	...	500	1,500		Do.
5	Mudho Soodun Chowdry, Cashier, Barrackpope Division	...	...	2,000	...		Do.
6	Gopee Mohun, Storekeeper, Allahabad Division	...	...	...	1,000		Do.
7	Sree Nath Mukerjee, Storekeeper, Fort William Division	...	...	...	1,000		Do.
8	Khooshial Roy and Co., Cashiers, Meerut Division	...	...	1,000	...		Do.
9	Kidar Nath Chatterjee, Storekeeper, Barrackpore Division	...	...	500	...		Do.
10	Thundoo Mull, Cashier, Umballa Division	...	...	...	2,000		Do.
11	Bhadur Singh, Storekeeper, Umballa Division	...	...	500	...		Do.
12	Adams Monument Fund, Agra Division	...	...	...	3,000		Do.
13	Hari Das Bose, Cashier, Ferozepore Division	...	...	500	...		Do.
14	Surendro Nath Roy, Storekeeper, Lucknow Division	...	...	...	500		Do.
15	Prabhu Dial Tewary, Storekeeper, 1st Division, S. I. C.	...	...	...	500		Do.
16	Boodhoo Ram, Storekeeper, Lahore Division	...	...	500	...		Do.
	Total Converted into Stock	1,000	...	7,000	9,500		
	Held in safe custody, by Agent Bank of Bengal, Lahore.						
17	Nanuck Chund, Contractor, Umballa Division	...	...	...	500	Interest not to be drawn.	Balance in hand on 31st March 1886.
18	Maun Singh, Contractor, Meerut Division	...	...	500	...		Do.
19	Maun Singh, Contractor, Meerut Division	...	...	...	500		Do.
20	Kheali Ram, Contractor, Meerut Division	...	...	...	500		Do.
21	Ajoodiah Pershaud, Contractor, Meerut Division	...	...	...	500		Do.
22	Banea Churn Banerji, Contractor, Barrackpore Division	...	...	...	100		Do.
23	Krishto Nath Ghose, Contractor, Fort William Division	...	...	500	...		Do.
24	Nil Cant Chatterji, Contractor, Fort William Division	...	...	...	100		Do.
25	Tarriney Churn Sen, Contractor, Fort William Division	...	...	...	100		Do.
26	Upendro Nath Day, Contractor, Fort William Division	...	...	...	100		Do.
27	Behary Churn Sen, Contractor, Fort William Division	...	...	...	100		Do.
28	Meehir Lall Dass, Contractor, Barrackpore Division	...	...	...	500		Do.
29	Noor Buksh, Contractor, Meerut Division	...	...	500	...		Do.
30	Chiranji Lall, Contractor, Meerut Division	...	...	...	1,000		Do.
31	Meehir Lall Dass, Contractor, Barrackpore	...	...	...	500		Do.
32	Bhola Pershaud, Contractor, Meerut	...	...	1,000	...		Do.
33	Nand Ram, Contractor, Meerut	...	...	700	...		Do.
34	Nand Ram, Contractor, Meerut	...	...	500	...		Do.
35	Behary Churn Sen, Contractor, Barrackpore	...	...	...	100		Do.
36	Bama Churn Banerji, Contractor, Barrackpore	...	...	...	500		Do.
37	Nur Lall, Contractor, Meerut	...	...	...	100		Do.
38	Meehir Lall Dass, Contractor, Barrackpore	...	...	...	200		Do.
39	Behary Churn Sen, Contractor, Barrackpore Division	...	...	...	100		Do.
40	Bama Churn Banerji, Contractor, Barrackpore Division	...	...	500	...		Do.
41	Ajudhia Pershaud, Contractor, Meerut Division	...	...	...	100		Do.
42	Babu Abinash Chunder Soor, Contractor, Barrackpore Division.	...	...	...	1,000		Do.
43	Ram Lal, Contractor, Ferozepore Division	...	...	1,500	...		Do.
44	Messrs. Walsh Lovett and Co., Contractors, Barrackpore Division.	...	...	1,200	...		Do.
45	Messrs. Burn and Co., Contractors, Barrackpore Division	...	...				Do.

A. E. WARD, *Major, S.C.*,
for *Offg. Inspector General.*
Military Works.

AGENT TO THE GOVERNOR GENERAL, BALUCHISTAN.

NOTIFICATION.

Quetta, the 13th May 1886.

No. 2047.—The Agent to the Governor General is pleased to permit Lieutenant Dinshaw Dossabhoy Khambatta to resign his commission in the Baluchistan Volunteer Rifle Corps.

By Order,

IVAR MACIVOR, *Captain,*
1st Asst. to the Govr. Genl.'s Agent in Baluchistan.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 13th May 1886.

No. 1896.—Sahebzada Wahid-ud-din, Attaché to the Governor General's Agent in Central India, is granted six weeks' privilege leave, with effect from the 20th May 1886, or such subsequent date as he may avail himself of it.

The 15th April 1886.

No. 1940.—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. 14 years.	7 years.	Date of passing Professional Examination.	Date of promotion.
With English Qualification. Bhawani Singh, on Reserved Establishment at Indore.	1pl. 22, 1885	Apl. 22, 1886	Apl. 28, 1886	Apl. 28, 1886

By Order,

F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 15th May 1886.

No. 1156 *G.*—Colonel F. W. Boileau, Commandant, Deoli Irregular Force, availed himself on the 9th May 1886 of the privilege leave granted him in this Office Notification No. 815 G., dated the 14th April 1886.

By Order,

HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 15th May 1886.

No. 506-390.—With reference to this Office Notification No. 380-390, dated 15th April 1886, Assistant Surgeon Gopal Chandra Mukerji, M.B., resumed charge of his duties at Beawar from 2nd Class Hospital Assistant Muhammad Abdul Wahid, on the forenoon of the 4th May 1886.

The 17th May 1886.

No. 512-330 *IV.*—Under sections 12 and 37, Act X of 1882 (Criminal Procedure Code), Captain A. M. Muir, Cantonment Magistrate, Nusseerabad, is invested, with effect from the 10th of April 1886, with the powers of a Magistrate of the 1st class and the power to try summarily the offences mentioned in section 260 of the said Act.

The above powers to be exercised within the Ajmere District.

By Order,

HUGH DALY,
for *1st Asst. to the Agent to the Govr Genl.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 12th May 1886.

No. 44.—With reference to Public Works Department Notification No. 123, dated 6th May 1886, Mr. A. Greenlees, Assistant Engineer, 1st Grade, is posted to the Eastern Bengal State Railway.

The 17th May 1886.

No. 45.—Mr. A. Sprenger, Executive Engineer, 1st Grade, is granted furlough to Europe for eighteen months, with the usual subsidiary leave, with effect from 15th May 1886, or such date as he may avail himself of the same.

No. 46.—With reference to Public Works Department Notification No. 130, dated 12th May 1886, the undermentioned Officers are posted to the Sind-Pishin State Railway, Northern Section :—

Mr. T. E. Curry, Executive Engineer, 3rd Grade, sub. *pro tem.*

Babu Krishna Chunder Bandyopadhya, Executive Engineer, 4th Grade, temporary rank.

Mr. A. G. Bremner, Assistant Engineer, 2nd Grade.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

RESIDENT IN MYSORE.

Catalogue of Books printed in the Civil and Military Station of Bangalore, and registered under the provisions of Act XXV of 1867, during the Quarter ending 31st March 1886.

Title in full.	Language in which the book is written.	Name of the Author, Translator, Editor of the book or any part thereof.	Subject.	Place of printing and place of publication.	Name or firm of the Printer and name or firm of the Publisher.	Date of issue from the Press or of the Publication.	Number of sheets, leaves or pages.	Size.	1st, 2nd, or other number of edition.	No. of copies of which edition consists.	Whether printed or lithographed.	Price.	Name and residence of proprietor of copyright or any portion thereof.	Date on which the copyright was registered.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
												R a. p.			
BOOKS.					*i. In English or other European language.*										
The Mysore Law Reports, Vol. VI, 1883.	English	*Editor.* J. W. Hayes, Senior.	Law	Civil and Military Station, Bangalore.	Bangalore Daily Post and Examiner Press, F. Hayes, Printer, J. W. Hayes, Senior, Publisher.	27th Feb. 1886	440	Royal Octavo.	1st Edition Vol. 1883.	300	Printed	12 0 0	J. W. Hayes, Senior, at the Grange, Bangalore.	3rd Mar. 1886	'Judgments in Appeal Cases from Mysore and Coorg.
The Mysore and Coorg Directory for 1886.	Ditto	Ditto	Miscellaneous	Ditto	The Daily Post and Examiner Press, Mr. Richmond F. Hayes, Printer and Publisher.	1st Jan. 1886	603	Do.	4th Edition	300	Do.	4 0 0	Do.	21st Jan. 1886	Almanac and Directory.
					ii. In the Vernacular spoken in the Province.										
Tarekh-i-Aczezi, being a translation of Morris's History of India.	Hindustani	*Translator.* Munshi Mahomed Abdul Aziz Saib.	History	Civil and Military Station, Bangalore	Nubary Press, Bangalore, Munshi Mahomed Abdul Aziz Saib.	19th Mar. 1886	186	Royal Octavo.	1st Edition	500	Lithographed.	1 0 0	Munshi Mahomed Abdul Aziz Saib, Sevanastry Gardeen Street, Civil and Military Station, Bangalore.	31st Mar. 1885	A translation into Hindustani of Morris's History of India.
Tulsi Dasa Charitram	Telugu	*Editor.* Paravastu Jiyaroosuri.	Biography	Ditto	Sri Nidhi Press, A. Tiruvengadiah, Printer, Paravastu Jiyarosuri, Publisher.	15th Feb. 1886	124	Demy Octavo.	Do.	500	Printed	0 12 0	Paravastu Jiyaroosuri, Dharmarava Street, Civil and Military Station, Bangalore.	3rd Mar. 1886	The life of Tulsi Dasa, a Minister under the Emperor Akber.
Vinoda Charitram	Tamil	*Author.* T. G. Narainsawmy Pillay.	Fiction	Madras, Civil and Military Station, Bangalore.	Sadayandi Chettiar, Ripon Press, Vaduvar, T. G. Narainsawmy Pillay.	28th Feb. 1886	68	Duodecimo.	Do.	400	Do.	0 6 0	T. G. Narainsawmy Pillay, Civil and Military Station, Cavalry Road, Bangalore.	31st Mar. 1886	"The Pleasing History"—Tamil novel.

Revised and annotated.
L. RICE,
Director of Public Instruction.

E. P. MALTBY, *Major*,
Collector and District Magistrate, Civil and Military Station.
H. CLARKE,
For *Assistant to the Resident.*

BANGALORE,
The 13th April 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 19th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 12th May 1886 . .	6,25,329	
Value of Government silver in the Mint on the same date .	7,59,475	13,84,804
ADD—		
Silver received by the Mint during the week on account of the Currency Department	9,449	
Ditto ditto Government	274	9,723
		13,94,527
DEDUCT—		
New coin paid to Reserve Treasury during the week .	2,56,742	
Petty items issued for miscellaneous purposes . . .	...	2,56,742
Balance on the evening of the 19th May 1886 . . .	...	11,37,785
The Balance comprises—		
Silver held on account of the Currency Department .	2,59,631	
Ditto ditto Government	8,78,154	
There is in addition awaiting assay—		11,37,785
Bullion belonging to Private Individuals . . .	2,54,156	
Ditto ditto Currency Department . . .	55,85,350	58,39,506

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 20th May 1886.

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 :—

Burma Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
W1	Q 6—09479	100	Ko Tsan Hla, Rangoon.
	,, —09480	100	
	,, —09481	100	
	,, —09482	100	
	,, —09483	100	
	,, —09484	100	
	,, —09485	100	
	,, —09486	100	
	,, —09487	100	
	,, —09488	100	
	,, —09489	100	
	,, —09490	100	
	,, —09491	100	
	,, —09492	100	
	,, —09493	100	

RANGOON,
The 13th May 1886.

W. D. COWLEY,
Asst. Comptroller, Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
2	B 74—50057	500	D. Venkatachelapati Rao, Repalle.
3	B 86—40420	100	Post Master General, Madras.

FORT ST. GEORGE,
The 10th May 1886.

C. HALL,
Chief Superintendent, In charge of Paper Currency Dept.

FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1¼ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus for carriage to Patna. } ₹43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,
Principal Assistant to Opium Agent, Behar, Patna.

POST OFFICE.

NOTIFICATIONS.

Simla, the 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *viâ* the *United Kingdom* to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola).

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

The 11th May 1886.

No. 2224.—Mr. G. R. Peter, Post Master, Calicut, is appointed to officiate as Examiner, Post Office, Bangalore Division.

G. J. HYNES,
Offg. 1st Asstt. Dir, Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 18th May 1886.

Adels, Mrs. C. E.
Allen & Co., W. H.
Drake, R.
Fletcher, Mrs.
Genshamji, G.
Hill, R. B.
Morton, Mrs. A.
Schulze, W.
Thomson, T. G.
Todman, H.

Letters marked "Care of Post Office."

Aman, A.
Barckley, Master O.
Barnes, G. J.
Barnett, Mrs. James.
Bates, J. N.
Bigex, Mon. E.
Booth, P.
Bose, P. N.
Bowers, S.
B. R.
Bremner, Baron de.
Bush, C.
Capel, Lt.-Col.
Caws, Capt. A. E.
C. B. H.
Clarke, F. G.
Cohen, Mr. J.
Crawford, T.
Dessa, H.
Dimmock, Basil.
D'Mello, Jose.
Dodd, C. B. G. A.
Dowling, D.
D'Rozario, Miss J.
Drury, Surgeon F. J.
Dufour, Madam.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
Easton, Percy H.
Entwisle, R.
Fez, Lt. Col.
Fox, R. C. W.
Gayer, A. H.
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Gow, J F.
Grant, Mrs. M.
Griffiths, Norris.
Groseman, Sig. L.
Guerrier, H. J.
Gustare, Esq.
Haly, J. J.
Hutton, Lt.-Col.
Inman, Capt. C.
Inman, James.
J. M. Mc.
Jefferson, J. J. D.
Kelly, Miss G.
K T M.
Kirkbride, J.
Lea, Jay.
Lemaitre, A.
M. O.
Macqueen, T.
Manfield, J. J.
McDonald, Miss.
McLaughlin, John.
Miller, Capt. John C.
Minaeff, Mr.
Morris, Paul.
Murphy, H.
Nellie, Miss N.
Noel, Lucien.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Power, J O.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Randall, T.
Remmington, Capt. F.A.
Rice, W. G. L.
Rishworth, B. J.
R. M. E., Miss.
Rose, G. W.
Salten, Miss M.
Schmid, Otto.
Sharpe, Capt. A.
Shaw, H. J.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, Harry St. C.
Smith, J. M.
Sole, Rev. A. B
Speer, A. E.
Stanislaus, Walter.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Swingler, Mrs. C.
Tamsure, J.
Todd, H. P.
Tonzel, Rev. C. J. C.
Wade, Mrs.
Walker, P. C.
Ward, Lieut. B. R.
Wessendorff, Henri.
Wilson, Mrs. Mark.

Registered Letters.

Anderson, James.
Brenner, Baron Joachim.
DeGruyther, L.
Grogan, H. C.
Guerrier, H. J.
Ross, A.
Steruzillies, David.

Unclaimed Letters held in the Barrackpore Post Office on the 17th May 1886.

Agar, H.
Arrakiel, M.
Banerjee Gopal Chunder.
Barnett, Lt.
Charter, Sub-Conductor.
Crossman, J.
Doyle, A. C.
Fowell, W.
Hart, E. H.
Hay, W.
Hobson, E. A.
Landale, T.
Nicholls, J.
Owen, M. S.
Patch, J.
Pearson, Rev. A. C.
Riddall, W.
Smith, W.
Thomas, Major C. F.
Todd, Miss.
Towbert, C. H.

J. BURTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 22nd May 1886.
SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	22nd May	Per P. & O. Str. from Bombay.
Ditto ditto ditto	29th ,,	Ditto.
Ditto Book Post and Pattern Packets	28th ,,	Ditto.
Mauritius, Mahé (Seychelles) Mayotte, Nossi Be, and Réunion	29th ,,	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	22nd ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	25th ,,	Ditto.
Australia, New Zealand and Tasmania	25th ,,	Ditto.
Madras and Colombo	26th ,,	Per P. & O. Str. *Ganges.*
Straits and Hong-Kong	20th ,,	Per Str. *Japan.*
Rangoon and Moulmein	26th ,,	Per Str. *Purulia.*
Akyab, Kyouk Phyoo, and Rangoon	26th ,,	Per Str. *Bushaer.*

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.

G. BURTON GROVES,
Offg. 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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8;* per eight-ounce tin, *₹8-8;* per pound tin, *₹16-8.* The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8;* per eight-ounce tin, *₹10-8;* per pound tin, *₹20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائيں كا خوب قائم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سواے اونكے جو كوئي ايك مشت بيس پونڈ خريد ليفے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هيں يعنے نرخ چار اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ،

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

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونميں بكتي هى ماسواے قيمت مذكورۂ بالا كے محصول ڈاك چار آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارة آنه ،

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoign rates.

كرسٹلين سنكونا دوائي بخار

لال سنكونا بارك كي ايك نئي اور عمده دوا گورنمنٹ فاكٹري مين تيار هوئي هى معمولي بے صاف كي هوئي دوائي بخار سے كونين كے لئے يهه بهت خوب قايم مقام هى اور سيب پور متصل كلكته كے بوٹانكل گارڈن يعني كمپني باغ كے سپرنٹنڈنٹ صاحب سے هر ايك ملازم سركاري كام اور خيرات كے لئے اور وه لوگ جو ايك مشت بيس پونڈ لين نقد اس بهاو سے خريد سكتے هين يعنے چار آونس كے ٹين كا چهه روپيه آٹهه آنه ; آٹهه آونس كے ٹين كا بارة روپيه آٹهه آنه ; اور ايك پونڈ كے ٹين كا چوبيس روپيه—

اور عام لوگون كو بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سكتا هى يعنے چار آونس ٹين كا آٹهه روپيه آٹهه آنه ; آٹهه آونس كي ٹين كا سوله روپيه آٹهه آنه اور ايك پونڈ ٹين كا بتيس ٣٢ روپيه يهه دوا كلكته كے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بكتي هى محصول ڈاك چار آونس كي ٹين كے لئے چار آنه ; آٹهه آونس كي ٹين كے لئے آٹهه آنه اور ايك پونڈ كي ٹين كے لئے بارة آنه علاوة اوپر لكهے هوئے نرخ كے هى ،

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:—

Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts. ₹8.
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts. ₹8.
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts. ₹8.
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts. ₹8.
Report on the Meteorology of India in 1883, 4to, 150 pages text, 305 pages tables, 9 charts. ₹8.
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates. ₹2-8.
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. I. Part V, 4to, 57 pages, 10 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages. ₹1-8.
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates. ₹1-8.
Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 7 plates. ₹3.
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates. ₹2.
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates. ₹2-8.
Rainfall Chart of India showing the average annual distribution of rainfall (in colours). 8*a*.
Rainfall Map of India (in two sheets, scale 64 miles to one inch), showing the annual distribution of rainfall (in colours). ₹3.
Register of Original Observations of six stations in India for each of the years 1879 to 1884, corrected and reduced. Each year, ₹2-8.
The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]. ₹3.
The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]. ₹5.
Tables for the Reduction of Meteorological Observations in India. ₹2.

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

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. Trubner & Co., 57 and 59, Ludgate Hill, London, E.C.

BIBLIOTHECA INDICA.

SANSKRIT SERIES.

1. **Atharvana Upanishad,** (Sans.) fasci. I—V, at annas 6 each. ₹1-14.
2. **Agni Purána,** (Sans.) fasci. I—XIV, at annas 6 each. ₹5-4.
3. **Aitareya Aranyaka of the Rig Veda,** (Sans.) fasci. I—V, at annas 6 each. ₹1-14.
4. **Aphorisms of S'ándilya;** (Eng.) fasci. I. 6*a*.
5. **Aphorisms of the Vedánta,** (Sans.) fasci. III—XIII, at annas 6 each. ₹4-2.
6. **Brahma Sútra,** (Eng.) fasci. I. 12*a*.
7. **Bhámatí,** (Sans.) fasci. I—VIII, at annas 6 each. ₹3.
8. **Brihat Áranyaka Upanishad,** (Sans.) fasci. VI, VII & IX, at annas 6 each. ₹1-2.
9. **Brihat Áranyaka Upanishad,** (Eng.) fasci. II & III, at annas 6 each. 12*a*.
10. **Brihat Samhitá,** (Sans.) fasci. I—III, V—VII, at annas 6 each. ₹2-4.
11. **Chaitanya-Chandrodaya Nátaka,** (Sans.) fasci. II & III, at annas 6 each. 12*a*.
12. **Chaturvarga Chintámani,** (Sans.) Vols. I, fasci. 1 & 11; II, 1—25; III, 1—13, at annas 6 each fasci. ₹18-6.
13. **Chhándogaya Upanishad,** (Eng.) fasci. II. 6*a*.
14. **Gopatha Bráhmana,** (Sans. and Eng.) fasci. I & II, at annas 6 each. 12*a*.
15. **Gobhiliya Grihya Sútra,** (Sans.) fasci. I—XII, at annas 6 each. ₹4-8.
16. **Hindu Astronomy,** (Eng.) fasci. I—III, at annas 6 each, ₹1-2.
17. **Kálamádhaba,** fasci. I & II, at annas 6 each. 12*a*,
18. **Kátantra,** (Sans.) fasci. I—VI, at annas 12 each. ₹4-8.
19. **Kathá Sarit Ságara,** (Eng.) fasci. I—XIII, at annas 12 each. ₹9-12.
20. **Kurma Púrána,** fasci. I. 6*a*.
21. **Lalita Vistara,** (Eng.) fasci. I—II, at annas 12 each. ₹1-8.
22. **Manutiká Sangraha,** fasci. I. 6*a*.
23. **Mímánsá Darsana,** (Sans.) fasci. II—XVII, at annas 6 each. ₹6-6.
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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 12th May 1886.

No. 557.—The following promotions are made with effect from the 10th March 1886, *vice* Lieutenant-Colonel J. Herschel, R.E., Deputy Superintendent, 1st Grade, retired :—

Major T. T. Carter, R.E., Deputy Superintendent, 2nd Grade, *on furlough*, to be Deputy Superintendent, 1st Grade.

Lieutenant-Colonel D. C. Andrew, S.C., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that grade.

Major A. W. Baird, R.E., Deputy Superintendent, 4th Grade, *and Officiating Mint Master, Calcutta*, to be Deputy Superintendent, 3rd Grade.

Captain St. G. C. Gore, R.E., Officiating Deputy Superintendent, 4th Grade, *attached to the Afghan Boundary Commission*, is confirmed in that grade.

Lieutenant S. G. Burrard, R.E., Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

No. 558.—The following temporary promotions are made with effect from the 10th March 1886 :—

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.

Lieutenant-Colonel H. S. Hutchinson, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant H. M. Jackson, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

In suppression of Notifications Nos. 547, 548, and 549, dated 22nd March 1886, the following

Notifications of temporary promotions are issued :—

No. 559.—Major J. R. McCullagh, R.E., Officiating Deputy Superintendent, 3rd Grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 15th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 174, dated 19th March 1886, the following temporary promotions are made with effect from the same date :—

Mr. E. C. Barrett, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant W. H. Pollen, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 560.—Lieutenant-Colonel J. Waterhouse, S.C., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 140, dated 5th March 1886, the following temporary promotions are made with effect from the 21st idem :—

Lieutenant-Colonel R. Beavan, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant G. B. Hodgson, S.C., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 561.—Major M. W. Rogers, R.E., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 60, dated 29th January 1886, the following temporary promotions are made, with effect from the 21st idem :—

Colonel R. G. Woodthorpe, R.E., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant S. G. Burrard, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 562.—With reference to Notification No. 405—42-13 S., dated 7th May 1886, of the Government of India, in the Revenue and Agricultural Department, Major C. Strahan, R.E., Deputy Superintendent, 2nd Grade, on special duty in Madras, having proceeded on furlough, the following temporary promotions are made, with effect from the forenoon of the 4th May 1886 :—

Major T. H. Holdich, R.E., Deputy Superintendent, 3rd Grade, *attached to the Afghan Boundary Commission*, to officiate as Deputy Superintendent, 2nd Grade.

Major J. Hill, R.E., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Mr. G. H. Cooke, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. A. D'Souza, Assistant Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 4th Grade.

The 25th May 1886.

No. 564.—Mr. E. C. Barrett, Officiating Deputy Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under Sections 71 to 74, Chapter V of the Civil Leave Code, with effect from 1st July 1886, or such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*
Offg. Surveyor General of India.

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37	Das, Abinaschandra	... Patna College.
38	Bhattacharyya, Srigopal	... Ravenshaw College, Katak.
	Biswas, Kshirodkrishna	... Presidency College.
	Pandit, Akshaykumar	... Hughli College.
41	Dover, R. W.	... La Martinière College.
42	Sen, Akshaykumar	... Dacca College.
43	Chattopadhyay, Susilchandra	... General Assembly's Institution.
44	Abdul Hamid	... Doveton College.
	Amrit Ramchandra Bambawale	... Jabbalpur College.
	Mukhopadhyay, Nandagopal	... St. Xavier's College.
47	Babonau, C. Jane	... Doveton College.
	Bandyopadhyay, Amulyachandra	... Free Church Institution, Calcutta.
	Gopal Ji	... Patna College.
50	Bandyopadhyay, Nibaranchandra	... Hughli College.
51	Datta, Saratchandra	... Patna College.
52	Bhattacharyya, Basantakumar	... Ripon College.
53	Bandyopadhyay, Lalitkumar	... St. Xavier's College.
	Sen, Harendranath	... Dacca College.
55	Ray, Baradakanta	... Metropolitan Institution.
56	Das, Jadabendranandan	... Midnapur College.
57	Adhikari, Gopeschandra	... Free Church Institution, Calcutta.
	Bhattacharyya, Nandalal	... Hughli College.
59	Kesho Das	... Muir Central College.
60	Baksi, Panchanan	... Krishnagar College.
61	Pal, Harischandra	... L. M. S. Institution, Bhowanipur.
62	Mallik, Prasaddas	... Hughli College.
63	Chakrabarti, Indubhushan	... General Assembly's Institution.
	Gupta, Jnanendranath	... Metropolitan Institution.
	Khan, Saratchandra	... General Assembly's Institution.
	Lisle, Freda	... Girls' High School, Allahabad.
67	Abbasali Sirdar	... Hughli College.

SECOND DIVISION.

In Alphabetical Order.

	Ahmed Ullah	... Hughli College.
	Ali Hasan	... Patna College.
	Anant Lal	... Muir Central College.
	Anup Singh	... Bareilly College.
	Azad Ali	... Dacca College.
	Bagchi, Brajanath	... City College.
	„ Kailaschandra	... Rajshahye College.
	Bagram, G.	... St. Xavier's College.
	Balkrishna Ramchandra Bakhale	... Jabbalpur College.
10	Bandyopadhyay, Abinaschandra	... Patna College.
	„ Atulkrishna	... St. Xavier's College.
	„ Baranasi	... Sanskrit College.
	„ Harimohan	... M. A. O. College, Aligarh.
	„ Jyotindranath	... Metropolitan Institution.
	„ Jyotischandra	... Ditto.
	„ Manmohan	... Presidency College.
	„ Matilal	... Metropolitan Institution.
	„ Nibaranchandra	... Dacca College.
	„ Nilratan	... Hughli College.
20	„ Parbaticharan	... Dacca College.
	„ Raghunath	... Hughli College.
	„ Rasbihari	... Ripon College.
	„ Saradaprasad	... St. Xavier's College.
	„ Sasikumar	... Jagannath College.
	„ Satischandra	... Ditto.
	„ Sibnarayan	... Free Church Institution, Calcutta.
	„ Taranath	... Metropolitan Institution.
	„ Tinkari	... Ditto.
	Barma, Kshetranath	... Burdwan Raj College.
30	Basak, Radhaballabh	... Jagannath College.
	Basu, Baikunthanath	... Metropolitan Institution.
	„ Brajendrakumar	... Berhampur College.
	„ Girischandra	... Ripon College.
	„ Gobindachandra	... Ditto.

	Basu, Hariprasad	... Metropolitan Institution.
	„ Jyotindranath	... Presidency College.
	„ Nityananda	... Metropolitan Institution.
	„ Nripendranath	... St. Xavier's College.
	Basudeva Narayen	... L M. College, Benares.
40	Belletty, L.	... St. Xavier's College.
	Bera, Jayhari	... Ripon College.
	Bhaduri, Indubhushan	... Metropolitan Institution
	Bhagabandasa, Bhargaba	... Muir Central College.
	Bhanja, Srischandra	... L M. S. Institution, Bhowanipur.
	Bhattacharyya, Biharilal	... Free Church Institution, Calcutta.
	„ Biswanath	... Metropolitan Institution.
	„ Jananranjan	... Krishnagar College.
	„ Kartikchandr	... General Assembly's Institution.
	„ Nandalal	... City College.
50	„ Saratchandra	... Rajshahye College.
	„ Surendranath	... Burdwan Raj College.
	Bhaumik, Hemchandra	... General Assembly's Institution.
	„ Maheschandra	... City College.
	Biswas, Gopalchandra	... Metropolitan Institution.
	„ Lalitkrishna	... St. Xavier's College.
	„ Saratchandra	... Free Church Institution, Calcutta.
	„ Taraprasad	... Jagannath College.
	Blanchett, H.	... Muir Central College.
	Bose, Bindubashini	... Free Church Normal School.
60	Bremner, D. S.	... La Martinière College.
	Cameron, Florence	... Allahabad Girls' High School.
	Chakrabarti, Benimadhab	... Krishnagar College.
	„ Brajendrakumar	... L. M. S. Institution, Bhowanipur.
	„ Chandrakumar	... Jagannath College.
	„ Girischandra	... Midnapur College.
	„ Mahendranarayan	... Metropolitan Institution.
	„ Rajanikanta	... Chittagong College.
	„ Rajanikanta	... Dacca College.
	„ Rasikbihari	... Ditto.
70	„ Tarakeswar	... Rajshahye College.
	Chandra, Rasmohan	... Ditto.
	Chattopadhyay, Annadacharan	... Metropolitan Institution.
	„ Asutosh	... Ripon College.
	„ Bhupatibhushan	... Metropolitan Institution.
	„ Binodbihari	... L. M. S. Institution, Bhowanipur.
	„ Girijabhushan	... Free Church Institution, Calcutta.
	„ Hemchandra	... Metropolitan Institution.
	„ Jogeschandra	... Hughli College.
	„ Mathuranath	... Dacca College.
80	„ Radhanath	... Sanskrit College.
	„ Rajendranath	... Metropolitan Institution.
	„ Rakhalchandra	... Burdwan Raj College.
	Chaube, Devakinandan	... Agra College.
	Chaudhuri, Annadacharan	... Chittagong College.
	„ Brindabanchandra	... Free Church Institution, Calcutta.
	„ Kedarnath	... Metropolitan Institution.
	„ Satisnarayan	... Rajshahye College.
	„ Rakhaldas	... Metropolitan Institution.
	Das, Jnanadaprasad	... Jagannath College.
90	„ Kandarpakumar	... City College.
	„ Krishnadhan	... Metropolitan Institution.
	„ Nagendrachandra	... Ditto.
	„ Radhamohan	... Dacca College.
	Dasgupta, Jagneswar	... Ditto.
	Datta, Binaykrishna	... St. Xavier's College.
	„ Chandicharan	... Hughli College.
	„ Girischandra	... Rajshahye College.
	„ Gobindakisor	... Ripon College.
	„ Jnanendramohan	... Patna College.
100	„ Nabinkrishna	... Metropolitan Institution.
	„ Sasibhushan	... St. Xavier's College.
	„ Surendranath	... Burdwan Raj College.
	De. Kailaschandra	... Metropolitan Institution.
	„ Nilmani	... Free Church Institution, Calcutta.
	„ Sureschandra	... Metropolitan Institution.
	„ Tulsicharan	... Ditto.

	Deb, Gobindachandra	... Patna College.
	„ Mahendrachandra	... Dacca College.
	Deefholts. L. J.	... St. Xavier's College.
110	Dhar, Gopalchandra	... General Assembly's Institution.
	„ Haridas	... Presidency College.
	Dharmakirti, J. A.	... Trinity College, Kandy.
	Din Dyal	... M. A. O. College, Aligarh.
	F. Riyazuddin Quazi	... St. Xavier's College.
	Gangadhar Sitaram Brahmarakshas	... Free Church Institution, Nagpur.
	Gangapadhyay, Haridas	... Hughli College.
	„ Kaliprasanna	... Ditto.
	Ghosh, Abinaschandra	... Ravenshaw College, Katak.
	„ Basantakumar	... General Assembly's Institution.
120	„ Bipinbihari	... Rajshahye College.
	„ Bipinbihari	... Midnapur College.
	„ Dharmadas	... Metropolitan Institution.
	„ Haridas	... Hughli College.
	„ Harigopal	... L. M S. Institution, Bhowanipur.
	„ Jaygopal	... Ditto ditto.
	„ Kripanath	... Jagannath College.
	„ Lalitmohan	... Free Church Institution, Calcutta.
	„ Narayandas	... L. M. S. Institution, Bhowanipur.
	„ Nityananda	... Patna College.
130	„ Saratchandra	... Metropolitan Institution.
	„ Sasibhushan	... Ravenshaw College, Katak.
	„ Satischandra	... Presidency College.
	„ Satischandra	... Patna College.
	„ Sitanath	... City College.
	„ Tarachand	... Metropolitan Institution.
	„ Taraknath	... Ripon College.
	„ Umeschandra	... Ditto.
	Ghoshal, Binodbihari	... Presidency College.
	„ Manmohan	... Free Church Institution, Calcutta.
140	Gopal Mukund Damlay	... Jabbalpur College.
	Goswami Jagadischandra	... Agra College.
	Guha, Biharilal	... City College.
	„ Chandrakanata	... Jagannath College.
	„ Ramchandra	... Albert College.
	„ Umaprasanna	... St. Xavier's College.
	Gun, Taraknath	... Dacca College.
	Gupta, Dwijendranath	... Hughli College.
	„ Jagneswar	... Jagannath College.
	Hajra, Amritalal	... Metropolitan Institution.
150	Har Bilas	... Ajmere Government College.
	Hiralal	... Jabbalpur College.
	Jaygobinda Sahay	... Patna College.
	Jha, Bindhyanath	... Benares College.
	Kar, Pramathachandra	... Presidency College.
	Kastagiri, Hemendralal	... Ditto.
	Kumar, Nrityagopal	... Ditto.
	Kundu, Gopikrishna	... Metropolitan Institution.
	„ Tarinicharan	... City College.
	Kshatriya, Bhairablal	... Presidency College.
160	Lahiri, Bankimchandra	... Rajshahye College.
	„ Kalidas	... Metropolitan Institution.
	„ Mohinimohan	... City College.
	Lakshman Pandatji	... Free Church Institution, Nagpur.
	Mahadeo Gopal Borgaonkar	... Jabbalpur College.
	Mahanti, Narayanprasad	... Teacher.
	Maitra, Haridas	... Presidency College.
	„ Ramchandra	... Krishnagar College.
	„ Syamacharan	... Metropolitan Institution.
	Majumdar, Asutosh	... Rajshahye College.
170	„ Banamali	... Metropolitan Institution.
	„ Harinath	... Ripon College.
	„ Kshetragopal	... Krishnagar College.
	Mallik, Amritakrishna	... General Assembly's Institution.
	Mandal, Krittibas	... Ripon College.
	Manley, H. F.	... Teacher.
	Maula Baksh	... Ditto.
	M. Farhat Ahmed	... M. A. O. College, Aligarh.
	Misra, Bhubaneswar	... Rajshahye College.
	„ Kanhaiya Lal	... Bareilly College.

180	Mitra, Bijaykesab	...	Metropolitan Institution.
	„ Gopalchandra	...	Ditto.
	„ Jadunath	...	Canning College.
	„ Jugalkisor	...	St. Xavier's College.
	„ Jyotindralal	...	Hughli College.
	„ Jyotishchandra	...	Metropolitan Institution.
	„ Kshetranath	...	Presidency College.
	„ Kumudbihari	...	Metropolitan Institution.
	„ Narendranath	...	Presidency College.
	„ Nareschandra	...	City College.
190	„ Saratchandra	...	Ditto.
	„ Upendramohan	...	General Assembly's Institution.
	Mohan Lal	...	Teacher.
	Moung Ohu Hpay	...	Rangoon College.
	Muhammad Abdul Rafay Khan	...	Bareilly College.
	Muhammad Hasan	...	Dacca College.
	Mukhopadhyay, Amritasekhar	...	Berhampur College.
	„ Asutosh	...	Metropolitan Institution.
	„ Atulchandra	...	Patna College.
	„ Gopalchandra	...	Hughli College.
200	„ Harihar	...	City College.
	„ Jaykrishna	...	Metropolitan Institution.
	„ Jogindrachandra	...	Hughli College.
	„ Jogindranath	...	Burdwan Raj College.
	„ Kedarnath	...	Hughli College.
	„ Kshetrachandra	...	Presidency College.
	„ Nalinikanta	...	Free Church Institution, Calcutta.
	„ Nilratna	...	Burdwan Raj College.
	„ Tinkari	...	Ditto ditto.
	„ Tulsidas	...	St. Xavier's College.
210	„ Upendrachandra	...	Jagannath College.
	Nag, Dakshinakumar	...	City College.
	Nath, Amritalal	...	Ditto.
	Ohdedar, Debendranath	...	Muir Central College.
	Oliur Rahman	...	Dacca College.
	Pal, Anantalal	...	Free Church Institution, Calcutta.
	„ Annandaprasad	...	Metropolitan Institution.
	„ Dwarkanath	...	Dacca College.
	„ Mahendrachandra	...	L. M. S. Institution, Bhowanipur.
	„ Surathnath	...	Bishop's College.
220	Panda Baijnath Deoshanker	...	Jabbalpur College.
	Pandit, Biswambharnath	...	Presidency College.
	„ Kashinath Ganjur	...	Canning College.
	Pathak, Chandrakanta	...	City College.
	Poddar, Bipinbihari	...	Ditto.
	Ponsonby, P.	...	St. Thomas College, Colombo.
	Po Thoung	...	Rangoon College.
	Raghunath Prasad Sonar	..	Jabbalpur College.
	Routh, Jagatchandra	...	Dacca College.
	Ray, Indukumar	...	Krishnagar College.
230	„ Jadabananda	...	Rajshahye College.
	„ Jadunath	...	Hughli College.
	„ Madhusudan	...	Rajshahye College.
	„ Mahendralal	...	Dacca College.
	„ Mohinimohan	...	St. Xavier's College.
	„ Mahimchandra	...	Ripon College.
	„ Nanimadhab	...	Patna College.
	„ Prasannakumar	...	Ditto.
	„ Saradaprasad	...	Krishnagar College.
	„ Satischandra	...	Ditto.
240	„ Satischandra	...	Dacca College.
	„ Satyendranath	...	Metropolitan Institution.
	„ Umacharan	...	St. Xavier's College.
	„ Upendranath	...	Free Church Institution, Calcutta.
	Raymaulik, Binodbihari	...	Dacca College.
	„ Priyabhushan	...	Ditto.
	Rebeiro, E.	...	St. Xavier's College.
	Saha, Jogindralal	...	Metropolitan Institution.
	Sanyal, Chandranath	...	Rajshahye College.
	„ Piyarilal	...	Ditto ditto.
250	Sarkar, Durganath	...	Sanskrit College.
	„ Krishnasundar	...	General Assembly's Institution.
	„ Nagendranath	...	Metropolitan Institution.

	Sarkar, Radhikaprasad	...	Ripon College.
	Sarma, Bishenlal	...	Agra College.
	„ Kamalchandra	...	Metropolitan Institution.
	Sayyed Aulad Hosein	...	M. A. O. College, Aligarh.
	Sen, Bipinbihari	...	L. M. S. Institution, Bhowanipur.
	„ Bishnupada	...	Free Church Institution, Calcutta.
	„ Biswanath	...	Canning College.
260	„ Gangaprasanna	...	Jagannath College.
	„ Hemchandra	...	City College.
	„ Jagadindrachandra	...	L. M. College, Benares.
	„ Jnanendrakumar	...	L. M. S. Institution, Bhowanipur.
	„ Kaliprasanna	...	Rajshahye College.
	„ Nibaranchandra	...	Metropolitan Institution.
	„ Narottamdas	...	Ditto ditto.
	„ Praphullanath	...	Ditto ditto.
	„ Purnananda	...	L. M. College, Benares.
	„ Saratchandra	...	L. M. S. Institution, Bhowanipur.
270	Set, Bipinbihari	...	Metropolitan Institution.
	„ Radheschandra	...	Rajshahye College.
	Sheo Prasada	...	Fyzabad High School.
	Shivaram Sadashiva Pitambar	...	Jabbalpur College.
	Shore, J.	...	St. George's College, Mussoorie.
	Shum Suzzoha	...	Patna College.
	Siddha Gopal	...	L. M. College, Benares.
	Sil, Narayanprasad	...	Presidency College.
	„ Rasik Lal	...	Free Church Institution, Calcutta.
	Sinha, Kumar Kumadchandra	...	Presidency College.
280	„ Manindralal	...	St. Xavier's College.
	„ Mathuranath	...	Metropolitan Institution.
	„ Matilal	...	Burdwan Raj College.
	„ Narigopal	...	Midnapur College.
	„ Taraknath	...	City College.
	Singh, Shivanath	...	Patna College.
	Strange, H. R. W.	...	Doveton College.
	Syed Ahmed Ali	...	Patna College.
	Syed Golam Durwash	...	Ditto.
	Syed Mahmud Al Hasan	...	Agra College.
290	Thomas, E. H.	...	St John's College, Agra.
	Tiwari, Ambikacharan	...	Fyzabad High School.
	Trivedi, Ayodhya Prasad	...	Bareilly College.
	Ukil, Ambikacharan	...	Ripon College.

THIRD DIVISION.

In Alphabetical Order.

	Abu Said	...	Patna College.
	Abul Mahmud	...	Calcutta Madrasa.
	Adhikari, Aghornath	...	General Assembly's Institution.
	„ Satkari	...	Berhampur College.
	Afzal Hossein	...	Muir Central College.
	Aich, Ramaprasad	...	Burdwan Raj College.
	Akbar Hossain	...	Teacher.
	Anup Narayan	...	Patna College.
	Ashun Ullah	...	Jabbalpur College.
10	Ashurfee Lal	...	Agra College.
	Bagchi, Durgadas	...	Metropolitan Institution.
	„ Manaranjan	...	Burdwan Raj College.
	Baliram Anant Deshkar	...	Free Church Institution, Nagpur.
	Baliram Naryan Deshmukh	...	Ditto.
	Balram Das	...	Muir Central College.
	Banarsi Das	...	M. A. O. College, Aligarh.
	Bandyopadhyay, Akshaykumar	...	Hughli College.
	„ Amritalal	...	Ripon College.
	„ Aswinikumar	...	Dacca College.
20	„ Basantakumar	...	Free Church Institution, Calcutta.
	„ Bijaychandra	...	Dacca College.
	„ Charuchandra	...	Free Church Institution, Calcutta.
	„ Dibakar	...	Ditto.
	„ Haranchandra, No. II		Presidency College.
	„ Haripada	...	Ripon College.
	„ Harendramohan	...	Jagannath College.
	„ Jogindrachandra	...	Free Church Institution, Calcutta.
	„ Kalidas	...	Krishnagar College.

	Bandyopadhyay,	Kalidas	... Sanskrit College.
30	,,	Kesablal	... Dacca College.
	,,	Kisorimohan	... Metropolitan Institution.
	,,	Kshitischandra	... Berhampur College.
	,,	Lalitmohan	... St. Xavier's College.
	,,	Rakhaldas	... Rajshahye College.
	,,	Ramchandra	... City College.
	,,	Saratchandra	... Ripon College.
	,,	Saratkumar	... Ditto.
	,,	Surendranath	... Berhampur College.
	,,	Sureschandra	... Canning College.
40	,,	Upendranath	... Free Church Institution, Calcutta.
	Basak,	Biharilal	... Dacca College.
	Basu,	Amritalal	... Ripon College
	,,	Baburam	... Burdwan Raj College.
	,,	Bankubihari	... Presidency College.
	,,	Baradaprasad	... General Assembly's Institution.
	,,	Bhubaneswar	... Metropolitan Institution.
	,,	Bidhubhushan	... General Assembly's Institution.
	,,	Chandrakanta	... Dacca College.
	,,	Dwijendranath	... Berhampur College.
50	,,	Hiralal	... Metropolitan Institution.
	,,	Jogindranath, No. I	... Ripon College.
	,,	Kunjabihari	... Canning College
	,,	Mahendranath	... Metropolitan Institution.
	,,	Manmathanath	... Ditto.
	,,	Nibaranchandra	... Midnapur College.
	,,	Pannalal	... Ripon College.
	,,	Pramodakumar	... Metropolitan Institution.
	,,	Purnachandra, No. II	... Ditto.
	,,	Sitaram	... Teacher.
60	Bhaduri,	Saratchandra	... Muir Central College.
	Bhar,	Kanailal	... General Assembly's Institution.
	,,	Purnachandra	... Ripon College.
	Bhairo	Dyal	... Patna College.
	Bhaskar	Rao	... Free Church Institution, Nagpur.
	Bhattacharyya,	Bholanath	... Sanskrit College
	,,	Bipinbihari	... Metropolitan Institution.
	,,	Chandroday	... Albert College.
	,,	Debendranath	... Patna College.
	,,	Ramakshay	... Burdwan Raj College.
70	,,	Ramprasanna	... Canning College.
	,,	Saratkumar	... St. Xavier's College.
	,,	Sibanath	... Teacher.
	Bhikkan	Lal	... Bareilly College.
	Bhunia,	Radhakrishna	... Metropolitan Institution.
	Bindeshwari	Prasád Pandi	... Muir Central College.
	Bishwambhar	Dayal	... Canning College.
	Biswas,	Kailaschandra	... Burdwan Raj College.
	,,	Kamikshyanath	... Metropolitan Institution.
	,,	Kasigopal	... Jagannath College.
80	,,	Rajanikanta	... Krishnagar College.
	Blanchett,	E P.	... Muir Central College.
	Chakrabarti,	Durgadas	... Hughli College.
	,,	Hridaynath	... Free Church Institution, Calcutta.
	,,	Jaykali	... Ditto.
	,,	Kasinath	... Burdwan Raj College.
	,,	Rajaninath	... Jagannath College.
	,,	Ramkamal	... General Assembly's Institution.
	,,	Srischandra	... Canning College.
	Chandra,	Banamali	... Midnapur College.
90	,,	Rajchandra	... Presidency College.
	Changdar,	Sasikisor	... Rajshahye College.
	Chhatradhari	Lal	... Patna College.
	Chattopadhyay,	Annadacharan	... General Assembly's Institution.
	,,	Atulchandra	... Ripon College.
	,,	Binaykrishna	... Free Church Institution, Calcutta.
	,,	Girischandra	... Ditto.
	,,	Gurudas	... Albert College.
	,,	Haridas	... General Assembly's Institution.
	,,	Harinath	... Free Church Institution, Calcutta.
100	,,	Haripada	.. Krishnagar College.

	Chattopadhyay,	Jitendraprasad	... Krishnagar College.
	,,	Kanailal	... Presidency College.
	,,	Kshetranath	... Burdwan Raj College.
	,,	Nagendranath	... Ripon College.
	,,	Nilkanta	... Albert College.
	,,	Purnachandra	... Teacher.
	,,	Purnananda	... Ravenshaw College.
	,,	Santoshkumar	... Metropolitan Institution.
	,,	Satkari	... L. M. S. Institution, Bhowanipur.
110	,,	Satyacharan	... Hughli College.
	,,	Satyendranath	... City College.
	,,	Sitanath	... Jagannath College.
	Chaudhuri,	Agnikumar	... Ditto.
	,,	Akhilchandra	... Burdwan Raj College.
	,,	Benimadhab	... Albert College.
	,,	Harinath	... L. M. S. Institution, Bhowanipur.
	,,	Jogindranath	... Free Church Institution, Calcutta.
	,,	Madanmohan	... Burdwan Raj College.
	,,	Maheschandra	... Ripon College.
120	,,	Mangobinda	... Hughli College.
	,,	Pramathanath	... Berhampur College.
	,,	Pratapchandra	... Jagannath College.
	,,	Purnachandra	... Dacca College.
	,,	Ramnarayan	... General Assembly's Institution.
	,,	Saratchandra	... Hughli College.
	,,	Sasikumar	... Ripon College.
	,,	Sitalchandra	... Ditto
	,,	Surendranath	... Metropolitan Institution.
	Clarke,	A. J.	... Muir Central College.
130	Dana,	Nibaranchandra	... Burdwan Raj College.
	Das,	Amulyachran	... Albert College.
	,,	Annadacharan	... General Assembly's Institution.
	,,	Basantakumar	... Hughli College.
	,,	Bhagabanchandra	... Ripon College.
	,,	Biswambharcharan	... Metropolitan Institution.
	,,	Dutiram	... City College.
	,,	Gobindachundra	... Metropolitan Institution.
	,,	Harendranath	... Ditto.
	,,	Kuladaprasad	... Jagannath College.
140	,,	Kunjabihari	... Midnapur College.
	,,	Narendrachandra	... Metropolitan Institution.
	,,	Padmanath	... City College.
	,,	Prakaschandra	... Jagannath College.
	,,	Ramanimohan	... Metropolitan Institution.
	,,	Ramprasad	... Free Church Institution, Calcutta.
	Dasgupta,	Abinaschandra	... Dacca College.
	,,	Sriskamal	... Free Church Institution, Calcutta.
	Dassawoo,	Aghornath	... Metropolitan Institution.
	Datta,	Anilchandra	... Presidency College.
150	,,	Annadaprasad	... L.M.S. Institution, Bhowanipur.
	,,	Aswinikumar	... Jagannath College.
	,,	Atulchandra	... Chittagong College.
	,,	Biharilal	... Ripon College.
	,,	Chandrakisor	... General Assembly's Institution.
	,,	Charuchandra	... Ditto.
	,,	Jogindrachandra	... Metropolitan Institution.
	,,	Jnanendranath	... Free Church Institution, Calcutta.
	,,	Kalikamal	... Rajshahye College.
	,,	Krishnamadhab	... Burdwan Raj College.
160	,,	Lalbihari	... L. M. S. Institution, Bhowanipur.
	,,	Madanmohan	... Presidency College.
	,,	Nagendrachandra	... Ditto.
	,,	Rasbihari	... Hughli College.
	,,	Satyabhushan	... Dacca College.
	,,	Sureschandra	... Albert College.
	,,	Taranath	... Metropolitan Institution.
	De,	Sasimohan	... General Assembly's Institution.
	Deb,	Makundalal	... Rajshahye College.
	,,	Saratchandra	... Dacca College.
170	Devanath	Sahay	... Patna College.
	Dube,	Har Dayal	... Canning College.
	Edwards,	J. R.	... Trinity College, Kandy.
	Enda,	Kailaschandra	... Metropolitan Institution.
	Faizuddin	Mollah	... Free Church Institution, Calcutta.

	Fernand, W. J. A.	... Teacher.
	Fuzlal Huq	... St. Xavier's College.
	Gangopadhyay, Anisprakas	... Free Church Institution, Calcutta.
	,, Nanigopal	... Ripon College.
	Ghatak, Mohinimohan	... Rajshahye College.
180	Ghosh, Abinaschandra	Free Church Institution, Calcutta.
	,, Akhilchandra	... Patna College
	,, Anukulchandra	... Ripon College.
	,, Anukulchandra	.. Metropolitan Institution.
	,, Asutosh	... Benares College.
	,, E.	... St Xavier's College.
	,, Gobindachandra	... Chittagong College.
	,, Harischandra	... Muir Central College.
	,, Jnanchandra	... Metropolitan Institution.
	,, Jogindranath	... Free Church Institution, Calcutta.
190	,, Kedarnath	... Benares College.
	,, Kumudbihari	... Burdwan Raj College.
	,, Lalgopal	... City College.
	,, Nibaranchandra	... Metropolitan Institution.
	,, Nrisinhachandra	... Ditto.
	,, Umeschandra	... Ditto.
	Golam Hosein	... Hughli College.
	Gopal Ramchunder Kango	... Jabbalpur College.
	Gopinath ..	... Jaypur Maharaja's College.
	Gordon, J. W. D.	... Muir Central College.
200	Goswami, Haridhan	... Free Church Institution, Calcutta.
	Gregory, G.	... St. Xavier's College.
	Guha, Atulchandra	... Jagannath College.
	,, Hemendranath	... Berhampur College.
	,, Jagadis	... Dacca College.
	,, Mukundanath	... Jagannath College.
	Gupta, Asutosh	... Burdwan Raj College.
	,, Radhanath	... Jagannath College.
	Handy, C. C.	... Trinity College, Kandy.
	Harsaran	... St John's College, Agra.
210	Harihur Prasad	... Patna College.
	Harris, E. F.	... Agra College.
	Hajra, Kalipada	... Midnapur College.
	Hensman, J. S.	... Trinity College, Kandy.
	Jagadamba Prashad	... St. John's College, Agra.
	Jagarnath Sahay	... Patna College.
	Jagat Narayan	... Muir Central College.
	Kanhia Lal Srivastava	... Canning College.
	Kazi Saiyid Hamid Ali	... M. A. O. College, Aligarh.
	Khaleelur Rahman	... Patna College.
220	Khattry, Kanhya Lal	... Canning College.
	Kishun Sahay	... Patna College.
	Kundu, Chunilal	... Metropolitan Institution.
	Lala, Annadacharan	... Chittagong College.
	Lal Bihari Naguma	... Canning College.
	Lalji Sinha	... Patna College.
	Lalla Durgacharan Srivasto	... Canning College.
	Mahapatra, Tarapada	... Free Church Institution, Calcutta.
	Mahendra Prasad	... Patna College.
	Maitra, Chandicharan	... Burdwan Raj College.
230	,, Chandrabhushan	... Ripon College.
	,, Radhikakrishna	... Rajshahye College.
	,, Rajendralal	... Free Church Institution, Calcutta.
	Majumdar, Bidhubhushan	... Rajshahye College.
	,, Haladhar	... Jagannath College.
	,, Kedarnath	... Free Church Institution, Calcutta.
	,, Prabodhchandra	... Ripon College.
	,, Priyanath	... Burdwan Raj College.
	,, Sureschandra	... Rajshahye College.
	,, Tarinicharan	... Patna College.
240	Mallik, Debendrachandra	... Burdwan Raj College.
	Mandal, Sasadhar	... Free Church Institution, Calcutta.
	Md.Karim Uldin	... Bareilly College.
	Md. Sakhawat Hosen	... Ditto.
	Meer Mushfi Hossain	... Presidency College.
	Mirza Wajahut Husain	... Patna College.
	Misra, Ram Dayal	... Canning College.
	Mitra, Bhubanbihari	... General Assembly's Institution.

	Mitra, Harendranath	... General Assembly's Institution.
	,, Jogindranath	... City College.
250	,, Kalibar	... Metropolitan Institution.
	,, Krittibas	... L. M. S. Institution, Bhowanipur.
	,, Madanmohan	... Dacca College.
	,, Nibaranchandra	... Ripon College.
	,, Saradaprasanna	... Metropalitan Institution.
	,, Sureschandra	... Patna College.
	Muhammad Abdul Moqit	... St. Xavier's College.
	Muhammad Hobibullah	... Free Church Institution, Calcutta.
	Muhammud Maqboob Alam	... Muir Central College.
	Muhammad Matin	... Ditto.
260	Muhammad Noor	... Patna College.
	Muhammad Zahur Alam	... Free Church Institution, Calcutta.
	Mukhopahyay, Abinas chandra	... Canning College.
	,, Ayodhyanath	... Hughli College.
	,, Asatosh, No. II	... Ripon College.
	,, Baranasi	... Krishnagar College.
	,, Bhagabaticharan	... Metropolitan Institution.
	,, Bidhubhushan	... Krishnagar College.
	,, Debendranath	... Metropolitan Institution.
	,, Gopinath	... Berhampur College.
270	,, Jitendranath	... Ditto.
	,, Kanailal	... St. Xavier's College.
	,, Krishnadhan*	... Metropolitan Institution.
	,, Kshirodkumar	... Patna College.
	,, Nagendranath (Sr.)	... Metropolitan Institution.
	,, Nagendranath	... Muir Central College.
	,, Nanigopal	... Sanskrit College.
	,, Purnachandra	... Patna College.
	,, Piyarimohan	... Metropolitan Institution.
	,, Radhikacharan	... Free Church Institution, Calcutta.
280	,, Rammohan	... Ripon College.
	,, Saratchandra	... Ditto.
	,, Sasadhar	... Burdwan Raj College.
	,, Sasankamohan	... Dacca College.
	,, Satischandra	... Jagannath College.
	,, Satsaran	... L. M. S. Institution, Bhownipur.
	,, Upendranath	... St. Xavier's College.
	Mundle, Bibhoodan	... Bishop's College.
	Mustafi, Debendranath	... Ripon College.
	,, Satischandra	... Presidency College.
290	Nandi, Dakshinacharan	... City College.
	Narayan Sahay	... Patna College.
	Niyogi, Brajanandan	... Burdwan Raj College.
	,, Saratchandra	... Free Church Institution, Calcutta.
	Nisar Ahmed	... M. A. O. College, Aligarh.
	Poddar, Gopiraman	... Chittagong College.
	Pal, Akshaykumar	... Bareilly College.
	,, Tarakchandra	... Jagannath College.
	Palit, Hridaynath	... City College.
	,, Satchitananda	... Ripon College.
300	Pande, Kaliprasanna	... Burdwan Raj College.
	Pandit, Shankar Lal	... Muir Central College.
	,, Suraj Nath	... Ditto
	Prag Din Shurma	... Canning College.
	Qaseem Beg Chagtai	.. Agra College.
	Radha Kishen	... St. John's College, Agra.
	Rahmut Ullah	... Jabbalpur College.
	Rahmat Ullah	... Agra College.
	Ramchandra Prasad	... Patna College.
	Ram Das	... St. John's College, Agra.
310	Ram Newas	... Jaypur Maharaja's College.
	Ram Prasad	... M. A. O. College, Aligarh.
	Ram Sarup	... Muir Central College.
	Ray, Basantamohan	... St. Xavier's College.
	,, Bhabanicharan	... Ripon College.
	,, Binodchandra	... Burdwan Raj College.
	,, Birajmohan	... St. Xavier's College.
	,, Brajendrachandra	... Burdwan Raj College.
	,, Chunnilal	... St. Xavier's College.
	,, Dineschandra	... City College.
320	,, Dolgobinda	... Burdwan Raj College.
	,, Durgakanta	... Metropolitan Institution.

* While the First Arts list published in the *Calcutta Gazette* on Wednesday the 19th of May was being printed this name was omitted from it by oversight.

	Ray, Harendranarayan	...	Midnapur College.
	„ Harinath	...	Presidency College.
	„ Harinarayan	...	Rajshahye College.
	„ Hariranjan	...	Burdwan Raj College.
	„ Janendramohan	...	Albert College.
	„ Kailaschandra	...	Jagannath College.
	„ Kshetraprasad	...	Burdwan Raj College.
	„ Narayanchandra	...	General Assembly's Institution.
330	„ Nrityagopal	...	Albert College.
	„ P. N.	...	Canning College
	„ Parbatidas	...	Berhampur College.
	„ Rasbihari	...	Dacca College.
	„ Saratchandra	...	Burdwan Raj College.
	„ Sasibhushan	...	Ripon College.
	„ Surendranath	...	Burdwan Raj College.
	Raychaudhuri, Asutosh	...	Ditto.
	„ Brindabanchandra	...	Hughli College.
	„ Surendrakumar	...	Metropolitan Institution.
340	S. M. Ishaq	...	Muir Central College.
	Saha, Harilal	...	Metropolitan Institution.
	Salt, E. P.	...	St. Peter's College, Agra.
	Sambhu Nath	...	Patna College.
	San La	...	Rangoon College.
	Saughat Ali	...	Calcutta Madrasa.
	Sanyal, Baidyanath	...	Dacca College.
	„ Chandramay	...	St. Xavier's College.
	„ Radhikaprasad	...	Free Church Institution, Calcutta.
	„ Satischandra	...	Rajshahye College.
350	Sarkar, Baradakanta	...	Free Church Institution, Calcutta.
	„ Haribhushan	...	Metropolitan Institution.
	„ Priyanath	...	Free Church Institution, Calcutta.
	Sarma, Gopinath	...	Agra College.
	Satikrishna Swarup	...	Muir Central College.
	Sayyid Zaheeruddin Ahmed	...	St. Xavier's College.
	Sayyid Zamiruddin Ahmed	...	Presidency College.
	Sen, Binodbihari	...	General Assembly's Institution.
	„ Jagindrakumar	...	Ditto.
	„ Kaliprasanna	...	Ditto.
360	„ Kshirendrasankar	...	Berhampur College.
	„ Mahendrakumar	...	Dacca College.
	„ Mahendrakumar	...	General Assembly's Institution.
	„ Parsanath	...	Albert College.
	„ Purnachandra	...	Rajshahye College.
	„ Rajkumar	...	General Assembly's Institution.
	„ Syamacharan	...	Chittagong College.
	Sengupta, Saratchandra	...	Metropolitan Institution.
	„ Taraprasad	...	Sanskrit College.
	Set, Upendranath	...	Free Church Institution, Calcutta.
370	Shyam Lal	...	Fyzabad High School.
	Sil, Jaharlal	...	Metropolitan Institution.
	Singha, D.	...	Bishop's College.
	Singh, Gurusahay	...	Patna College.
	„ Ramadhikari	...	Ditto.
	Sinha, Baikunthanath	...	Ripon College.
	„ Harimohan	...	General Assembly's Institution.
	„ Hiralal	...	Benares College.
	„ Kumar Pramodchandra	...	Presidency College.
	„ Sasibhushan	...	Canning College.
380	„ Srimohan	...	St. Xavier's College.
	Sinharay Abinaschandra	...	Hughli College.
	Sitaram Ganesh Bhagwet	...	Jabbalpur College.
	Sivanandan Lal	...	Patna College.
	Som, Nandalal	...	Free Church Institution, Calcutta.
	„ Pareschandra	...	Ripon College.
	„ Rameschandra	...	Metropolitan Institution.
	Supurus Das	...	Patna College.
	Sur, Sitanath	...	Jagannath College.
	Suryya Kumar	...	Patna College.
390	Syed Abdul Majid	...	Hughli College.
	„ Ali Mazhar	...	Patna College.
	„ Hasrat Alley	...	Hughli College.
	„ Mustafa	...	Muir Central College.
	„ Warasat Hosain	...	Patna College.

	Tewari, Satischandra	...	Burdwan Raj College.
	„ Srischandra	...	Ditto.
	Thakur Radhakrishna	...	Berhampur College.
	Thoy, C.	...	St. Francis de Sales' School, Nagpur.
	Ukil, Annadaprasad	...	Ripon College.
400	„ Hazari Lal	...	Ditto.
	Wazir Ahmed	...	M. A. O. College, Aligarh.
	Winn, G. F.	...	Muir Central College.

The undermentioned candidates have passed the Entrance Examination:—

FIRST DIVISION.

In Alphabetical Order.

	Adhikari, Kesablál	...	15	Metropolitan Institution.
	„ Ramdayal	...	15-5	Dumka Zila School.
	Afsaruddin Mahommed	...	16	Barisal Zila School.
	Agha Husain	...	20	M. A. O. College, Aligarh.
	Ahmad Kabir	...	17	Chittagong Collegiate School.
	Akbar Masih	...	20-2	Banda Zila School.
	Ali Hassan	...	16-9	Bhagalpur Zila School.
	Atmaram, Narayan Shrouty	...	17	City School, Nagpur.
	Augustus, J.	...	14-2	St. Paul's High School, Rangoon.
10	Aung Ba	...	20-3	Rangoon College.
	Avadha Biharilal	...	17-9	Allahabad Government High School.
	Bagchi, Jyotindramohan	...	13	Rajshahye Collegiate School.
	Bandyopadhyay, Bamapada	...	15-4	Baluti H. E. School.
	„ Bipinbihari	...	15-2	Bankura Zila School.
	„ Harendranath	...	16-8	Hughli Collegiate School.
	„ Purnachandra	...	17	Balagarh School.
	„ Ramchandra	...	15-6	Barisal Zila School.
	„ Saradaprasad	...	15-5	Hare School.
	„ Sasibhushan	...	18-3	Dacca Pogose School.
20	„ Sasisekhar	...	16	Metropolitan Institution.
	„ Satischandra	...	14-9	M. A. O. College, Aligarh.
	„ Satinath	...	16-2	Dacca Collegiate School.
	„ Upendralal	...	19-6	Canning College, Lucknow.
	Baqar Husain	...	17	Allahabad Government High School.
	Barlow, T.	...	15-9	St. Xavier's College.
	Beechey, F.	...	16-4	Bishop Cotton School, Simla.
	Bhagat Ram	...	18-6	Ludhiana Mission School.
	Basu, Asutosh	...	19	Donogh High School, Jamalpur.
	„ Asutosh	...	18-4	Hughli Collegiate School.
30	„ Binodbihari	...	15-6	Hare School.
	„ Girischandra	...	17-7	Uttarpara School.
	„ Haricharan	...	17	Dacca Collegiate School.
	„ Janakinath	...	16-2	Hindu School.
	„ Sureschandra	...	16	South Suburban School, Bhowanipur.
	Bhaduri, Jyotibhushan	...	14-2	Metropolitan Institution.
	Bhattacharyya, Asutosh	...	17-10	Sanskrit Collegiate School.
	„ Basantakumar	...	15	Barasat Government School.
	„ Gopalchandra	...	14	Hughli Branch School.
	„ Mahimanath	...	15-10	Hindu School.
40	„ Narayanchandra	...	16-6	City Collegiate School.
	„ Padmanath	...	16-5	Sylhet Government High School.
	„ Rampran	...	16	Sanskrit Collegiate School.
	„ Sureschandra	...	16	Harinavi A. S. School.
	Biswas, Jagadballabh	...	15-3	Rajshahye Collegiate School.
	„ Kunjabihari	...	16	Metropolitan Institution.
	„ Nellie	...	.....	Cawnpur Girls' High School.
	Bose, A. L.	...	15-8	Private Student.
	Brooking, Cecilia	...	.....	Convent School, Rangoon.
	Buchanan, W. J.	...	15-1	Rangoon College.
50	Cansley, H. B.	...	16	Mussoorie School.
	Cartland, Ruth	...	.....	Doveton Institution.
	Chakladar, Krishnanath	...	19-2	Mymensingh Zila School.
	Chakrabarti, Amritalal	...	16	Albert Collegiate School.
	„ Aswinikumar	...	15	Dacca National School.
	„ Banamali	...	20	City Collegiate School.
	„ Chintaharan	...	18-10	Dacca Collegiate School.
	„ Gangeschandra	...	18	Santosh Janhabi School.

	Chakrabarti, Hemchandra	17-3	Sylhet Government High School.
	,, Mahimachandra	18-11	Mymensingh Zila School.
60	Chandra, Atulchandra	16-3	Hindu School.
	,, Matilal	15-8	Hughli Collegiate School.
	Chanmukam, J. K.	22-9	Canadian Mission High School, Indore.
	Chattopadhyay, Amritalal	16	Hindu School.
	,, Bankimchandra	18	Dacca Pogose School.
	,, Bipinbihari	17	Sanskrit Collegiate School.
	,, Khagendranath	16-1-11	Uttarpara School.
	,, Manmohan	16	Nimta H. E. School.
	,, Phanindramohan	13-11	Ravenshaw Collegiate School, Katak.
	,, Prabodhchandra	16-1	Hare School.
70	,, Raikisor	17	Ruplal Raghunath School.
	,, Saratchandra	18	Calcutta Training Academy.
	,, Sriram	14-8	Madrasa-i-Anwaria.
	,, Surendranath	15	Howrah Government School.
	Chaudhuri, Asitchandra	15-8	Commillah Zila School.
	,, Jaynarayan	17-6	Ravenshaw Collegiate School, Katak.
	Madanmohan	16-5	Purulia Zila School.
	Srischandra	15-2	Dacca Collegiate School.
	Surendranarayan	15	Naral H. E School.
	Colthurst, L. S.	18-4	Doveton College.
80	Das, Benimadhab	19-3	Chittagong Collegiate School.
	,, Bidhubhushan	16-6	Midnapur Collegiate School.
	,, Bipinchandra	19-8	Jagannath Collegiate School.
	,, Gopalchandra	18-11	Sylhet Government High School.
	,, Gurusaran	17-4	Allahabad Government High School.
	,, Purnachandra	17	Santipur Municipal School.
	,, Raimohan	18	Dacca National School.
	Dasgupta, Manoranjan	13	Kalia H. E. School.
	Datta, A.	17-6	St. Xavier's College.
	,, Atulchandra	13-9	Dacca Collegiate School.
90	,, Bhubanmohan	15-2	Metropolitan Institution.
	,, Nagendranath	16	Ditto.
	,, Satyendranath	16-1	Patna Collegiate School.
	D'Abreu, Sophia	.....	Cawnpur Girls' High School.
	D'Sylva, E.	15-10	St. Xavier's College.
	DeSylva, J. S.	17-9	Prince of Wales' College, Moratuwa.
	De, Adharchandra	16	Howrah Government School.
	,, Bipinbihari	16-2	Uttarpara School.
	,, Brajendrakumar	16-6	Town School, Midnapur.
	,, Haribhushan	16	Hindu School
100	,, Kiranchandra	15	Metropolitan Institution.
	Dhar, Batakrishna	15-6	City Collegiate School.
	Dube, Bholanath	17-10	Kandi School.
	Emile, C. H. A.	17-5	Canning College, Lucknow.
	Falkner, G	18-6	St. Xavier's College.
	Foley, E. J.	19-6	Doveton College.
	Ford, W. R. C.	17-6	Private Student.
	Fox, A.	15-4	St. George's College, Mussoorie.
	,, Helen	.....	Doveton Institution.
	Foy, G. E.	15-5	Allahabad Government High School.
110	Furdoonjee Muncherjee	19	St. Francis de Sales' School, Nagpur.
	Gangopadhyay, Gopalchandra	13-6	Santipur Municipal School.
	,, Jaygopal	15	Bhagalpur Zila School.
	,, Nisikanta	21-10	Mymensingh Zila School.
	,, Ramanimohun	16	Purnia Zila School
	Ganpati Krisna Chitley	17	F. C. Institution, Nagpur.
	Ghosh, Anilchandra	15	Metropolitan Institution.
	,, Baradaprasanna	19	Taki Government School.
	,, Dasurathi	16 5	Hughli Branch School.
	,, Gopalchandra	18	Naral H E. School.
120	,, Maheschandra	17-9	Hazaribagh Zila School.
	,, Manmathnath	17	Metropolitan Institution.
	,, Prasannakumar	17-4	Barisal Zila School.
	,, Ramaprasad	15	Hare School.
	,, Santiram	16-7	Oriental Seminary.
	,, Satischandra	16-4	Metropolitan Institution, B. Branch.
	,, Upendranath	17-1	Saradaprasad Institution, Chakdighi.
	Ghoshal, Phakirchand	16	Bagnan H. E. School.
	Gonsalvès, W.	15-11	St. Xavier's College.
	Goodman, W. J.	16-8	St. Thomas' College, Murree.

130	Gopi Ballabh	18-3	Moradabad Government High School.
	Gordon, E. D.	17-3	Allahabad Boys' High School.
	Gracias, H. D.	16	St. Xavier's College.
	Guha, Priyanath	17-2	Dacca Collegiate School.
	Habiullah Kaderbhoy M.	18-10	Jabbalpur Collegiate School.
	Harrison, A. G.	16	St. George's College, Mussoorie.
	Howe, R. T. V.	17-7	Doveton College.
	Hurprashad Gour	16-3	F. C. Institution, Nagpur.
	Jagannath Prasada	15-3	Benares Collegiate School.
	Jayatilake, D. B.	17-11	Wesley College, Colombo.
140	Johory, E.	20-3	C. M. S. Boarding School, Calcutta.
	Johory, J.	17-5	Ditto ditto.
	Kamala Charan	17-2	Patna Collegiate School.
	Keshao Ballal	18-2	F. C. Institution, Nagpur.
	Knight, Ethel	.....	Allahabad Girls' High School.
	Lala Thakúr Prasad	17-5	Jabbalpur Collegiate School.
	Mahadeva Prasada	17	Jaunpur C. M. High School.
	Majumdar, Bhupendranath	17	Bhagalpur Zila School.
	Makund Rao Lonkras	15-10	Jabbalpur Collegiate School.
	Mandal, Gokulchandra	14-10	Hughli Collegiate School.
150	McNaught, J. H.	18-3	St. Paul's School. Darjeeling.
	Mendis, H. J.	17-2	Wesley College, Colombo.
	Misser, Bhubaneswar	18-10	Darbhanga Raj School.
	Misra, Madhu Sodhon	21-4	Sambalpur High School.
	,, Sripati	16	Arrah Zila School.
	Mitra, Abinaschandra	15	Jirat Chandrakona H. C. E. School.
	,, Amarendrachandra	17-5	Birbhum School.
	,, Annadaprasad	14-9	Searsole H. E. School.
	,, Debendrakumar	16	Debrugarh High School.
	,, Hemchandra	16	Hindu School.
160	,, Saratchandra	17-8	Saradaprasad Institution, Chakdighi.
	Mirza Muhammad Askri	19-3	Canning College, Lucknow.
	Muhammad Abid	18	Arrah Zila School.
	,, Abdul Hafiz	17	Jabbalpur Collegiate School.
	,, Abdul Bashir Khan	17-2	Ditto.
	,, Esa	16-8	Patna Collegiate School.
	,, Manzurullah	19	Moradabad Government High School
	Mukhopadhyay, Bhabataran	16	Bhagalpur Zila School.
	,, Charuchandra	16	Barisa H. C E School.
	,, Girijabhushan	16-7	Patna Collegiate School.
170	,, Gobindabandhu	15-3-10	Debrugarh High School.
	,, Jahnabicharan	15-2	Hughli Collegiate School.
	,, Jajneswar	16-8	Lahore District School.
	,, Jogindranath	16-11	South Suburban School, Bhowanipur.
	,, Jogindranath	15	L. M. S. Institution, Bhowanipur.
	,, Jyotindramohan	18-4	Hindu School.
	,, Nabagopal	17-2	Balagarh School.
	,, Pramathanath	15-4	Halisahar English School.
	,, Satischandra	18-7	Dacca Collegiate School.
	,, Satyabhushan	16-3	Rajshahye Collegiate School.
180	,, Satyaprasanna	16-8	Birbhum School.
	Mulraj	18-9	Ludhiana Mission School.
	Muttiah, J.	17-4	Wesley College, Colombo.
	Nag, Girischandra	18-6	Graham School, Tangail.
	Nandi, Jagatchandra	16-8	Dacca Collegiate School.
	Nath, Nilkrishna	16-4	Dacca Pogose School.
	Niyogi, Bhabaniprasad	15	Donogh High School Jamalpur
	,, Hemkumar	15-5	Faridpur Zila School.
	,, Sasikumar	14-1	Ditto.
	O'Donoghue, P. E.	16-6	St. George's College Mussoorie.
190	Pal, Chandranath	16-10	Dacca Pogose School.
	Perera, S.	20-8	Prince of Wales' College, Moratuwa.
	Pereira, J. E. Friend	18	St. Xavier's College.
	Platel, J.	15-11	Ditto.
	Po Thaw	17-11	Rangoon College.
	Poojhary, Mudden Mohun	19-5	Sambalpur High School.
	Power, J.	15-5	St. Joseph's Seminary, Darjeeling.
	Pramanik, Kantichandra	17	Canning College, Lucknow.
	Price, Mabel	.....	Doveton Institution.
	Raha, Abhaycharan	18	Khulna Zila School.
200	Raphel, Ethel	.....	Lalbagh Girls' High School
	Ray, Atulchandra	16-3	Hare School.
	,, Baninath	15-9	Krishnagar Collegiate School.

	Ray, Dewanchandra	...	15-9	Hughli Branch School.
	„ Jogindranath	...	15-4	Bali Rivers Thompson School.
	„ Matilal	...	15	Jamalpur H. C. E. School
	„ Manimohan	...	15-1	Barisal Zila School.
	„ Nabendrakisor	...	13-6	Noakhali Zila School.
	„ Rajendrachandra	...	17	Dacca Pogose School.
	„ Ramanikanta	...	21	Rajshahye Collegiate School
210	Raychaudhuri, Bipindrakumar	...	15-6	Baripur H. C. E. School.
	Revie, Annie	...	...	Teacher.
	Robertson, J. A.	...	17-7	St. Mary's Institution, Chandernagar.
	Rudra, Chandrakumar	...	18	L M. S. Institution, Bhownipur
	Sahay, Gopaljee	...	15	Arrah Zila School.
	„ Harbans	...	15-1	Patna Collegiate School.
	Sajjad Husain	...	17	Pertapgar High School.
	Santra, Biharilal	...	16	Howrah Government School.
	Sarkar, Jogindranath	...	19-10	Searsole H. E. School.
	„ Nakulchandra	...	14	Pabna Zila School.
220	„ Saradakanta	...	16	Rangpur Zila School.
	„ Umeschandra	...	16	Rajshahye Collegiate School.
	Sarkies, P.	...	15-11	La Martiniére College, Calcutta.
	Sarma, Chandranath	...	18-5	Sylhet Government High School.
	Sen, Akshaykumar	...	19	Dinajpur Zila School.
	„ Annadacharan	...	17-5	Chittagong Collegiate School.
	„ Basantakumar	...	16	Barisal Zila School.
	„ Bilaschandra	...	16	Kalia H. E. School.
	„ Bipinchandra	...	18-4	Dacca Pogose School.
	„ Debendranath	...	15-11	Dinajpur Zila School.
230	„ Gokulnath	...	16	Hughli Collegiate School.
	„ Mahatapchandra	...	16-5	Oriental Seminary.
	„ Rakhaldas	...	15-9	Dinajpur Zila School.
	„ Rajanikanta	...	15	Malda Zila School.
	„ Rajanikanta	...	16-1	Chittagong Collegiate School.
	„ Syamacharan	...	15	Commillah Zila School.
	Sengupta, Prabodhprakas	...	16	New Indian School.
	Shahabuddin	...	19	Tikari H. C. E. School.
	Shaikhe Mohamed Abdul Majid	...	15-7	Chapra Zila School.
	Shimbu Dial	...	19-2	St. John's College, Agra.
240	Shukul, Gangadayal	...	18-3	Bareilly High School.
	Singh, Umraw	...	18	Aligarh Government High School.
	Sinha, Brahmananda	...	17	Canning College, Lucknow.
	„ Dwijadas	...	16	Bhagalpur Zila School.
	„ Jyotindramohan	...	14	Faridpur Zila School.
	„ Lalbihari	...	19-3	Benares Collegiate School.
	„ Raghunath	...	15-5	M. A. O. College, Aligarh.
	„ Raghunath	...	20	Arrah Zila School
	„ Surat	...	19-6	Benares Collegiate School.
	Sitarama Agravala	...	18	Mirzapur Government High School.
250	Sukhbir Sinh	...	17	Agra Collegiate School.
	Sur, Rajanikanta	...	17-6	Chittagong Collegiate School.
	Talukdar, Chandranath	...	17-3	Rajshahye Collegiate School.
	Tewari, Shuk Deo	...	15-8	Jabbalpur Collegiate School.
	Thompson, H.	...	18-6	St. Xavier's College.
	Verrieres, E. J.	...	17-2	St. Peter's College, Agra.
	West, C. H.	...	15	La Martiniére College, Calcutta.
	White, H. P. S.	...	17-10	Rangoon College.
	Wilson, R. C.	...	16-6	Mussoorie School.
	Wrixon, P. A.	...	15-3	Ditto.
260	Yadava Prabhakar Watak	...	18-8	F. C. Institution, Nagpur.
	Yeo Woon Tsin	...	18	Rangoon College.
	Yusuf	...	19	Ditto.
	Zille Hasuain	...	17	Moradabad Government High School.
	Zorab, Z. M.	...	15-9	La Martiniére College, Calcutta.

SECOND DIVISION.

In Alphabetical Order.

Assaf Khan	...	16	Rangpur Zila School.
Abajee Nanajee Mooley	...	18-2	Free Church Institution, Nagpur.
Abdool Cawdre Naikwara	...	19-3	St. Paul's School, Rangoon.
Abdul Halim	...	17	Patna City Zila School.
Abdul Hamid Khan	...	18-2	Moradabad Government High School.

	Abdul Khalaque	...	19-8	Hughli Collegiate School.
	Abdul Lateef	...	16-2	Ditto.
	Abdul Majid	...	16	Rangpur Zila School.
	Abdul Rahim	...	18	Government High School, Aligarh.
10	Abdul Rahman	...	19	Ajmere Government College.
	Abdullah Gazi	...	17	Calcutta Institution.
	Abdur Rahim	...	14-7	Calcutta Madrasa.
	Abdus Samad	...	17	Darbhanga Raj School.
	Abdus Samad	...	19	Moradabad Government High School.
	Abul Hasanath Mohamed Abdur Rahman	...	16	M. A. O. College, Aligarh.
	Abunnase Mazhurul Hak	...	18-6	Ditto.
	Adhya, Akshaykumar	...	18	Badla H. C. E. School.
	„ Mohanbihari	...	17-8	Hare School.
	Afsaruddin Ahmed	...	16	Dacca Madrasa.
20	Agha Ali	...	20-2	Fyzabad Government High School.
	Amba Lal	...	18-5	Jhalarapatan Darbar Chaoni School.
	Amberdekar Jayaram Dinkar	...	20	Teacher.
	Amir Singh	...	17-1	Mayo College.
	Andrews, O. W.	...	18-1	Doveton College.
	Anthony, J. F.	...	16-7	Jabbalpur Collegiate School.
	Atai Elahi	...	15-5	Hughli Collegiate School.
	Avery, W. P.	...	15-2	St. Paul's School, Darjeeling.
	Azizul Haq	...	18	Calcutta Madrasa.
	Bagchi, Kedarnath	...	16	Santosh Jahnabi School.
30	„ Nagendranath	...	16-4	Metropolitan Institution, B. Branch.
	Bahraichi Lal	...	19-4	Benares Collegiate School.
	Baij Nath	...	19	Muttra High School.
	Balkrishna Anandrao Gupte	...	19	City School, Nagpur.
	Balvant Narayan Sathaye	...	17-7	Ditto.
	Balwant Rao Karkaray	...	18	Jabbalpur Collegiate School.
	Bandyopadhyay, Asutosh	...	18	Teacher.
	„ Bipinbihari	...	19-4	Canning College.
	„ Chandrasekhar	...	18-1	Albert Collegiate School.
	„ Gangadhar	...	17	St. John's College, Agra.
40	„ Hariprasanna	...	15-2	Dacca Collegiate School.
	„ Jnanadacharan	...	17	Barisal Zila School.
	„ Jogindronath	...	16-9	Ditto.
	„ Kamakshyaprasad	...	14	Balagarh School.
	„ Kedarnath	...	16-3	Agarpara H. C. E. School.
	„ Krishnachandra	...	16-11	Khulna Zila School.
	„ Kshetranath	...	18-4	Uttarpara School.
	„ Kshirodnath	...	17	Midnapur Collegiate School.
	„ Matilal	...	15	South Suburban School, Bhowanipur.
	„ Nilmani	...	15-6	Baharu H. C. E. School.
50	„ Nimchand	...	19-2	Brajamohan Institution, Barisal.
	„ Nisikanta	...	15-5	Dacca Collegiate School.
	„ Prannath	...	17-4	C. M. School, Amritsar.
	„ Purnachandra	...	16-4	Dacca Collegiate School.
	„ Sambhuchandra	...	17	Metropolitan Institution.
	„ Saradakanta	...	16-3	Dacca Pogose School.
	„ Sasibhushan	...	16	Hare School.
	„ Satischandra	...	15-6	Halisahar English School.
	„ Sibadas	...	15-8	Baharu H. C. E. School.
	„ Sridhar	...	15	Howrah Government School.
60	Banik, Rakhalchandra	...	13	Dacca National School.
	Bapuli, Banipada	...	16-8	B. P. School, Benares.
	Barat, Rajanikanta	...	15 9	Hughli Branch School.
	Barma, Harachandra	...	14-2	Bogra Zila School.
	Baruya, Chandrasekhar	...	16-2	Sibsagar High School.
	„ Isanchandra	...	18	Commillah Zila School.
	„ Kailasnath	...	16	Nowgong High School.
	„ Nabinchandra	...	16	Gauhati High School.
	Barve Mukund Wamonrao	...	17	Indore Madrasa.
	Basak, Sujannath	...	16-1	Hare School.
70	Basu, Amarnath	...	16-6	Jabbalpur Collegiate School.
	„ Anathsaran	...	20-4	Burdwan Raj Collegiate School.
	„ Anukulchandra	...	16	Commillah Zila School.
	„ Anukulchandra	...	14	Hare School.
	„ Baniacharan	...	16-7	Taki Government School.
	„ Bijaykrishna	...	17-4	City Collegiate School.
	„ Debendrachandra	...	15-4	Hughli Branch School.
	„ Gopalchandra	...	15-5	Canning College.

	Basu, Haridas	...	15-4	Metropolitan Institution, S. Branch.
	,, Hemchandra	...	16	South Suburban School, Bhowanipur.
80	,, Hridaychandra	...	17-8	Balasore Zila School.
	,, Jagadiswar	...	17-6	Boinchi B. L. Institution.
	,, Krishnachandra	...	18	Jabbalpur Collegiate School.
	,, Manmathanath	...	16-4	Hindu School.
	,, Mohanlal	...	17	Jessore Zila School.
	,, Nagendranath	...	17	Ripon College
	,, Nagendranath	...	15-6	Basirhat Municipal School.
	,, Nilmani	...	16	Howrah Government School.
	,, Purnachandra	...	17	Rajagram A. S. School.
	,, Rasbihari	...	18	Rajshahye Collegiate School.
90	,, Satinath	...	16	Magura H. E. School.
	,, Satischandra	...	15-6	Barahanagar School.
	,, Suprasanna	...	18-4	Canning College.
	,, Surendrachandra	...	15-6	Hughli Branch School.
	,, Upendralal	...	15	Ruplal Raghunath School.
	Bechu Lal	...	17 4	Unao High School.
	Bejbaruya, Lakshminath	...	18	Sibsagar High School.
	Bhaduri Kalidas	...	18	Victoria School, Ghazipur.
	,, Rajanikanta	...	18-2	Dighapatia H. C. E. School.
	,, Rajanikanta	...	19-1	Rajshahye Collegiate School.
100	,, Sibchandra	...	16-6	Victoria School, Ghazipore.
	Bhagawati Prasada Katara	...	18 6	Government High School, Allahabad.
	Bhagwan Prasad	...	12	Gorakhpur C. M. H School.
	Bhairab Ramchandra Hardiker	...	20	Jabbalpur Collegiate School.
	Bhar, Benimadhab	...	19-3	Metropolitan Institution.
	Bhattacharyya, Abhaycharan	...	16-5	Albert Collegiate School.
	,, Asutosh	...	16	L M S. School, Khagra.
	,, Atulchandra	...	16	L. M. S Institution, Bhowanipur.
	,, Benimadhab	...	18-8	Ripon College.
	,, Bhabataran	...	18-2	L M S. Institution, Bhowanipur.
110	,, Bisweswar	...	17-6	Bali Rivers Thompson School.
	,, Charuchandra	...	16	Harinavi A S. School.
	,, Girischandra	...	18	Sahzadpur H. E School.
	,, Gurucharan	...	16	Bramanbaria Annada H. E. School.
	,, Kailaschandra	...	19	Donogh H. School
	,, Kshetramohan	...	20-5	Kendraparah H. E. School.
	,, Lalitmohan	...	18	L. M. S. Institution, Bhowanipur.
	,, Nimaichandra	...	16	Ranchi Zila School.
	,, Panchanan	...	18	Katwa H. E. School,
	,, Rakhaldas	...	16-5	Bankipur. T. K Ghosh's Academy.
120	,, Ramakanta	...	14-6	Rangpur Zila School.
	,, Ramdas	...	15-10	Mozufferpur Zila School.
	,, Ramdas	...	16	Barasat Government School.
	,, Surendranath	...	16-3	Baharu H. C. E. School.
	,, Umeschandra	...	15-2	Jagannath Collegiate School.
	Bhaumik, Akshaychandra	...	20	Mymensing Institution
	Bhuniya, Upendranath	...	17	Town School, Midnapur.
	Bhura Mal	...	18-6	Jaypur Maharaja's College.
	Bihari Lal	...	22	Ghazipur Mission High School.
	Bindesvar Prasada Varma	...	17-3	Allahabad Government High School.
130	Bion, F. F.	...	15-7	St Paul's School, Darjeeling.
	Bishun Datta	...	16-7	Patna Collegiate School.
	Biswas, Amulyadhan	...	16-6	Metropolitan Institution.
	,, Dinanath	...	15	Nawab's High School, Murshedabad.
	,, Haripada	...	16	Bhagalpur Zila School.
	,, Janakinath	...	17	Mugura H. E. School.
	,, Kartikchandra	...	17	Bankura Zila School
	,, Nabinchandra	...	19-9	Krishnagar Collegiate School.
	,, Nagendranath	...	18	Allahabad Government High School.
	Bomanji Nasarwanji Mullan	...	15-8	St. Francis de Sales' School, Nagpur.
140	Brahmachari, Tarasankar	...	18	Chatmohar Sambhunath H. E. School.
	Bridgnell, M.	...	18-8	St. Xavier's College.
	Budri Bakhsh	...	19-2	Ajmere Government College.
	Budriprasada	...	16-8	Agra Collegiate School.
	Budri Prasada	...	17-9	Sahjehanpur High School.
	Burnham, Blanche	...	.....	Doveton Institution.
	Buzlul Huq	...	15	Barisal Zila School.
	Chuckerbutty, Shorat	...		Lalbagh Girls' High School.
	Chakrabarti, Ambikacharan	...	17	Commillah Zila School.
	,, Annadaprasad	...	16	Jagannath Collegiate School.
150	,, Bangabihari	...	14-5	Dacca Pogose School.

	Chakrabati, Bankimchandra	...	15-2	Free Church Institution, Calcutta.
	,, Biharilal ...	...	16	Nabadwip Hindu School.
	,, Haridas	...	18	Harinavi A. S. School.
	,, Jogeschandra	...	14-10	Rajshahye Collegiate School.
	,, Kaliprasanna	...	15-10	Krishnagar Collegiate School.
	,, Kedarnath	...	15-8	Chapra Zila School.
	,, Paresnath	...	17	Dacca National School.
	,, Praphullakumar	...	14-7	Krishnagar Collegiate School.
	,, Pratapchandra	...	18	Commillah Zila School.
160	,, Purnachandra	...	17-2	Rajshahye Collegiate School.
	,, Purnachandra	...	17	Baharu H. C. E. School.
	,, Rajanikanta	...	16-1	Rangpur Zila School.
	,, Saratchandra, No I.	...	18-4	Metropolitan, Institution B. Branch.
	,, Umacharan	...	16	Commillah Zila School.
	Chattopadhyay, Aghornath	...	13-8	Halisahar English School.
	,, Annadaprasad	...	18-11	Benares Collegiate School.
	,, Basantakumar	...	16-2	Faridpur Zila School.
	,, Basantalal	...	17-5	Ripon College.
	,, Bhupatinath	...	16-8	Hughli Branch School.
170	,, Bipinchandra	...	16-7	Fyzabad Government High School.
	,, Chintaharan	...	15-5	Dacca Collegiate School.
	,, Girindranath	...	17-10	Benares Collegiate School.
	,, Haricharan	...	17-5	Bankipur T. K. Ghosh's Academy.
	,, Hiralal	...	15	Dhubri High School.
	,, Jyotindramohun	...	13-6	Ditto.
	,, Manindralal	...	16-6	Birbhum School.
	,, Mohitkumar	...	15	Jamalpur H. C. E. School.
	,, Nibaranchandra	...	18	Mahes H. E. School.
	,, Rasbihari	...	18	Dacca National School
180	,, Upendrachandra	...	17	Bankura Zila School.
	Chaudhuri, Bhabanigobinda	...	15	Rajshahye Collegiate School
	,, Chandrakisor	...	15-4	Bhagalpur Zila School.
	,, Purnachandra	...	20-2	Rajshahye Collegiate School.
	,, Ramgopal	...	17-11	Patna Collegiate School.
	Chel Bihari Lal Mathur, No. II	...	15-11	Agra Collegiate School.
	Chhannoo Lal	...	19-6	Benares B. P. School.
	C. Kanaka Raja Moodelliar	...	18-4	Free Church Institution, Nagpur.
	Connor, G.	...	15-6	Private Student.
	Cornabe, A. P.	...	15-6	La Martiniére College.
190	Curtis, J. H.	...	16-2	Ditto.
	Daji Panday	...	19-8	Free Church Institution, Nagpur.
	Das, Chakradhar	...	16-2	Ravenshaw Collegiate School, Katak.
	,, Charuchandra	...	14-8	Hughli Collegiate School.
	,, Chittaranjan	...	15-3	L. M. S. Institution, Bhowanipur.
	,, Gangagobinda	...	17-3	Faridpur Zila School.
	,, Girischandra	...	16	Noakhali Zilla School.
	,, Haridas	...	15	Jagannath Collegiate School.
	,, Harsaran	...	16-2	Aligarh Government High School.
	,, Jogeschandra	...	14	Rangpur Zila School
200	,, Kailaschandra	...	16-4	Sylhet Government High School.
	,, Kaminikumar	...	17-3	Chittagong College School.
	,, Kasiswar	...	18-1	Jenkin's School, Cooch Behar.
	,, Lakshmanchandra	...	16	Chatra H. C. E. School.
	,, Madhusudan	...	14-3	Rangpur Zila School.
	,, Mihirlal	...	17-7	Hughli Collegiate School.
	,, Prankrishna	...	18	Malda Zila School.
	,, Rajendranath	...	17	Metropolitan Institution, S. Branch.
	,, Rajendranath	...	19-1	Uttarpara School.
	,, Ramgati	...	20-5	Sylhet Government High School.
210	,, Sarbeswar	...	13-7	Barpeta H. E. School.
	,, Satyendranath	...	13-6	Midnapur Collegiate School.
	Dasgupta, Ambikacharan	...	20-2	Dacca Collegiate School.
	,, Asutosh	...	14	Free Church Institution, Calcutta.
	Datta, Ambikacharan	...	16-4	Madaripur H. C. E. School.
	,, Ambikacharan	...	16-11	L. M. S. Institution, Bhowanipur.
	,, Bankubihari	...	18	Dacca Pogose School.
	,, Basantakumar	...	18	Dacca National School.
	,, Chandrabhusan	...	16	Bankura Zila School.
	,, Gobindachandra	...	16	Sarnamay's H. C. E. School, Ulipur.
220	,, Haridas	...	16-2	Hindu School.
	,, Jagadischaran	...	17-2	Dacca Collegiate School.
	,, Jyotilal	...	16	Howrah Government School.
	,, Kalidas	...	16	Mahes H. E. School.

	Datta, Lalitmohan	...	19-4	Dacca Pogose School.
	,, Mahendranath	...	14-2	Sibpur Higher English School.
	,, Upendranath	...	18-1	Khulna Zila School.
	Davis, W.	...	17-9	Private Student.
	De, Biswesvar	...	21-2	Kalaskati H. E. School.
	,, Gobindaprasad	...	16-9	Albert Collegiate School.
230	,, Nepalchandra	...	17-5	Barahanagar School.
	,, Pratulchandra	...	16	L. M. S. Institution, Bhowanipur.
	,, Satischandra	...	14-11	Hare School.
	,, Upendranath	...	15-10	General Assembly's Institution.
	Deb, Lakshminath	...	19-2	Habiganj High School.
	Debi Prasad Lala	...	18-6	Jabbalpur C.M S. High School.
	Deetjen, J.	...	17	St. Paul's High School, Rangoon.
	De Silva, W. H.	...	17-4	Prince of Wales' College, Moratuwa.
	D'Souza, Amy	...		Cawnpur Girls' High School.
	Dhani Ram	...	16-8	St. John's College, Arga.
240	Dhar, Chandranath	...	16-7	Rajshahye Collegiate School.
	,, Saradacharan	...	18-2	Mymensingh Zila School.
	,, Surendranath	...	16-2	Oriental Seminary.
	Dhoondi Gunwant Thengdi	...	18	City School, Nagpur.
	Dikshit, Jagannath	...	18	Hume's High School, Etawah.
	Dover, Grace	...		La Martiniere for Girls.
	Dube, Lakshmi Prashad	...	20	Sultanpur Zila School.
	Dubey Mannoo Lal	...	19	Jabbalpur Collegiate School.
	Dwarka Narayan Mathur	...	17-10	Allahabad Government High School.
	Enayat Karim, H. S.	...	19-2	Calcutta Madrasa.
250	Etha	...	20-1	Akyab Government High School.
	Faizuddin Ahmed	...	18	Debrugarh High School.
	Fakher Uddin	...	17-1	Patna Collegiate School.
	Forbes, Honorine	...		Convent School, Rangoon.
	Ganaishi Lall	...	18-3	Hume's High School, Etawah.
	Ganga Vishun	...	15	Chapra Zila School.
	Gangopadhyay, Asutosh	...	15-3	Howrah Government School.
	,, Bipradas	...	17	Bhagalpur Zila School.
	,, Debendranath	...	16	Burdwan Municipal School.
	,, Haralal	...	17-8	Patna Collegiate School.
260	,, Manmathanath		15	L M. S. Institution, Bhowanipur.
	,, Manmathanath		15-11	Dinajpur Zila School.
	,, Nripendranath		16-6	Barasat Government School.
	,, Panchanan	...	18	Konnagar H. C. E. School.
	Gasper, C. S.	...	17-6	Doveton College.
	Ghatak, Gangeschandra	...	18	Ranaghat H. A. V. School.
	Ghosh, A.	...	17-6	St. Xavier's College.
	,, Abanikumar	...	17	Dacca National School.
	,, Akshaykumar	...	17-10	Hindu School.
	,, Amiyanath	...	16-8	Metropolitan Institution, S. Branch.
270	,, Binodbihari	...	13	Naral H. E. School.
	,, Gopalchandra	...	13	Faridpur Zila School.
	,, Gopalchandra	..	16	Jagannath Collegiate School.
	,, Harendrakumar	...	14	Barisal Zila School.
	,, Hiralal	...	16-10	Behar H. C. E. School.
	,, Jagatchandra	...	17-2	Chittagong Collegiate School.
	,, Kasinath	...	15-10	Metropolitan Institution.
	,, Narayanchandra	...	14	Hare School.
	,, Priyanath	...	16	Ditto.
	,, Rameschandra	...	18	Jagannath Collegiate School.
280	,, Ramraman	...	18-1	Narit H. E. School.
	,, Sarojkanti	...	15-6	City Collegiate School.
	,, Sasibhusan	...	16	Metropolitan Institution.
	,, Satischandra	...	16-6	Hare School.
	,, Surendranath	...	15-6	Ditto
	,, Taraprasanna	...	17	Purnia Zila School.
	,, Umeschandra	..	18	Khulna Zila School.
	Ghoshal, Gopalchandra	...	19-10	Harinavi A. S. School.
	,, Sarala	...	.....	Bethune Female School.
	Gobind Balwant	...	17-9	Jabbalpur Collegiate School.
290	Godwin, G. L.	...	21-3	Armenian Phil. Academy.
	Gokool Chand	...	19-2	Allahabad Government High School.
	Gopal Shridhar Godgil	...	17-7	Free Church Institution, Nagpur.
	Gorman, J. C.	...	16-5	St. Thomas' College, Murree.
	Goswami, Nrityagopal	...	18	Dall's High School.
	,, Subhrendu	...	16	Sibsagar High School.
	Guha, Asitakumar	...	16-3	University College.

	Guha, Rairaman	...	17	Narayanganj H. C. E. School.
	Gulab Jagosing	...	17	City School, Nagpur.
	Gulzari Lall	...	19	Kayastha Pathsala, Allahabad.
300	Gupta, Binaychandra	...	16-3	Dacca Collegiate School.
	,, Harananda	...	17	Jagannath Collegiate School.
	,, Haricharan	...	17-2	Hindu School
	,, Jnanendramohan		17	Santosh Jahnabi School.
	,, Kalimohan	...	17-4	Jalpaiguri Zila School.
	,, Kshetramohan	...	18-9	Hughli Collegiate Sch
	,, Makhanlal	...	16	Hare School.
	,, Nandalal	...	15-6	Ripon College.
	,, Pramatheswar	...	14	Dacca National School.
	,, Sauribilas	...	17-4	Banwaribad H. C. E. School.
310	Gya Prasad	...	17-6	Fyzabad Government High School.
	Habibar Ruhman	...	15	Midnapur Collegiate School.
	Hajra, Annadaprasad		16-11	Burdwan Raj Collegiate School.
	Haldar, Anathnath	...	16 2	L. M. S. Institution, Bhowanipur.
	,, Haridas	...	18	South Suburban School Bhowanipur.
	Hannah, A. R.	...	16-9	Allahabad Boys' High School.
	Harak Narayan	...	16	Bankipur T. K. Ghosh's Academy.
	Harinanda Sahay	...	16-6	Patna Collegiate School.
	Hari Narayan	...	21	Jaypur Maharaja's College.
	Harris, G. H.	...	18-5	Private Student.
320	Hazari Lal	...	19-3	Barabanki High School.
	Hein, A. G.	...	15-8	Bishop Cotton School, Simla.
	Hemingway, Lizzie	...	.....	Diocesan Girls' School, Naini Tal.
	Htun Hla W.	...	16-7	Akyab Government High School.
	Hui, Nibaranchandra		16-3	Burdwan Raj Collegiate School.
	Ikbal Kishaw Dar	...	16-6	Victoria Collegiate School, Agra.
	Imtiaz Ahmad	...	20	Canning College.
	Jackson, L. J.	...	16-1	Cawnpur Memorial School.
	Jacob, E.	...	18	Jabbalpur Collegiate School.
	Jagadamba Prasad		17	Mirzapur Government High School.
330	Jagannath Pershad		17-6	Bareilly High School.
	Jamiluddin	...	17-3	Allahabad Government High School.
	Janaki Sahay	...	15	Gya Zila School.
	Janki Prashad	...	15-5	Bhagalpur T. N. City School.
	Jaymungal Prasad	...	16	Chapra Zila School.
	Jeotiprasada	...	16-6	Benares Collegiate School.
	Jeremiah, J. R.	...	18-5	Wesley College, Colombo.
	Jeremy, A. S.	...	16-11	Meerut C. M High School.
	Jotirvid, Badri Datta	...	16-9	Bareilly High School.
	Kali Sahai	...	19	Bahraich High School.
340	Kamaluddin	...	17	Behar National Institution.
	Kama Prasad, No. I	...	20	Hume's High School, Etawah.
	Kanahya Lall	...	15-8	Bareilly High School.
	Kar, Atulchandra	...	18	Dacca Pogose School.
	,, Jagatchandra	...	17-6	Mymensingh Zila School.
	Karani, Nimaicharan	...	19-3	Ditto ditto.
	Karmakar, Kumudnath	...	15	Rangpur Zila School.
	Kesho Rao Sadashiva	...	17-1	Jabbalpur Collegiate School.
	Khan, Saradanath	...	14-4	Bogra Zila School.
	Khoob Lall Dass	...	15-9	Bhagalpur T. N. City School.
350	Khoorsheid Ali	...	15	Ravenshaw Collegiate School, Katak.
	Kishori Lal	...	17-6	Govt. High School, Aligarh.
	Kraal, Ella	...	...	Doveton Institution.
	Krishna Ballabh	...	17-3	Bankipur T. K. Ghosh's Academy.
	Krishna Deva Narayan	...	16-4	Mozufferpur Zila School.
	Krishna Rao Pamaskr	...	15	Jabbalpur Collegiate School.
	Kuladwipa Sahay	...	16	Gya Zila School.
	Kumar Bipranarayan	...	15-10	Jenkin's School, Cooch Behar.
	Kunjabihari Lal	...	18-6	Patna Collegiate School.
	Kunti Damodar Kesheo	...	17-6	Indore Madrasa.
360	Lachman Prasada	...	18-10	Rai Bareilly Government High School.
	Lachminarain	...	17-6	Patna Collegiate School.
	Ladli Prasad	...	17-6	Allahabad Government High School.
	Lala Kamta Prasada	...	17-6	Sitapur High School.
	Lalitaprasad	...	17-8	Gorakhpur C. M. High School.
	Lalta Prasada	...	16-10	Fyzabad Government High School.
	Laville, B. L. A.	...	17-6	Lahore Boys' High School.
	Laxman Vyankatesh Parnaik	...	19-3	Dhar High School.
	Lyell, H. S.	...	16-7	St. Xavier's College.
	McGinn, E.	...	15	St. George's College, Mussoorie.

370	McGrath, E. J.	...	18-5	St. Xavier's College.
	McLean, E. G.	...	18	St. Paul's School, Darjeeling.
	Madanmohun Lal	...	20	Balia School.
	Madho Prashad	...	17-3	Allahabad Government High School.
	Mahabir Sarana	...	16	Chapra Zila School.
	Mahanti, Harakrisna	...	15-1	Ravenshaw Collegiate School, Katak.
	Mahmood-ul Huq	...	15 4	Patna Collegiate School.
	Maitra, Hemantakumar	...	15-8	Berhampur Collegiate School.
	,, Kalipada	...	15-5	Azamgarh C. M. High School.
	Maji, Hridaynath	...	16-2	Hamilton School, Taluk.
380	Majid Hasain	...	17-2	Sultanpur Zila School.
	Majumdar, Baradaprasanna	...	17	Jessore Zila School.
	,, Harachandra	...	16 3	Rajshahya Collegiate School.
	,, Hariprasad	...	16-7	Commillah Zila School.
	,, Priyasankar	...	16-2	Hindu School.
	,, Rajendranath	...	16	Howrah Government School.
	,, Saradacharan	...	17-4	Rajshahye Collegiate School.
	,, Sibchandra	...	16	Rangpur Zila School.
	Malia, Pramathanath	...	15	Searsole H. E. School.
	Mallik, Arabindaprakas	...	15-10	Agra Collegiate School.
390	,, Goshthabihari	...	17-4	Tarakeswar School.
	,, Jnanendrachandra	...	16	Kalna Maharaja's School.
	,, Jnanendranath	...	18	Hare School.
	,, Krishnalal	...	15-8	Hughli Branch School.
	,, Saratchandra	...	16	Metropolitan Institution.
	,, Satischandra	...	15	Midnapur Collegiate School.
	,, Surendranath	...	15	Hare School
	Mandal, Benimadhab	...	15	Malda Zila School.
	Mangli Prasad	...	17	Sultanpur Zila School.
	Maqboolul Haque	...	17	Noakhali Zila School.
400	Master, L. S	...	19	Hazaribagh Zila School.
	Meherbai Byramjee Nusserwanjee			Doveton Institution.
	Miller, A. H.	...	15-3	Rangoon College.
	Mirza Ahmad Jan	...	19-2	Victoria Collegiate School, Agra.
	,, Muhammad Nazir	...	17	Bhadrak H. E. School.
	Mitra, Akshaykumar	...	15-7	Hughli Branch School.
	,, Asutosh	...	15	Dasghara School.
	,, Asutosh	...	14	Metropolitan Institution, S. Branch.
	,, Bamacharn	...	14-10	Hare School
	,, Binaykrishna	...	16-3	Ariadaha H. E. School.
410	,, Binodchandra	...	14	Hindu School.
	,, Bipinbihari	...	16-1	Rajshahye Collegiate School.
	,, Gopeswar	...	14-3	Hitampur School.
	,, Hariprasad	...	19-10	Krishnagar Collegiate School.
	,, Jotindraprasad	...	16-4	Hare School.
	,, Kalicharan	...	15-6	Benares Collegiate School.
	,, Kiranchandra	...	16	Metropolitan Institution, S. Branch.
	,, Madhusudan	...	20-4	Piyarimohan Academy, Katak.
	,, Mahindranath	...	19	Pertabgarh High School.
	,, Nilgirindra	...	15	University College.
420	,, Raghunath	...	15-1	Agra Collegiate School.
	,, Sarbagunakar	...	18	University College.
	,, Syamacharan	...	19-1	Piyarimohan Academy, Katak.
	,, Upendramohan	...	15	Commillah Zila School.
	,, Upendranath	...	18	Metropolitan Institution.
	Mitthu Lal	...	16-9	Government High School, Aligarh.
	Mockbul Ali	...	17-5	Brahmanbaria Annada H. E. School.
	Mohan Lal	...	18-6	Allahabad Government High School.
	Moinuddin Ahmed	...	18-6	Ambala Mission High School.
	Moung Hla Baw	...	17-3	Rangoon College
430	,, Kyi O.	...	15-4	Mergui Government School.
	,, Ka	...	15-4	Akyab Government High School.
	Muhammad Abdul Guffar	...	18-3	Jabbalpur Collegiate School.
	Muhammad Amanul Haqq	...	16-8	Gorakhpur C. M. High School.
	Muhammad Daud Abbasi	...	17	M. A. O. College, Aligarh.
	Muhammad Hasan	...	16 3	Benares Collegiate School.
	Muhammad Maqsud Ali Khan	...	20-3	Jabbalpur Collegiate School.
	Muhammad Qumrul Huda	...	17-3	Patna Collegiate School.
	Muhammad Qutab Alam	...	17-6	Ditto.
	Muhammad Rafi	...	18	Ghazipur Mission High School.
440	Muhammad Saadutullah Khan	...	20	Ajmere Government College.
	Muhammad Sadiq	...	19	Bareilly High School.
	Muhammad Sayid	...	18	Arrah Zila School.

	Muhammed Wajib	...	18-5	M. A. O. College, Aligarh.
	Muhammad Yusuf	...	15-7	Patna Collegiate School.
	Mukh Ram	...	18-9	Moradabad Government High School.
	Mukhopadhyay, Abhaypada	...	17-8	Bali Rivers Thompson School.
	,, Annadaprasad	...	17	Hare School.
	,, Atindriya	...	17	L. M. S. Institution Bhowanipur.
	,, Baikunthanath	...	18-4	Mahisadal H. E. School.
450	,, Bankimnath	...	16	Birbhum School.
	,, Bhubanchandra	...	17-7	Kalna Maharaja's School.
	,, Bipradas	...	13-8	Ranaghat H. A. V. School.
	,, Girindranath	...	15	Metropolitan Institution.
	,, Haricharan	...	15-5	Kalna Maharaja's School.
	,, Hariprasanna	...	17-3	Dacca Collegiate School.
	,, Kalidas	...	17-6	Ariadaha H. E. School.
	,, Kaliprasanna	...	18-4	Monghyr Zila School.
	,, Mahendranath	...	15-6	Malda Zila School.
	,, Meghnath	...	15-4	Burdwan Raj Collegiate School.
460	,, Mrigendralal	...	16-3	Birbhum School.
	,, Nagendranath	...	17-7	Boinchi B. L. Institution.
	,, Nilmani	...	15	Kuchiakol Radha Institution.
	,, Paradakinkar	...	16-6	Birbhum School.
	,, Priyanath	...	17-2	Cawnpur Zila School.
	,, Purnachandra	...	17	Ghatal H. C. E. School.
	,, Rakhalchandra	...	15-7	Bankura Zila School.
	,, Ramchandra	...	17-2	Brajamohan Institution, Barisal.
	,, Sasikanta	...	18-2	Chittagong Collegiate School.
	,, Satischandra	...	17	Santipur Municipal School.
470	,, Surathnath	...	15	Hughli Collegiate School
	,, Surendranath	...	15	Howrah Government School.
	Murali Manohar Lala	...	21	Rewah High School
	Murli Dhar Ganesh	...	18-7	Jabbalpur C. M. S High School.
	,, Dhar Nagar	...	18-4	Benares Collegiate School.
	Mustafi, Asutosh	...	16	Balagarh School.
	,, Mahitosh	...	17-4	Howrah Government School.
	Nabi Bakhsh	...	16-6	Ludhiana Mission School.
	Nag, Gangakanta	...	15-4	Dacca Collegiate School.
	,, Hanseswar	...	16-9	Jangipur H. E. School.
480	Nandi, Atulkrishna	...	16-2	Metropolitan Institution, B. Branch
	,, Brajagopal	...	15-2	A. P. Mission School, Allahabad.
	,, Satyendranath	...	15	Ranaghat H. A. V. School.
	Narain Dalla Khawas	...	19-1	Ramsay College, Almorah.
	Narain Sing	...	19-6	Unao High School.
	Nath, Kshetramohan	...	17	L. M. S. Institution, Bhowanipur.
	Nathooram	...	17-10	Jabbalpur C. M. S High School.
	Nawab Lal	...	14	Balia School.
	Naziruddin Ahmed	...	17	Benares Collegiate School.
	Nurullah		16	Calcutta Madrasa.
490	O'Byrne, F.	...	15 8	St. George's Colleges, Mussoorie.
	Omar Khan	...	14-5	Calcutta Madrasa.
	Pakrasi Bhubanmohan	...	17-3	Banda Zila School.
	Pal, Jyotishchandra	...	17	Bhagalpur Zila School.
	,, Satyapradip	...	17	Sridhar Bansidhar School Nawabganj.
	Palchaudhuri, Hemendranath	...	16-2	Ranaghat H. A. V. School.
	Pandit, Ayodhianath	...	17	Canning College.
	,, Mohan Kissen	...	20	Ditto.
	,, Rajnarain	...	19	Ditto.
	Pandit, Pirthu Nauth Muttoo	...	16-2	Sitapur High School.
500	Patra, Haridas	...	15	Howrah Government School.
	Pershadi Lal	...	19	Aligarh Government High School.
	Platts, S. G.	...	15-6	Benares Collegiate School.
	Pramanik, Goshthabihari	...	16-7	Rajshahye Collegiate School.
	,, Rakhalchandra	...	16	Santipur Municipal School.
	,, Rammay	...	19	Ditto.
	Prem Bihari Lal	...	16	Bareilly High School.
	Pudampurshad	...	18-5	Ajmere Government College.
	Quasim Uddin Khan	...	15	Bhagalpur Zila School.
	R. Hazari Lall	...	17-3	Jabbalpur Collegiate School.
510	Raghunandana Pershad	...	16-2	Chapra Zila School.
	Raghunath Keshava Sarvate	...	17-1	Jabbalpur Collegiate School.
	Raghunath Prasad Seth	...	18	L. M. Collegiate School, Benares.
	Raha, Sasadhar	...	16	Bagirhat English School.
	Rahim Bakhsh	...	18-7	Gonda High School.
	Rai Durga Prasad	...	19	Jabbalpur Collegiate School.

	Raja Bahadur	...	20	Bahraich High School.
	Ram Adheen	...	18	Ditto.
	Ram Charan	...	20	Bar illy High School.
	Ram Chandra	...	19	Jaynarayan College, Benares.
520	Ramchandra Daji	...	17	City School, Nagpur.
	Ramchandra Vishnu Kukde	...	18	Ditto.
	Ram Dhan	...	22	Teacher.
	Ramji Das	...	21	Saharanpur Mission School.
	Ram Lal Kahar	...	16-9	Sambalpur High School.
	Ram Pershad	...	17-8	Agra Collegiate School.
	Ram Prasad	...	18-4	Victoria Collegiate School. Agra.
	Ram Puri Goshain	...	26-1	Private Student.
	Ramratan Prasad	...	18	Chapra Zila School.
	Ray, Abinaschandra	...	15	Jamalpur H. C. E. School.
530	„ Akshaykumar	...	15-2	Bogra Zila School.
	„ Anukulchandra	...	15	Barisal Zila School.
	„ Baidyanath	...	16-4	Dumka Zila School.
	„ Banamali	...	16-2	Hughli Collegiate School.
	„ Bhabeschandra	...	15-9	Hare School.
	„ Brajendranath	...	16	Monghyr Zila School.
	„ Chandicharan	...	14	Kalia H. E. School.
	„ Chandrakumar	...	17	Mymensingh Institution.
	„ Girijaprasanna	...	16	South Suburban School, Bhowanipur.
	„ Haralal	...	16	Pabna Zila School.
540	„ Jadabchandra	...	16-7	Barisal Zila School.
	„ Jasadakumar	...	18	Chittagong Municipal School.
	„ Jyotindramohan	...	17	Taki Government School.
	„ Jyotindramohan	...	15	Hare School.
	„ Kailaschandra	...	18-8	Naldanga Bhushan School.
	„ Kalikacharan	...	15-6	Manikganj H. C E. School.
	„ Kasiswar	...	15-3	Nawab's High School, Murshedabad.
	„ Kiranchandra	...	17-9	Naral H. C. E. School.
	„ Kumudnath	...	14-6	Pabna Zila School
	„ Lalbihari	...	18-6	Jagatballabhpur H. C. E. School.
550	„ Mahimachandra	...	18	Jagannath Collegiate School.
	„ Manoranjan	...	13	Sarnamay's H. C. E. School, Ulipur.
	„ Mukundanath	...	16	Dinajpur Zila School.
	„ Paramesprasanna	...	14-9	Dacca National School.
	„ Purnendu	...	15	Mahes H. E. School
	„ Raghunath	...	16-3	Ravenshaw Collegiate School, Katak.
	„ Rajendramohan	...	16	Rowile H. School.
	„ Rakhaldas	...	17-2	Barasat Government School.
	„ Rakhalraj	...	20	Gar Bowanipur H. C. E. School.
	„ Rasbihari	...	17-6	Ghatal H. C. E. School.
560	„ Saradakanta	...	14-1	Bogra Zila School.
	„ Sudhangsukumar	...	15-6	Hare School.
	Raychaudhuri, Sibadas	...	16	Baripur H. C. E. School.
	„ Umacharan	...	14-2	Dacca National School.
	Reyazuddin	...	21-3	Ajmere Government College.
	Ross, A. B.	...	16-1	St. Peter's College, Agra.
	Rustomjee, C. H. M.	...	15-6	Doveton College.
	Saheb Rai	...	23	Sultanpur Zila School.
	Sakhawat Hossain	...	17-3	Patna City Zila School.
	Samanta, Radhacharan	...	18	Searsole H. E. School.
570	Sambhu Prasada	...	16	Bankipur T. K. Ghosh's Academy
	Sankhua, Daityariprasad	...	17-6	Balasore Zila School.
	Sanyal, Baradakanta	...	15-4	Bhagalpur Zila School.
	„ Girischandra	...	19-6	Puthia H. E. School.
	„ Krishnabandhu	...	17-5	Uttarpara School.
	Sarju Parshad	...	18-7	Bareilly High School.
	Sarkar, Akshaykumar	...	16-10	Oxford Mission School.
	„ Binodbihari	...	15	Free Church Institution, Chinsurah.
	„ Jyotindramohan	...	16	Dacca National School.
	„ Saratchandra	...	14-3	Dinajpur Zila School.
580	„ Satkumar	...	16-5	Hindu School.
	„ Sasisekhar	...	16-5	Rajshahye Collegiate School.
	„ Satyacharan	...	20	Mahisadal H. E. School.
	„ Sureschandra	...	16-6	Krishnagar Collegiate School.
	„ Sureschandra	...	15-5	Birbhum School.
	Sarma, Chandrakumar	...	20	Sylhet National School.
	„ Rajkisor	...	18	Cachar High School.
	Sen, Abaninath	...	18	Dacca National School.
	„ Abhaycharan	...	19	Ditto.

	Sen, Chandrakumar	...	19-3	Sylhet Government High School.
590	„ Haranchandra	...	17	Hindu School.
	„ Harimanikya	...	17	Dacca National School.
	„ Janardanhari	...	15	Noakhali Zila School.
	„ Kalimohan	...	17	Dacca Pogose School.
	„ Kaminikumud	...	16	Chittagong Collegiate School.
	„ Kedarnath	...	17-11	Brajamohan Institution, Barisal.
	„ Kshirodlal	...	13-1	Hindu School.
	„ Nisichandra	...	20	Chittagong Municipal School.
	„ Prankrishna	...	16	Noakhali Zila School.
	„ Ramchandra	...	16-6	Dinajpur Zila School.
600	„ Saradakanta	...	16-7	Burdwan Municipal School
	„ Saratchandra, No. I	...	14	Barisal Zila School.
	„ Saratchandra, No. II	...	14	Ditto.
	„ Sasibhushan	...	17-6	Bankipur T. K. Ghosh's Academy.
	„ Syamacharan	...	18	Dacca National School.
	„ Tattweskamal	...	15-9	Jenkin's School, Cooch Behar.
	Sengupta, Chandrakumar	...	18	Chittagong Municipal School.
	„ Krishnakumar	...	13	Santosh Jahnabi School.
	„ Nagendranath	...	17	Ranaghat H. A. V. School.
	Shakespeare, J. C.	...	14-8	St. Francis de Sales' School, Nagpur.
610	Shambhunarayan Varma	...	18	Allahabad Government High School.
	Shamsul Husun	...	20-9	Jabbalpur Collegiate School.
	Shankar Lall, No. I	...	18-4	Meerut Government High School.
	Shankar Lall, No. II	...	18	Ditto.
	Shelverton, T.	...	16-9	Private Student.
	Shiam Narayan	...	19	Hardoi High School.
	Shiva Sahaylall	...	20-7	Patna Collegiate School.
	Shumbhoo Dayal	...	19-3	Barabanki High School.
	Shway Hpaw Oo	...	18-9	Akyab Government High School.
	Shwe Mya	...	20-10	Rangoon College.
620	Sil, Nandalal	...	15-1	Hume's High School, Etawah.
	„ Nityalal	...	16	Hare School.
	Singh, Karher	...	17	Muttra High School.
	„ Sheo Nandan	...	17	Chapra Zila School.
	„ Shew Shankar	...	20	Pertabgarh High School.
	Sinha, Bishnuprasad	...	21	Rajshahye Collegiate School.
	„ Gadadhar	...	16-2	Benares Collegiate School.
	„ Karunasindhu	...	17-8	Lakshannath H. C. E. School.
	„ Lakshmiprasad	...	19-2	Kendrapara H. E. School.
	„ Natabar	...	17	Bankura Zila School.
630	„ Rajanikanta	...	16-2	Kandi School.
	Siv Pratap Narayen	...	15-6	Arrah Zila School.
	Siv Singh	...	20	Bareilly High School.
	S. M. Habibur Rohomun	...	16	Free Church Institution, Calcutta.
	Sobhakar, Kshetranath	...	17-5	Hindu School.
	Som, Saratchandra	...	16-8	Commillah Zila School.
	Subhan Kareem	...	22-7	Patna Collegiate School.
	Sundar Narain Mushran	...	20	Private Student.
	Suraj Bakhsh	...	18-2	Fyzabad Government High School.
	Sur, Kamadaprasad	...	16-7	Hindu School.
640	Suryya Deva Narayan	...	17	Mukerji's Seminary, Mozufferpur.
	Syed Abdul Ghani	...	17-6	Jaunpur Government High School.
	Syed Abdul Jabber	...	17	Habiganj High School.
	Syed Ali Ahmed	...	16	M. A. O. College, Aligarh.
	Syed Mahammad Zahural Haq	...	14	Calcutta Madrasa.
	Syed Mahammad Yusuf Ahmed	...	16-3	M. A. A. School, Patna.
	Tagore, Sudhindranath	...	15-6	Metropolitan Institution.
	Telluckdhari Lall	...	17-2	St. Xavier's College.
	Templeton, J. H.	...	16-7	Rangoon College.
	Tewari, Ramanandan	...	17	Balia School.
650	Tha Gywai	...	16-1	Rangoon College.
	Thakur Prasad	...	18	Sultanpur Zila School.
	„ Premsankar	...	19	Jabbalpur Collegiate School.
	Thorpe, A.	...	16-3	Lahore Boys' High School.
	Tikaram	...	18-3	Bareilly High School.
	Ujagir Lal	...	17-3	Arrah Zila School.
	Upadhyay, Brijkisor	...	18	Mukerji's Seminary, Mozufferpur.
	Vidya Parshad	...	19	Aligarh, Government High School.
	Vidyadhar Shridhar Joshee	...	16-9	Free Church Institution, Nagpur.
	Vijaya Anand	...	17	L. M. Collegiate School, Benares.
660	Vishnu Prakash	...	18-2	Hardoi High School.
	Wale, I. P.	...	18-6	Lahore Boys' High School.

	Wallace, Mary	...	.....	Convent School, Rangoon.
	Waman Vithal Kane	...	16	City School, Nagpur.
	Wasi Ahmed	...	19-7	Patna Collegiate School.
	Winterscale, J. C.	...	16-9	La Martiniére College.
	Wise, Janet	...	.....	Doveton Institution.
	Xavier, E. C.	...	15-10	Ravenshaw Collegiate School, Katak.
668	Zamin Ali	...	16-4	Hughli Collegiate School.

THIRD DIVISION.

In Alphabetical Order.

	Abdul Aziz	...	17-4	Sylhet National School.
	Abdul Gani	...	20-2	Ludhiana Mission School.
	Abdul Goni	...	21	Free Church Institution, Calcutta
	Abodhbihari Lali	...	18	Bhagalpur Zila School.
	Abul Muzaffar Muhammad Ataur Rahman	...	15	Albany Institution.
	Acharyya, Jyotisbchandra	...	13	Gauhati High School.
	Aftab Ahmad Khan Ahmadi	...	17-10	M. A. O. College, Aligarh.
	Afzalur Rohoman	...	20	Dacca Pogose School.
10	Akbar Husain Khan	...	18	M A. O. College, Aligarh.
	Ali Haidar	...	16-8	Bareilly High School.
	Ambica Parsad	...	16	Chapra Zila School.
	Amin Akshaykumar	...	22-8	Private Student.
	Ananta Prosad	...	18	Bhagalpur Zila School.
	Avadh Beharilal Mathur	...	17-4	Moradabad Government High School.
	Badri Pershad	...	22	Sultanpur Zila School.
	Bagchi, Abinaschandra	...	16	Rajshahye Collegiate School.
	„ Girijakanta	...	18-1	Jalpaiguri Zila School.
	„ Umeschandra	...	21	Parjana Mukundanath School.
20	Baksi, Krittichandra	...	18	Pandra H. E. School.
	Balaji Jairam Chhaney	...	17	City School Nagpur.
	Balkrishna Govind Devaikar	...	19	Free Church Institution, Nagpur.
	Balkrishna Wasudeo	...	18	Ditto ditto.
	Bandyopadhyay, Asokjiban	...	14-11	M. A. O. College, Aligarh.
	„ Asutosh	...	18	Boinchi B. L. Institution.
	„ Bamacharan	...	14-4	Free Church Institution, Chinsurah.
	„ Banwaribhushan	...	17-10	Banwaribad H. C. E. School.
	„ Baradaprasad	...	15-3	Konnagar H. C. E. School
	„ Bhubaneswar	...	14	Serajganj H. E. School.
30	„ Jibankrishna	...	15	Bali, Rivers Thomson School
	„ Jogeschandra	...	16	Barisal Zila School.
	„ Jogindranath	...	17	Bhagalpur Zila School.
	„ Kirtichandra	...	20	Ruplal Raghunath School.
	„ Lalbihari	...	16-4	Metropolitan Instn., S. Branch.
	„ Manmathnath	...	17-8	Khulna Zila School.
	„ Matilal	...	18-2	New Indian School.
	„ Natabihari	...	18-4	Ditto.
	„ Pannalal	...	18	Midnapur Collegiate School.
	„ Prabhatchandra	...	16	Sanskrit Collegiate School.
40	„ Prandhan	...	16-2	Sibpur H. C. E. School.
	„ Rajendrachandra		17-4	Jagannath Collegiate School.
	„ Rajkumar	...	16	Nabadwip Hindu School
	„ Saradaprasad	...	16	South Suburban School, Bhowanipur.
	„ Saratchandra	...	19	Narayanganj H. C. E. School.
	„ Saratchandra	...	17-6	Shahjehanpur High School.
	„ Saratkumar	...	16-4	Hardoi High School
	„ Sasibhushan	...	18	Nowgong Cantonment School.
	„ Sripati	...	14-8	Nawab's High School, Murshedabad.
	Banka Vihari	...	16	Gya Zila School.
50	Bans Gopal	...	20	Hume's High School, Etawa.
	BapuWaman	...	16	Jabbalpur Collegiate School.
	Baranasiprasad	...	18	Monghyr Zila School.
	Baruya, Mathuramohan	...	17-5	Gauhati High School.
	Basu, Adharchandra	...	18-3	Bishenpur H. E. School.
	„ Amalananda	...	15	Dacca National School.
	„ Chandramadhab	...	18	Free Church Institution, Chinsurah.
	„ Girischandra	...	15-5	Serajganj H. E. School.
	„ Ramanimohan	...	21-1	Jenkin's School, Cooch Behar.
	„ Sasibhushan	...	15	Albert Collegiate School.
60	Beni Madho Lall	...	14	Gazipur Mission High School.
	Bhagwan Prasad Varma	...	21-4	Allahabad Government High School.
	Bhar, Bhabanicharan	...	17	Chandernagar School.

	Bhar, Saratchandra	...	17	Metropolitan Institution.
	Bhattacharyya, Dwijendra	...	17-8	Hare School.
	„ Manmathanath	...	15-6	Uttarpara School.
	„ Rasikchandra	...	18	Dacca Pogose School.
	„ Saratchandra	...	14	Naral H. E School.
	„ Udaykanta	...	15	Ripon College.
	„ Upendranath	...	18	Allahabad Government High School.
70	Bhaumik, Gagacharan	...	18	Rangpur Zila School.
	„ Mahendrachandra	...	17	Dacca National School.
	Bid, Sasibhushan	...	17-6	Metropolitan Institution
	Bihari Lall	...	18-3	Moradabad Government High School.
	Bindeshree Pershad	...	17-3	Dinapur Aided School.
	Bireshwarnath	...	19	Balarampur Lyall Collegiate School.
	Biswas, Dwarkanath	...	18-3	Chittagong Collegiate School.
	„ Hiralal	...	20	Ripon College.
	„ Narendrakrishna	...	15	Dasghara School.
	Bonny, F.	...	14-5	St. Francis de Sales' School.
80	Brahmaniker Ramchandra Krishna		19-5	Indore Madrasa.
	Chakrabarti, Akshaykumar	...	18	Bhastara School.
	„ Bipinbihari	...	17	Albert Collegiate School.
	„ Brindabanchandra	...	18	Commillah Zila School.
	„ Chandrakumar	...	16-2	Chittagong Collegiate School.
	„ Dinanath	...	16	Chatmohar Sambhunath School.
	„ Gokulcharan	...	15	Dacca National School.
	„ Gopalchandra	...	15	Rajshahye Collegiate School.
	„ Lalitmohan	...	19-6	Dacca National School.
	„ Saratchandra	...	16	Sanskrit Collegiate School.
	„ Srischandra	...	15-6	Metropolitan Institution.
90	„ Syamacharan	...	17-4	Chittagong Collegiate School.
	Chander Pal Singh	...	19-2	M. A. O. College, Aligarh.
	Chattopadhyay, Adharnath	...	15-4	Barasat Government School.
	„ Ambujkumar	...	15-3	Hare School.
	„ Bholanath	...	16-2	Metropolitan Institution.
	„ Binodkumar	...	17-3	Howrah Bible H. C. E. School.
	„ Debendranath	...	17	Searsole H. E. School.
	„ Harischandra	...	15-10	Mirzapur Government High School.
	„ Hemkamal	...	15-3	Dacca Pogose School.
	„ Karunamay	...	17	Burdwan Raj Collegiate School.
100	„ Narayanchandra	...	18-9	Ariadaha H. E. School.
	„ Narayandas	...	15-8	Bali, Rivers Thompson School.
	„ Pratapchandra	...	18	Lauhajang H. C. E. School.
	„ Purnachandra	...	19-4	Kandi School.
	„ Ramratan	...	16	Bankura Zila School.
	„ Sitalchandra	...	17	A. P. Mission School, Allahabad.
	„ Srinarayan	...	13	Free Church Institution, Chinsurah.
	„ Upendranath	...	20	P. Gopinathpur School.
	Chaudhuri, Anandakumar	...	14	L. M. Collegiate School, Benares.
110	„ Harendrachandra	...	20	Sylhet Government High School.
	„ Hridaynath	...	20-6	Graham School, Tangail.
	„ Nagendranath	...	16	Metropolitan Institution.
	„ Padmakumar	...	17	General Assembly's Institution.
	„ Priyanath	...	18	Kutwa H. E. School.
	Chhajjoo Singh	...	18	Meerut Government High School.
	Chhotay Lall	...	20	Private Student.
	Chunni Lall	...	19	Bareilly High School.
	Das, Akshaykumar	...	16	Free Church Institution, Chinsurah.
	„ Baidyanath	...	16-3	Town School, Midnapur.
120	„ Dalimchandra	...	17-5	Tejpur High School.
	„ Durgacharan	...	17-5	Kandi School.
	„ Harkishen	...	19-6	Agra Collegiate School.
	„ Hridaychandra	...	17-4	Habiganj High School.
	„ Iswarchandra	...	15	Hare School.
	„ Jagadananda	...	20	Sylhet National School.
	„ Jagamohan	...	21	Ditto.
	„ Jaygopal	...	16	Barasat Government School.
	„ Jaykrishna	...	18	Agra Collegiate School.
	„ Kanailal	...	16-8	Naral H. E. School.
130	„ Lalmohan	...	16-8	Balasore Zila School.
	„ Maheswar	...	19-2	Barpeta H. E. School.
	„ Madhusudan	...	18-7	Town School, Midnapur.
	„ Nabinchandra	...	18-3	Dacca National School.
	„ Nikunjabihari	...	16-4	Barisal Zila School.

	Das, Padmaram	...	14-4	Gauhati High School.
	„ Saratsankar	...	15	Metropolitan Institution.
	„ Sayamchand	...	18	Ravenshaw Collegiate School, Katak.
	Dasgupta, Baradacharan	...	15-3	Dacca Collegiate School.
	„ Jagadbandhu	...	17	Brajamohan Institution, Barisal.
140	„ Nagendranath	...	14	Kalia H. E. School.
	Datta, Annadacharan	...	15	Patiya H. E. School.
	„ Aswinikumar	...	15	Metropolitan Institution.
	„ Bamacharan	...	18	Dacca Pogose School.
	„ Binodbihari	...	19-6	Kalaskati H. E. School.
	„ Gurucharan	...	17	Rangpur Zila School.
	„ Jyotindranath	...	17	Ravenshaw Collegiate School, Katak.
	„ Maheschandra	...	16-8	Dacca Collegiate School.
	„ Nagendrachandra	...	15	Cachar High School.
	„ Nisikanta	...	15-11	Dacca National School.
150	„ Nrisinhachandra	...	16-7	Free Church Institution, Calcutta.
	„ Pulinbihari	...	16	Teacher.
	„ Saradaprasad	...	19	Ghatal H. C. E School.
	„ Rajanikanta	...	20	Jagannath Collegiate School.
	„ Surendra	...	14-4	Sibpur H. C. E. School.
	De, Girischandra	...	16-10	L. M. School, Midnapur.
	„ Gopalchandra	...	19	Harinabhi A. S. School.
	„ Haricharan	...	15-3	Free Church Institutiou, Chinsurah.
	„ Mahimchandra	...	18-4	Sylhet Government High School.
	„ Mukundalal	...	17-6	Serajganj H. E. School.
160	„ Nabinchandra	...	17-11	Kisorganj H. E. School.
	„ Rasiklal	...	14-3	Kuchikol Radhaballabh Institution.
	„ Tinkari	...	17-3	Hindu School.
	Deb, Mahimlal	...	16	Meerut C. M. High School.
	„ Ramanchandra	...	20-1	Sylhet Government High School.
	Debipershad Pandit	...	19-4	Canning College.
	Donald, R.	...	18-2	Bishop Cotton School, Simla.
	Dubai, Ajodhyaprasad	...	21	Hume's High School, Etawa.
	Dube, Brindaban	...	18-9	Gazipur Mission High School.
	„ Mangalram	...	15-5	Benares Collegiate School.
170	Gonesh Vithal Bhut	...	21-1	Free Church Institution, Nagpur.
	Ganga Nath Jha	...	13-7	Darbhanga Raj School.
	Gangaprasad	...	16-8	Dumraon Maharaja's School.
	Gangopadhyay, Kalidas	...	17-8	Birbhum School.
	„ Makhanlal	...	13	Kuchiakol Radhaballabh Institution.
	„ Saratchandra	...	14-4	Muragacha H. C. E. School.
	„ Srikantha	...	17-6	Hindu School.
	„ Srinath	...	17	Jagannath Collegiate School.
	Gargari, Satischandra	...	17	Chandernagar School.
	Ghose, Minna	...	.....	Amritsar Alexandra School.
180	Ghosh, Abinaschandra	...	15-6	General Assembly's Institution.
	„ Annadacharan	...	20	Dacca National School.
	„ Asutosh	...	18	Burdwan Raj Collegiate School.
	„ Debendranath	...	18	Allahabad Government High School.
	„ Gopalchandra	...	15-4	Berhampur Collegiate School.
	„ Haricharan	...	18-3	Mozufferpur Zila School.
	„ Hiralal	...	17	Calcutta Institution.
	„ Jnanendranath	...	16	Hughli Branch School.
	„ Jogindrachandra	...	14-5	Barisal Zila School.
	„ Jogindranath	...	17	Dacca National School.
190	„ Kaliprasanna	...	17	Ditto.
	„ Nandalal	...	16-4	Oriental Seminary.
	„ Rajendranath	...	17	Mymensingh Institution.
	„ Ramanimohan	...	16-10	Kandi School.
	„ Saratchandra	...	16	South Suburban School, Bhowanipur.
	„ Satischandra	...	15-8	Dacca Pogose School.
	Ghoshal, Jajneswar	...	19-5	Ariadaha H. E School.
	„ Ramchandra	...	19	Kaikala H. C. E. School.
	Girijadyal ...	...	20-11	Lakhimpur Govt. High School.
	Goppi, Dwarikanath ...	...	15	Nowgong High School.
200	Goswami, Bhupati ...	...	18-5	Khanakul K. Institution.
	„ Ramanimohan	...	17-6	Ditto.
	„ Upendragopal	...	17-8	Jangipur H. E. School.
	Govind Vishnu Chitaley	...	17-6	Jabbalpur Collegiate School.
	Guha, Mahananda ...	...	20	Dacca National School.
	„ Nutanchandra ...	...	21	Chittagong Collegiate School.
	„ Satischandra ...	...	17	Mymensingh Zila School.
	Guin, Narayanchandra	...	16	Sodepur H. E. School.

	Gupta, Bimala ...	...	...	Eden Female School, Dacca.
	„ Kaminikanta	...	16	Free Church Institution, Calcutta.
	„ Rasamay ...	...	18-8	Brajamohan Institution, Barisal.
210	Hajra, Gurudas ...	...	16-9	Dacca National School.
	„ Raghunandan ...	...	16	Patrasaer H. E. School.
	Hamilton. G.	...	18-5	St. Xavier's College.
	Harakh Prasad ...	...	20-6	Teacher.
	Hargu Lal	...	18	Ambala Mission High School.
	Hari Wakratund Munjey	...	22-4	Private Student.
	Har Narayan Prasad ...	...	19	Allahabad Kayastha Pathsala.
	Har Prasad ...	...	15-9	Agra Collegiate School
	Harprasad Agnihotry...	...	15-7	Jabbalpur Collegiate School.
	Hazaree Sah ...	...	16	Mukerjee's Seminary, Mozufferpur.
220	Imtiyaz Ahmud ...	...	19	Pertapgarh High School.
	Jagadip Sahay ...	...	16	Gya Zila School.
	Jagannath Saran ..	...	14	Chapra Academy.
	Jai Lal Sah Chakurayat	...	22-7	Teacher.
	Jiyalal Tewari ...	...	18-9	Jabbalpur Collegiate School.
	Jeswant Rao ...	...	22-3	Farakabad Mission High School.
	Kailasnath Kanzru ...	...	18-7-21	Agra Collegiate School.
	Kar, Mathurachandra ..	...	20-5	Sylhet Government High School.
	„ Syamacharan ...	...	15-5	Howrah Govt. School.
	Khaja, M. Ismail ...	...	16 2	Patna Collegiate School.
230	Kosal Kishore Bhargav	...	20	M. A. O. College, Aligarh.
	Krishna Sahai ...	...	19	Unao High School.
	Kumar, Barham Narayan	...	16	Matihari Zila School.
	Kunwar, Bahadur Lal	...	15-6	Benares Collegiate School.
	Lajwanti Rallia Ram	...	.....	Amritsar Alexandra School.
	Lakshminarayan	...	18	Gya Zila School.
	Lala Mritunjay Lal	...	16-3	Birbhum School.
	Lalita Prsada No. I	...	17-10	Benares Collegiate School.
	Lalita Prsada No. II	...	16-5	Ditto.
	Liladhar Purshad	...	20	Chapra Zila School.
240	Mahabir Prasad	...	17	Victoria School, Gazipur.
	Mahadeva Datta	...	20-8	Arrah Town School.
	Maharaj Krishna	...	17-4	Fyzabad Government High School.
	Mahee Uddin Ahmed	...	15	Behar National Institution.
	Mahmood Ali, P.S.	...	15	M. A. O. College, Aligarh.
	Maiti, Gobindaprasad	...	18	Contai H. E. School.
	Maitra, Satischandra	...	19-6	Ripon College.
	„ Umeschandra	...	17-3	Bogra Zila School.
	Majumdar, Basantakumar	...	17-2	Dacca Collegiate School.
	„ Charukrishna	...	17	Hindu School.
250	Malir. J.	...	16-6	St. Fidelis's School.
	Mallik, Bhupendrachandra	...	15	Hughli Collegiate School.
	„ Maniklal	...	15	Ditto.
	„ Nirmalchandra	...	16-4	Naral H. E. School.
	„ Phanilal	...	16	Hughli Collegiate, School.
	Mandal, Chintamani	...	20	Searsole H. E. School.
	„ Madhusudan	...	17-3	Bishenpur H. E. School.
	„ Sisirkanta	...	16	Barisa H. C. E. School.
	Maroti, Probhakar Lothey	...	22	City School, Nagpur.
	Mitra, Bijaykumar	...	15-4	Metropolitan Institution S. Branch.
260	„ Gopalchandra	...	16	Hare School.
	„ Kalidas	...	17-2	Benares Collegiate School.
	„ Krishnapada	...	17	Metropolitan Institution,
	„ Mrigendralal	...	18	City Collegiate School.
	„ Nandalal	...	17-5	Konnagar H. E. School.
	„ Nripendranath	...	16-4	Metropolitan Institution B. Branch.
	„ Srischandra	...	18-8	Barabanki High School
	Muhammad Ishaq	...	14-9	Calcutta Madrasa.
	Muhammad Faruq	...	21	Seoni Mission School.
	Muhammad Jalaluddin	...	18-4	Moradabad Government High School.
270	Muhammad Sarfaraz Ali	...	20-10	Fyzabad Govt. High School.
	Mukhopadhyay, Anukulchandra	...	16	Hughli Collegiate School.
	„ Brajendranath	...	16	Krishnagar Collegiate School.
	„ Charuchandra	...	16	Ranchi Zila School.
	„ Charuchandra	...	17	Hare School.
	„ Haranchandra	...	18	L. M. S. Institution, Bhowanipur.
	„ Haridas	...	18	Ilsoba Mondlye School.
	„ Jogindranath	...	15	Albert Collegiate School.
	„ Jogindranath No. 1		15	Metropolitan Institutiou.
	„ Jyotindralal ...		17	Chuadanga H. E. School.

280	Mukhopadhyay, Kaliprasanna	..	16-3	Saduhati H. E. School.
	,, Krishnadhan	...	15-4	Howrah Bible H. E. School.
	,, Kshetrapada	...	14-10	Town School, Midnapur.
	,, Natabar	...	15	Kuchiakol Radhaballabh, Institution.
	,, Nirendranath	...	17-4	Nibodia H. E. School.
	,, Pannalal	...	17	Aryan Institution, Calcutta.
	,, Prakaschandra	...	17-3	Madrasa-i-Anwaria.
	,, Ramdas	...	17-2	Banawaribad H. C. E. School.
	,, Saratkumar	...	17	Dehra Dun Training School.
	,, Sasibhushan	...	18-8	Gobardanga H. E. School.
290	,, Sasibhushan	...	17	Kandi School.
	,, Sitalchandra	...	17	Allahabad Government High School.
	,, Sripaticharan	...	19	L. M. School, Midnapur.
	,, Tarapada	...	15	Simla High School.
	Murphy, J. H.	...	17-4	St. George's School, Mussoorie.
	Naha, Iswarchandra	...	18	Jagannath Collegiate School
	Naik, Jaydeb	...	17-4	Piyarimohan Academy, Katak.
	,, Radhamadhab	...	18-1	Ditto
	Nanabhoy Nourajee Burjorjee	...	16-3	Rangoon College.
	Nandi, Amulyacharan	...	19-3	University College.
300	,, Nabadwipchandra	...	17	Jagannath Collegiate School.
	Narayan Bhat	...	17	Gya Zila School.
	Pakrasi, Prasannakumar	...	16-2	Hare School.
	Pal, Hemchandra	...	17-5	Serajganj H. E School.
	,, Janakinath	...	17-3	Kumarkhali H. E. School.
	,, Kisorimohan	...	19	Ripon College.
	,, Mathuranath	...	17	Santosh Jahnabi School.
	Palit, Matangicharan	...	16-4	Burdwan Raj Collegiate School.
	,, Narendranath	...	18	Albert Collegiate School.
	Panda, Narendranath	...	19	Ghatal H. E. School.
310	Pande, Ramkumar	...	17	Benares Collegiate School.
	Pandit, Bihari Lal Nahru	...	18-7	Ambala Mission High School.
	,, Uttam Nath	...	19-6	Residency, College Indore.
	Pathak, Bijayram	...	20-3	Behar H. C. E. School.
	Patanaik, Banamali	...	16-8	Puri Zila School.
	,, Satyabadi	...	18-5	Piyarimohan Academy, Katak.
	Pramanik, Pratapchandra	...	18-7	University College.
	Prayag Dutt	...	18	Unao High School.
	Prayag Das Katara	...	20-5	Allahabad Government High School.
	Purnachandra	...	17-6	L. M. Collegiate School Benares.
320	Pyaray Lal Agnihotri	...	17-4	Allahabad Government High School.
	Raghunath Rao K.	...	18	Jabbalpur Collegiate School.
	Rajaram Apajee	...	20	Free Church Institution, Nagpur
	Rajkhowa, Indradhar	...	16	Debrugarh High School.
	Rajnarain	...	17-3	Bareilly High School.
	Ramchand	...	18	Allahabad Government High School.
	Randhir Prashad	...	17-2	Ranchi Zila School.
	Ramgholam Lal	...	17	Chapra Zila School.
	Ram Kishin	...	16-6	Ludhiana Mission School.
	Ramkrishna Bishnu Bhagwat	...	18-2	Jabbalpur Collegiate School.
330	Rashid Husan	...	17	Moradabad Government High School.
	Ray, Abinaschandra	...	15	Hare School.
	,, Annadaprasad	...	17	Hindu School.
	,, Apurbakrishna	...	15-3	South Suburban School, Bhowanipur.
	,, Chandrakisor	...	15	Commillah Zila School.
	,, Gopalchandra	...	18	Gar Bhowanipur School.
	,, Indusekhar	...	16-4	Birbhum School.
	,, Jagadindranath	...	17-4	Rajshahye Collegiate School.
	,, Jnanchandra	...	19	Jagannath Collegiate School.
	,, Jyotindramohan	...	16	Kutwa H. E. School.
340	,, Kalikinkar	...	17	Bankura Zila School
	,, Kaliprasanna	...	16-7	Rajshahye Collegiate School.
	,, Krishnanath	...	16-6	Seal's Free College.
	,, Pratapchandra	...	19	Bhagalpur Zila School.
	,, Satyendranath	...	16-2	Pirozpur H. E. School.
	,, Suryyakumar	...	17	Town School, Midnapur.
	,, Tarasundar	...	17	Pabna Zila School.
	Roy Zada Nunnaylal Varma	...	16	M. A. O. College, Aligarh.
	Saha, Harendranath	...	17-10	Dighapatia H. E. School.
	Salig Ram	...	17-3	Canning College.
350	Sanyal, Durgadas	...	17-3	Berhampur Collegiate School.
	,, Kalilochan	...	17	Chatmohar Sambhunath School.
	,, Kisorimohan	...	19-2	Rajshahye Collegiate School.

	Sarkar, Asutosh	...	16	Purnia Zila School.
	,, Baradasankar	...	17-5	Rajshahye Collegiate School.
	,, Jagadiswar	...	19	Burdwan Raj Collegiate School.
	,, Kaliprasanna	...	16-3	Rajshahye Collegiate School
	,, Manmathanath	...	15	Krishnagar A. V. School.
	,, Narayanchandra	...	16-6	Jirat Chandrakona H. E. School.
	,, Saratchandra	...	18	Midnapur Collegiate School.
360	,, Satinath	...	18	Chuadanga H. E. School.
	,, Upendranath	...	15	Metropolitan Institution.
	Sayyad Wajih Uddin	...	20	Bareilly High School.
	Sen, Bimalaprasanna	...	14	Metropolitan Institution.
	,, Hemchandra	...	14-6	Hindu School.
	,, Lalitmohan	...	14	Ditto.
	,, Manmathanath	...	14	Metropolitan Institution
	,, Matilal	...	16	Sodpur School.
	,, Prakritiprasanna	...	17-5	Albert Collegiate School.
	,, Sureschandra	...	16	Oriental Seminary.
370	Sengupta, Bhubaneswar	...	16	Kalia H. E. School.
	,, Debendranath	...	16	Jessore Zila School.
	,, Indranarayan	...	16-6	Birbhum School.
	,, Mahendrachandra	...	19-3	Nabadwip Hindu School.
	,, Rasbihari	...	17	Bagirhat H. E. School.
	Set, Praphullachandra	...	16	Metropolitan Institution.
	Shaik Baboo Zan	...	19-9	Howrah Bible H. C. E. School.
	Sheikh Bisarat Ulla	...	15-6	Nawab's High School, Murshedabad.
	Sheo Prasad Agnihotri	...	16-7	Jabbalpur Collegiate School.
	Shew Parshad	...	18	Bareilly High School.
380	Shiva Bart Lal Varma	...	17-11	Allahabad Government High School.
	Shiv Chand	...	25-7	Teacher.
	Shiva Mongal Ray	...	17	Gazipur Mission High School.
	Shiva Ram	...	23-9	Teacher.
	Shunker Singh	...	18-2	Meerut Government High School.
	Shyam Lall	...	16	Chapra Zila School.
	Sinha, Baijnath	...	17	Balia School.
	,, Brijkumar	...	17-8	Teacher.
	,, Indranarayan	...	16-8	Kandi School.
	,, Jogindranarayan	...	18-11	Uttarpara School.
390	,, Kedarnath	...	16-1	Mozufferpur Zila School.
	,, Tarinicharan	...	16	L. M. S. School, Khagra.
	Sitla Sahay	...	19	Pertabgarh High School.
	Syed Abdul Sattar	...	19	Sylhet Government High School.
	Syed Mahmud Raza	...	17-2	Canning College.
	Tagore, Balendranath	...	15-3	Hare School.
	Thakurdas	...	19-9	Benares Collegiate School.
	Thakur, Kedarnath	...	18	Pandra H. E. School.
	Thakur Prasad	...	17	Arrah Town School.
	Tripati, Brajamohan	...	16-2	Ranchi Zila School.
400	Vishnoo Gopal Naik	...	16	Jabbalpur Collegiate School.
	Viswas Rao Bhaway	...	19	Ditto ditto.
	Wasudeo Ramchandra Halwi	...	15	Ditto ditto.
	Wasudeo Vithal Limaye	...	15-10	City School, Nagpur.
	Wyankatesh Seoram Bhalerao	...	17-3	Ditto ditto.
	Zainuddin Ahmed	...	18	Bhagulpur Zila School.

SENATE HOUSE,
The 17th May 1886.

W. GRIFFITHS,
Registrar.

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 May 1886.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans								5 per cent. Loan of 1856-57.	Grand Total.
		Of 1833-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	Transfer Loan of 1879, 4 per cent. Portion.		
Balance of 30th April 1886 .	54,100	13,73,653	27,51,100	2,28,70,800	90,28,000	2,70,34,800	2,31,09,700	8,61,70,053	9,70,24,300	32,200	19,55,15,953
Add—											
Amount enfaced at Madras between 1st and 15th May 1886 . . .	...	...	...	...	...	...	...	...	2,000	...	2,000
Amount enfaced at Bombay between 1st and 15th May 1886 . . .	...	...	2,000	14,600	6,600	9,400	6,000	38,600	...	...	38,600
Amount enfaced at Calcutta between 1st and 15th May 1886 . . .	...	...	2,000	77,400	1,63,700	1,19,000	52,000	4,14,100	1,07,000	...	5,42,500
	54,100	13,73,653	27,51,100	2,29,62,800	91,98,300	2,71,63,200	2,31,67,700	8,66,22,753	9,71,33,300	32,200	19,60,99,053
Deduct—											
Amount written off in the London Registers . .	...	...	28,100	86,200	17,100	5,25,200	1,41,000	7,97,600	1,49,600	...	9,97,200
Balance on 15th May 1886	54,100	13,73,653	27,29,000	2,28,76,600	91,81,200	2,66,38,000	2,30,26,700	8,58,25,153	9,69,83,700	32,200	19,51,01,853

NOTE.—From 9th June 1867 to 15th Mar. 1886 enfaced from India 4,645 lakhs, re-transferred from London 4,645 lakhs.
" 16th Mar. 1886 to 31st " " " 9 " " "
" 1st Apl. " to 15th Apl. " " " 3 " " "
" 16th " " to 30th " " " 5 " " "
" 1st May " to 15th May " " " 9 " " "
4,671 lakhs.
4,671 "
*Balance against India . 503 lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 17th May 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 25th May 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,684	15	0
Public Deposits at Head Office ₹ 1,30,74,917 4 9	2,44,61,576	4	2
Public Deposits at Branches 1,13,86,658 15 5			
Other Deposits at Head Office and Branches	3,01,22,802	13	2
Bank Post Bills, &c.	3,66,427	14	2
Sundries	19,14,589	12	10
RUPEES	8,10,22,081	11	4

ASSETS.	₹	a.	p.
Government Securities	63,43,780	2	0
Other authorized Investments	48,13,776	4	0
Loans on Government and other authorized Securities	1,14,98,180	5	4
Accounts of Credit on Government and other authorized Securities	79,92,635	14	5
Bills discounted and purchased	2,53,97,392	9	8
Balances with other Banks	9,61,891	13	2
Bullion	18,577	3	7
Dead Stock	11,41,237	6	6
Stamps	9,710	3	6
Sundries	6,52,382	11	3
	5,88,29,564	9	5
Cash and Currency Notes at Head Office ₹ 93,25,274 11 8	2,21,92,517	1	11
Cash and Currency Notes at Branches 1,28,67,242 6 3			
RUPEES	8,10,22,081	11	4

BANK OF BENGAL,
Calcutta, 27th May 1886.

J. GORDON,
Chief Accts. & Dy. Secy.

Rate for Demand Loans 6 per cent.
Percentage 39·02.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th May 1886.

No. 4.—Mr. C. F. H. Macleane, Assistant Superintendent, 1st Grade, is allowed furlough for six months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 3rd May 1886.

The 21st May 1886.

No. 5.—Mr. P. V. Luke, C.I.E., Superintendent, 3rd Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 23rd April 1886.

The 22nd May 1886.

No. 6.—Mr. A. D. Hill, Assistant Superintendent, 1st Grade, is allowed furlough for twelve months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 14th April 1886.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 21st May 1886.

No. 2008.—The privilege leave granted in this Office Notification No. 1818, dated the 7th instant, to Captain E. S. Masters, Adjutant, Bhopal Battalion, has been extended to 17th June 1886.

By Order,
F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 19th May 1886.

No. 1180 *G.*—Lieutenant C. Hutton Dawson, Officiating Adjutant, Erinpura Irregular Force, is granted thirty-two days' privilege leave, with effect from the 22nd May 1886, or such subsequent date as he may avail himself of the same.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl., Rajputana.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 19th May 1886.

No. 526-351.—Under the provisions of Section 7, Act X of 1870 (Land Acquisition), the Chief Commissioner of Ajmere-Merwara is pleased to direct that whenever any land subject to his jurisdiction shall have been declared under the Act to be needed tor a public purpose or for a company, the Commissioner of Ajmere-Merwara may direct the Collector to take order for the acquisition of such land.

The 22nd May 1886.

No. 541-589.—The Chief Commissioner is pleased to authorize the exercise by all Excise Officers in Ajmere-Merwara, not inferior in rank to a Sub-Inspector, of the powers described in Section 14, Act I of 1878 (Opium Act).

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr Genl.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 20th May 1886.

No. 47.—With reference to Public Works Department Notification No. 131, dated 14th May 1886, Mr. J. W. A. McNair, Class III of the Superior Revenue Establishment of State Railways, Stores Department, is posted to the Bilaspur-Etawah Railway.

No. 48.—Mr. J. W. Wilson, Class IV of the Superior Revenue Establishment of State Railways, Stores Department, is granted furlough in India for twelve months, with effect from the forenoon of 10th May 1886.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Report of a Deserter or Absentee without leave from the 2nd Battalion, The Queen's Royal West Surrey Regiment of Infantry, dated at Fort William, Calcutta, this 21st day of May 1886.

Number, Rank, and Name, No. W. S.—347, Private James Jeffery.
Age,—26 years 5 months.
Size,—5 feet 5 inches.
Colour of—
Complexion, dark; Hair, dark brown; Eyes, grey.
Date of Desertion,—18th May 1886.
Place of Absence,—Fort William, Calcutta.
Date of Enlistment,—14th November 1882.
At what Place Enlisted,—Guildford, Surrey.
Parish and County in which Born,—Peckham, London, Surrey.

Place of residence for last 12 months before enlistment,—Peckham, London, Surrey.

Marks,—Scar, centre of forehead, scar, right temple, scar, left thigh, scar, left shin, two moles on back.

Trade,—Labourer.

Regimentals or plain clothes,—Regimentals, white clothing.

REMARKS,—Was on pass till 4 A.M., 18th May 1886.

Under 4 years' service.

W. J. HOLT, *Lieut.-Colonel*,
Comdg 2nd Battn., The Queen's R. W. Surrey Regt.

Statement of Silver Balance in the Calcutta Mint for the week ending 26th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 19th May 1886	2,59,631	
Value of Government silver in the Mint on the same date	8,78,154	11,37,785
ADD—		
Silver received by the Mint during the week on account of the Currency Department	2,49,957	
Ditto ditto Government	256	2,50,213
		13,87,998
DEDUCT—		
New coin paid to Reserve Treasury during the week	2,51,000	
Petty items issued for miscellaneous purposes	...	2,51,000
Balance on the evening of the 26th May 1886	...	11,36,998
The Balance comprises—		
Silver held on account of the Currency Department	2,54,708	
Ditto ditto Government	8,82,290	11,36,998
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	39,927	
Ditto ditto Government	55,85,350	56,25,277

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 27th May 1886.

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.
7	D 17—87351	50	Bhawan Das Manohar Das, Benares.
8	D 20—62756	100	Mrs. S. J. DaCosta, Allahabad.
	,, —65235	100	

ALLAHABAD,
The 26th May 1886.

H. J. BRERETON,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
8	E 20—94144*	100	Revd. F. Hildephonsus, Catholic Chaplain, Amballa.

* Belonging to Agency No. 3, Umballa.

LAHORE,
The 25th May 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
4	B 86—97834	100	N. Muhammad Sahib, Rowther & Co., Kotagiri.
	,, —97837	100	

FORT ST. GEORGE,
The 17th May 1886.

C. HALL,
Chief Superintendent,
In charge of Paper Currency Dept.

FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1¼ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus for carriage to Patna. } ₹43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,
Principal Assistant to Opium Agent, Behar, Patna.

POST OFFICE.

NOTIFICATIONS.

Simla, the 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *viâ* the *United Kingdom* to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola).

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,
Asst. Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 25th May 1886.

Adels, Mrs. C. E.
Allen & Co., W. H.
Drake, R.
Fletcher, Mrs.
Gregory, G.
Mayorakes, Themistocle.
Morton, Mrs. A.
Power, J. O.
Reid, Miss L.
Schulze, W.
Todman, H.
Wilkinson, Messrs. & Co.

Letters marked "Care of Post Office."

Angeli, Sig. D.
Barnes, G. J.
Barnett, Mrs. James.
Bates, J. N.
Bigex, Mon. E.
Bose, P. N.
Bowers, S.
B. R.
Bush, C.
Capel, Lt.-Col.
Caws, Capt. A. E.
C. B. H.
Clarke, F. G.
Cohen, Mr.
Crawford, J.
Dessa, H. T.
Dimmock, Basil.
D'Mello, Jose.
Dodd, C. B. N.
Dowling, D. G. A.
D'Rozario, Miss J.
Drury, Surgeon F. J.
Dufour, Madam.
Dukes, Mrs.
Dundas, Mrs.
Dwarris, J. H.
Easton, Percy H.
Entwisle, R.
Fez, Lt. Col.
Fox, R. C. W.
Gayer, A. H
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Gow, J. F.
Grant, Mrs. M.
Griffiths, Norris.
Guerrier, H. J.
Guilday, Mr.
Harrison, Mrs. G.
Hutton, Lt.-Col.
Inman, Capt. C.
Inman, James.
J. M. Mc.
Jefferson, J. J. D.
Jenkins, P. B.
Kelly, Miss G.
K. T. M.
Kirkbride, J.
Knight, Capt. M. J.
Lea, Jay.
Lemaitre, A.
M. O.
Macqueen, T.
Manfield, J. J.
McDonald, Miss.
McLaughlin, John.
Miller, Capt. John C.
Minaeff, Mr.
Miraglia, Guiseppe.
Morris, Paul.
Murphy, H.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Percy, A.
Peterson, Dr. Geo.
Phillips, W. G. St. V.
Power, J. O.
Preston, R. C. Campbell.
Pyle, Mrs. C. I.
Randall, T.
Remmington, Capt. F.A.
Rishworth, B. J.
R. M. E., Miss.
Rose, G. W.
Salten, Miss M.
Schmid, Otto.
Sharpe, Capt. A.
Shaw, H. J.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, Harry St. C.
Sole, Rev. A. B
Speer, A. E.
Stanislaus, Walter.
Stone, Mrs. T.
Storey, A.
Straw, Mrs. R.
Swingler, Mrs. C.
Todd, H. P.
Tonzel, Rev. C. J. C.
Walker, P. C.
Ward, Lieut. B. R.
Wessendorff, Henri.
Wilson, Mrs. Mark.

Registered Letters.

Anderson, James.
DeGruyther, L.
Grogan, H. C.
Guerrier, H. J.
Ross, A.

Unclaimed Letters held in the Barrackpore Post Office on the 17th May 1886.

Agar, H.
Arrakiel, M.
Banerjee, Gopal Chunder.
Barnett, Lt.
Charter, Sub-Conductor.
Crossman, J.
Doyle, A. C.
Fowell, Capt. W.
Hart, E. H.
Hay, W.
Hobson, E. A.
Landale, T.
Nicholls, J.
Owen, M. S.
Patch, J.
Pearson, Rev. A. C.
Riddall, W.
Smith, W.
Thomas, Major C. F.
Todd, Miss.
Towbert, C. H.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 29th May 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during June 1886 :—

DATE OF CLOSING.	ROUTE.
5th June 1886*	By Star Line Private Vessel.
8th June 1886	By P. & O. Steamer from Bombay.
9th June 1886*	By B. I. S. N. Co.'s Private Vessel.
9th June 1886	By P. & O. Steamer from Calcutta.
14th June 1886	By French Steamer.
16th June 1886*	By B. I. S. N. Co.'s Private Vessel.
22nd June 1886	By P & O. Steamer from Bombay.
23rd June 1886	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. (pre-payment compulsory).

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

The 29th May 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	29th May	Per P. & O. Str. from Bombay.
Ditto ditto ditto	5th June	Ditto.
Ditto Book Post and Pattern Packets	4th ,,	Ditto.
Mauritius, Mahé (Seychelles) Mayotte, Nossi Be, and Réunion	29th May	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	12th June	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	8th ,,	Ditto.
Australia, New Zealand and Tasmania	8th ,,	Ditto.
Madras and Colombo	9th ,,	Per P. & O. Str. *Nepaul.*
Straits and Hong-Kong	7th ,,	Per Str. *Wingsang.*
Rangoon and Moulmein	2nd ,,	Per Str. *Africa.*
Akyab, Kyouk Phyoo and Rangoon	2nd ,,	Per Str. *Coconada.*
Port Blair and Camorta	3rd ,,	Per Str. *Maharani.*
Straits and Hong-Kong	29th May	Per Str. *Japan.*

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.

G. BARTON GROVES,
Offg. 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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8*; per eight-ounce tin, *₹8-8*; per pound tin, *₹16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8*; per eight-ounce tin, *₹10-8*; per pound tin, *₹20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,
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CALCUTTA UNIVERSITY.

NOTICE.

The Tagore Professor of Law will lecture on the Law relating to the Transfer of Immoveable Property *inter vivos* at 9 A.M., on Saturday, the 19th June 1886, and on succeeding Saturdays, at the Presidency College at the same hour.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 31st May 1886.

No. 508.—*Account of Revenue and Expenditure of the Government of India for the first ten months of the year 1885-86, as compared with the corresponding period of 1884-85.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1885-86.	April 1884 to January 1885.	April 1885 to January 1886.	Comparison of two years	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	15,785,080	16,122,418	337,338	...
II	Opium	9,025,500	7,271,644	7,354,121	82,477	...
III	Salt	6,400,000	5,309,880	5,162,776	...	147,104
IV	Stamps	3,633,400	2,968,425	3,002,566	34,141	...
V	Excise	4,070,000	3,312,962	3,410,096	97,134	...
VI	Provincial Rates	2,856,800	2,212,035	2,316,617	104,582	...
VII	Customs	1,175,000	717,501	829,131	111,630	...
VIII	Assessed Taxes	514,900	481,519	483,568	2,049	...
IX	Forest	1,060,100	602,747	633,517	30,770	...
X	Registration	281,800	235,975	255,527	19,552	...
XI	Tributes from Native States	691,300	472,404	454,898	...	17,506
XII	Post Office	1,101,700	871,260	926,220	54,960	...
XIII	Telegraph	540,100	389,307	474,650	85,343	...
XIV	Mint	125,000	98,890	185,556	86,666	...
XV	Law and Justice	595,300	422,858	445,806	22,948	...
XVI	Police	311,600	252,072	253,295	1,223	...
XVII	Marine	176,400	[illegible]	[illegible]	[illegible]	...
XVIII	Education	[illegible]	113,404	158,098	44,694	...
Vol.	XX. General Index only.	201,800	153,936	154,461	525	...
XIX	Medical	52,600	42,160	38,594	...	3,566
XX	Scientific and other Minor Departments.	86,100	62,303	56,149	...	6,154
XXI	Interest	659,400	491,338	478,244	...	13,094
XXII	Receipts in aid of Superannuation, &c.	257,700	118,838	161,171	42,333	...
XXIII	Stationery and Printing	54,100	33,664	40,238	6,574	...
XXIV	Miscellaneous	267,700	204,230	230,637	26,407	...
	Productive Public Works.	57,002,900	42,624,432	43,628,354	1,003,922	...
XXV	State Railways (Gross Earnings)	3,841,700	2,684,317	3,380,689	696,372	...
	East Indian Railway (Gross Earnings).	4,550,000	3,480,850	3,851,859	371,009	...
	Eastern Bengal Railway (Gross Earnings).	550,000	338,445	372,264	33,819	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	3,454,943	3,643,994	189,051	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	844,010	621,292	...	222,718
	Unproductive Public Works.					
XXIX	State Railways	148,400	199,770	172,076	...	27,694
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	24,561	77,576	53,015	...
XXXI	Irrigation and Navigation	135,400	108,900	111,859	2,959	...
XXXII	Military Works	40,800	31,267	30,063	...	1,204
XXXIII	Civil Buildings, Roads, and Services	474,600	383,413	375,959	...	7,454
XXXIV	Army	814,000	577,075	621,993	44,918	...
XXXV	Military Preparations in N.-W. Frontier.	...	...	27,010	27,010	...
,,	Military Preparations in Burmah	...	...	165	165	...
		71,892,500	54,751,983	56,915,153	2,163,170	...
	England, including Army, Public Works, &c.	197,900	226,893	236,822	9,929	...
	GRAND TOTAL	72,090,400	54,978,876	57,151,975	2,173,099	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 4th June 1886.

	Expenditure.	Estimates, 1885-86.	April 1884 to January 1885.	April 1885 to January 1886.	Comparison of two years.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	3,052,703	3,058,166	5,463	...
2	Do. on other Obligations	411,000	226,230	127,454	...	98,776
3	Refunds and Drawbacks	224,400	156,285	184,132	27,847	...
4	Assignments and Compensations	1,248,500	640,936	635,056	...	5,880
5	Land Revenue	3,443,800	2,519,995	2,582,878	62,883	...
6	Opium (including Cost of Production)	2,473,700	2,806,085	2,929,909	123,824	...
7	Salt (do. do.)	492,300	369,781	363,112	...	6,669
8	Stamps	84,800	71,851	69,534	...	2,317
9	Excise	123,500	82,309	98,209	15,900	...
10	Provincial Rates	113,500	95,713	39,561	...	56,152
11	Customs	133,200	114,482	107,920	...	6,562
12	Assessed Taxes	13,400	11,112	10,442	...	670
13	Forests	725,300	474,253	492,203	17,950	...
14	Registration	181,100	146,400	152,553	6,153	...
15	Post Office	1,161,300	920,933	952,296	31,363	...
16	Telegraph	607,900	422,377	408,885	...	13,492
17	Mint	77,500	62,421	75,772	13,351	...
18	General Administration	1,335,700	1,092,357	1,133,148	40,791	...
19	Law and Justice	3,437,500	2,713,937	2,740,178	26,241	...
20	Police	2,855,700	2,277,369	2,304,694	27,325	...
21	Marine (including River Navigation)	365,800	272,690	285,459	12,769	...
22	Education	1,291,900	964,420	966,473	2,053	...
23	Ecclesiastical	169,700	136,776	135,293	...	1,483
24	Medical	760,400	591,181	594,105	2,924	...
25	Political	629,800	504,207	971,406	467,199	...
26	Scientific and other Minor Departments	477,900	432,359	438,285	5,926	...
27	Territorial and Political Pensions	654,900	534,337	523,716	...	10,621
28	Civil Furlough and Absentee Allowances	5,200	10,717	4,035	...	6,682
29	Superannuation Allowances and Pensions	763,400	670,936	670,563	...	373
30	Stationery and Printing	374,000	302,371	321,507	19,136	...
31	Miscellaneous	263,700	212,414	223,432	11,018	...
32	Famine Relief	33,000	3,517	34,306	30,789	...
33	Protective Works—Railways	500,000	731,788	...	...	731,788
34	Do. do. Irrigation	287,300	195,469	137,121	...	58,348
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	2,301,570	2,134,836	...	166,734
		33,774,400	26,122,281	25,906,639	...	215,642
	Productive Public Works.					
36	State Railways (Working Expenses)	2,270,500	1,607,484	1,927,518	320,034	...
	East Indian Railway (Working Expenses)	1,826,500	1,540,634	1,549,039	8,405	...
	Eastern Bengal Railway (ditto)	232,500	128,533	239,794	111,261	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	490,414	480,571	...	9,843
38	Irrigation and Navigation (Working Expenses)	593,100	444,680	443,489	...	1,191
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	12,390	27,086	14,696	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	117,017	169,942	52,925	...
41	Do. (Working & Maintenance)	119,900	141,253	98,044	...	43,209
42	Subsidized Railways	39,800	32,995	32,342	...	653
	Southern Mahratta Railway	80,300	141,808	64,938	...	76,870
43	Frontier Railways	100,000	251,223	...	...	251,223
44	Irrigation and Navigation	706,100	460,994	488,994	28,000	...
45	Military Works	1,088,300	674,367	642,556	...	31,811
46	Civil Buildings, Roads, and Services	4,040,600	2,751,973	2,500,586	...	251,387
47	Army	12,161,500	9,851,450	10,319,033	467,583	...
48	Military Preparations in N.-W. Frontier	...	...	1,944,594	1,944,594	...
	Do. do. in Burmah	...	...	37,635	37,635	...
		57,951,900	44,769,496	46,872,800	2,103,304	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	13,018,148	12,516,016	...	502,132
		72,306,500	57,787,644	59,388,816	1,601,172	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,900,600	942,360	1,724,489	782,129	...
	East Indian Railway	340,000	269,639	172,152	...	97,487
	Eastern Bengal Railway	132,100	40,462	86,599	46,137	...
51	Irrigation and Navigation	813,700	460,983	422,174	...	38,809
	In England—					
	State Railways	862,100	647,591	(b)1,409,908	762,317	...
	East Indian Railway	...	312,677	387,021	74,344	...
	Eastern Bengal Railway	350,900	(a)972,680	495,912	...	476,768
	Irrigation and Navigation	6,000	3,756	6,145	2,389	...
		4,405,400	3,650,148	4,704,400	1,054,252	...
	GRAND TOTAL	76,711,900	61,437,792	64,093,216	2,655,424	...

* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

E. F. T. ATKINSON,
Offg. Comptroller General.

(a) Includes purchase of the E. B. Railway's undertaking.

(b) Including £821,156 on account of Frontier Railways.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 31st May 1886.

No. 565.—Mr. J. Eccles, M.A., Assistant Superintendent, 2nd Grade, is appointed to officiate as Assistant Superintendent, 1st Grade, with effect from the forenoon of the 30th May 1886.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Mussoorie, the 25th May 1886.

No. 4.—Mr. J. A. May, Surveyor, 1st Grade, is granted privilege leave for one month, under Section 138, Chapter X, of the Civil Leave Code, in extension of that granted to him by Notification No. 3 of the 13th April 1886.

C. T. HAIG, *Colonel, R.E.*,
Offg. Depy. Surveyor General,
In charge Trigonometrical Surveys.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 26th May 1886.

No. 7.—Mr. R. L. D. Gompertz, Assistant Superintendent, 1st Grade, is allowed furlough for six months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 3rd May 1886.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL, BALUCHISTAN. P. W. D.

NOTIFICATIONS.

Quetta, the 26th May 1886.

No. 76.—Mr. O. C. Ollanbach, Assistant Engineer, 2nd Grade, passed the Departmental Standard Examination in Hindustani, prescribed in Public Works Department Code, Volume I, Chapter II, Section i, paragraph 21, on the 15th May 1886.

The 27th May 1886.

No. 77.—Mr. G. J. R. Leeson, Executive Engineer, is granted three months' privilege leave, with effect from 1st June 1880, or such subsequent date as he may avail himself of it.

A. C. BIGG-WITHER,
Joint Secy. to Agent to Govr. Genl.,
Baluchistan P. W. Dept.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 28th May 1886.

No. 1259 *G.*—First Class Hospital Assistant Pirbhu Lall, attached to the Tonk Raj Dispensary, held medical charge of the detachment of the Deoli Irregular Force forming the escort of the Political Agent, Harowtee and Tonk, from the 1st August 1885 to the 31st March 1886.

The 29th May 1886.

No. 1280 *G.*—Lieutenant-Colonel A. W. Roberts, Political Agent, Ulwur, availed himself, on the forenoon of the 24th of May 1886, of the privilege leave granted him in this Office Notification No. 1094 G., dated the 10th idem.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Genl.,*
Rajputana.

Statement of the Affairs of the Bank of Bengal for the week ending 1st June 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,684	15	0
Public Deposits at Head Office ₹ 1,20,45,731 5 7			
Public Deposits at Branches 1,14,72,015 9 4	2,35,17,746	14	11
Other Deposits at Head Office and Branches	2,99,06,110	6	7
Bank Post Bills, &c.	4,05,788	15	0
Sundries	19,73,289	7	10
RUPEES	7,99,59,620	11	4

ASSETS.	₹	a.	p.
Government Securities	56,52,340	4	0
Other authorized Investments	53,26,853	12	0
Loans on Government and other authorized Securities	1,17,08,379	11	7
Accounts of Credit on Government and other authorized Securities	78,24,561	7	6
Bills discounted and purchased	2,58,61,574	13	3
Balances with other Banks	12,55,119	10	7
Bullion	3,043	1	0
Dead Stock	11,41,819	10	1
Stamps	9,302	12	6
Sundries	6,51,590	3	2
	5,94,34,585	5	8
Cash and Currency Notes at Head Office ₹ 84,34,901 13 8			
Cash and Currency Notes at Branches 1,20,90,133 8 0	2,05,25,035	5	8
RUPEES	7,99,59,620	11	4

BANK OF BENGAL,
Calcutta, 3rd June 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.
Rate for Demand Loans 6 per cent.
Percentage 36·7.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Statement of Silver Balance in the Calcutta Mint for the week ending 2nd June 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 26th May 1886	2,54,708	
Value of Government silver in the Mint on the same date	8,82,290	11,36,998
ADD—		
Silver received by the Mint during the week on account of the Currency Department	1,413	
Ditto ditto Government	55,90,054	55,91,467
		67,28,465
DEDUCT—		
New coin paid to Reserve Treasury during the week	2,94,000	
Petty items issued for miscellaneous purposes	1,112	2,95,112
Balance on the evening of the 2nd June 1886	...	64,33,353
The Balance comprises—		
Silver held on account of the Currency Department	1,99,089	
Ditto ditto Government	62,34,264	64,33,353
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	39,131	
Ditto ditto Government	...	39,131

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 3rd June 1886.

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.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
9	E 26—31326	100	Lajput Rai, Pleader, Hissar.

LAHORE,
The 31st May 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

TREASURE TROVE.

NOTICE

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on the 24th May 1885, certain treasure consisting of gold and silver ornaments, &c., valued at ₹186-8-10, was found in Akalkhop, Taluka Tasgaon, in the Satara District.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Tasgaon, on 10th September 1886, at Akalkhop, when the Mamledar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,
Collector of Satara.

CAMP MAHABLESHWAR,
The 26th May 1886.

FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1¼ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.
Landing in Calcutta plus for carriage to Patna. } ₹43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,
Principal Assistant to Opium Agent, Behar, Patna.

POST OFFICE.

NOTIFICATIONS.

Simla, the 27th May 1886.

No. 3063.—Mr. C. E. Charde, Post Master, Meerut, is appointed to officiate as Post Master, Agra.

Mr. C. S. Diggs, Post Master, Mirzapur, is appointed to officiate as Post Master, Meerut.

The 28th May 1886.

No. 3157.—Mr. E. Hutton, Presidency Post Master, Calcutta, is granted two months' privilege leave, with effect from the 17th May, after noon.

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

Unclaimed letters held in the Calcutta General Post Office on 3rd June 1886.

Bennett, A.
Calvin, H.
DeBordnex, C. W.
Gasper, E. Cecil.
Gregory, G.
Kingsly, F. J.
Leemaun, J.
Mackay, A. J.
Power, J. O.
Schulze, W.
Scott, H. G.
Wilkinson, Messrs. & Co.

Letters marked "Care of Post Office."

Angell, Sig. D.
Barnes, G. J.
Barnett, Mrs. James.
Bashem, M. E.
Bates, J. N.
Bigez, Mon. E.
Bowers, S.
B. R.
Bush, C.
Capel, Lt.-Col.
Caws, Capt. A. E.
Charleston, R. M.
Cohen, Mr.
Dimmock, Basil.
D'Mello, Jose.
Dowling, D. G. A.
D'Rozario, Miss J.
Drury, Surgeon F. J.
Dukes, Mrs.
Dundas, Mrs.
Easton, Percy H.
Entwisle, R.
Fox, R. C. W.
Fraser, H. B.
Gayer, A. H.
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Gow, J. F.
Grant, Mrs. M.
Greenhill, E. G.
Griffiths, Norris.
Guerrier, H. J.
Gulday, Mr.
Hoare, L.
Hutton, Lt.-Col.
Inman, Capt. C.
Inman, James.
J. M. Mc.
Kelly, Miss G.
K. T. M.
Kirkbride, J.
Lea, Jay.
Lemaitre, A.
Leslie, Mrs. C. H.
M. O.
Macqueen, T.
Manfield, J. J.
McDonald, Miss.
McLaughlin, John.
Miller, Capt. John C.
Minaeff, Mr.
Miraglia, Giuseppe.
Morris, Paul.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Percy, A.
Perry, C. J.
Peterson, Dr. Geo.
Poley, J.
Power, J. O.
Preston, R. C. Cainpbell.
Randall, T.
Rice, W. G. L.
Rishworth, B. J.
R. M. E., Miss.
Salten, Miss M.
Schmid, Otto.
Schonamann, C. H.
Sharpe, Capt. A.
Shaw, H. J.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, J. M.
Sole, Rev. A. B
Stanislaus, Walter.
Stone, Mrs. T.
Swingler, Mrs. C.
Sykes, John J. C.
Todd, H. P.
Touzel, Rev. C. J. C.
Tracey, A.
Walker, P. C.
Ward, Lieut. B. R.
Wessendorff, Henri.
Wilson, Mrs. Mark.

Registered Letters.

Altridge, G. Greenblatt, S. Grogan, H. C. Guerrier, H. J. Jones, W. Power, J. O. Ross, A.

Unclaimed Letters held in the Barrackpore Post Office on the 31st May 1886.

Arrakiel, M. Crossman, J. Deburgh, W. T. Fowell, Capt. W. Hart, E. H. Lidstone, C. A. Marsden, F. J. McKey, S. B. Mullick, N. C. Owen, M. S. Patch, J. Roberts, H. Stewart, Mrs. Thomas, Major C. F.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 5th June 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	5th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto	12th ,,	Ditto.
Ditto Book Post and Pattern Packets	11th ,,	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	12th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	8th ,,	Ditto.
Australia, New Zealand and Tasmania	8th ,,	Ditto.
Madras and Colombo	9th ,,	Per P. & O. Str. *Nepaul.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	14th ,,	Per French Str. *Tibre.*
Straits and Hong-Kong	7th ,,	Per Str. *Wingsang.*
Rangoon and Moulmein	9th ,,	Per Str. *Goalpara.*
Akyab, Kyouk Phyoo, and Rangoon	9th ,,	Per Str. *Mahratta.*
Port Blair and Camorta	9th ,,	Per Str. *Goalpara.*

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.

G. BARTON GROVES,
Offg. 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, Botanic Garden, 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, Botanic Garden, *for cash only*, at the undernoted 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, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

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 سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اوسکے ملازم سرکاري جو کوئي ايک مشت بيس پونڈ خريد ليڤے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سولهه روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هيں 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 ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار آنه ; اور ايک پونڈ کے ٹين کا بارهٔ آنه '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, R6-8; per eight-ounce tin, R12-8; per pound tin, R24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, R8-8; per eight-ounce tin, R16-8; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoign rates.

کرسٹلين سنکونا دوائي بخار '

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ لين نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا بارهٔ روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه—

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا سولهه روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يهه دو کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه آونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارهٔ آنه علاوه اوپر لکهے هوئے نرخ کے هی '

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., at the prices specified below:—

Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts. R8.
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts. R8.
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts. R8.
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts. R8.
Report on the Meteorology of India in 1883, 4to, 150 pages text, 305 pages tables, 9 charts. R8.
Report on the Meteorology of India in 1884, 4to, 153 pages text, 305 pages tables, 4 charts. R8.
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates. R2-8.
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages. R1-8.
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Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 7 plates. R3.
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Indian Meteorological Memoirs, Vol. IV, Part I, 4to, 57 pages, 4 plates. R1-8.
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates. R2.
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates. R2-8.
Rainfall Chart of India showing the average annual distribution of rainfall (in colours). 8*a*.
Rainfall Map of India (in two sheets, scale 64 miles to one inch), showing the annual distribution of rainfall (in colours). R3.
Register of Original Observations of six stations in India for each of the years 1879 to 1884, corrected and reduced. Each year, R2-8.
The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]. R3.
The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]. R5.
Tables for the Reduction of Meteorological Observations in India. R2.

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.

In supersession of previous advertisements, on and from the 1st January, 1885, the terms of subscription and sale will be as follows:—

Terms of subscription, payable annually in advance.

For the complete Series, *including postage* . . . R22 8

	Without postage.	With postage
For the Calcutta Series	R10 0	R12 8
,, each of the Madras, Bombay and Allahabad Series	,, 6 0	,, 7 0
,, a part of the Calcutta Series purchased separately *inclusive of postage in India*	...	,, 2 0
,, a part of the Madras, Bombay and Allahabad Series purchased separately *inclusive of postage in India*	...	,, 1 0

Persons desiring to subscribe for, or purchase, the Reports should apply to—

Messrs. Thacker, Spink & Co., Calcutta.
,, Thacker & Co., Bombay.
,, Higginbotham & Co., Madras.
The Government Central Book Depôt, Bombay.
,, Curator of Government Books, North-Western Provinces and Oudh.
,, Superintendent of Government Printing, Bengal.

Orders and subscriptions for 1885 should be at once remitted.

NOTICE.

Indian Law Reports.

Advertisements will be received for publication on the wrappers of the Indian Law Report, 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.*	*Quar. page.*
For one issue	R 15	R10	R 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 R375 a set.

A Manual of Reference to the Examinations in Oriental languages, with the latest orders of Government, and specimen papers of the various standards. By Lieutenant-Colonel H. S. JARRETT. New Edition. R4.
Apply to the Librarian, 17, Elysium Row.

For sale in Rajputana to Officers stationed there.

Moore's Manual of Family Medicine for India, 4th Edition. *Price*—

To Government Officers (except those mentioned below) and to the public at large, R4.

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. (8*a*).

Catalogue of Charts issued at the Marine Survey Office, Bombay by order of the Government of India, and sold at the Marine Survey Office, I. G. Dockyard, Bombay.

All Charts are corrected up to the date of Issue.

RED SEA.

Office No. of Chart.		
K*b*.	276.	**Red Sea,** in five sheets. Captain T. Elwon, R.N., 1871-72. R6-4 the set.
L*l*.	286.	**Anchorages in the Red Sea.** Published in 1873. R1-4.
L*l*.	1277.	**Mersa Durur to Trinkitat,** showing the approaches to Sawákin. Commander A. Carpenter R.N., 1884. R1-12.
M*m*.	294.	**Gulf of Suez.** Captain G. S. Nares, R.N., 1871-72. R2-4.

Office No. of Chart.

INDIAN OCEAN.

O. 11. **Indian Ocean**: Curves of equal magnetic variation, 1880. By R. C. Carrington, F.R.A.S. 8*a*.

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CALCUTTA, SATURDAY, JUNE 12, 1886.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

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Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

CALCUTTA UNIVERSITY.

NOTICE.

The Tagore Professor of Law will lecture on the Law relating to the Transfer of Immoveable Property *inter vivos* at 9 A.M., on Saturday, the 19th June 1886, and on succeeding Saturdays, at the Presidency College at the same hour.

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 31st May 1886.

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 May 1886.

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. 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 May 1886	54,100	13,73,653	27,29,000	2,28,76,600	91,81,200	2,66,38,000	2,30,26,700	8,58,25,153	43,99,700	76,73,200	9,69,83,700	10,90,56,600	1,33,800	32,200	19,51,01,853
Add—															
Amount enfaced at Madras between 16th and 31st May 1886	...	...	...	17,500	...	...	...	17,500	...	...	12,000	12,000	...	...	29,500
Amount enfaced at Bombay between 16th and 31st May 1886	...	...	...	5,000	...	4,500	...	9,500	...	30,000	47,000	77,000	...	...	86,500
Amount enfaced at Calcutta between 16th and 31st May 1886	...	...	4,100	10,500	...	61,500	2,000	78,100	5,000	...	2,25,000	2,30,000	...	...	3,08,100
	54,100	13,73,653	27,33,100	2,29,09,600	91,81,200	2,67,04,000	2,30,28,700	8,59,30,253	44,04,700	77,03,200	9,72,67,700	10,93,75,600	1,33,800	32,200	19,55,25,953
Deduct—															
Amount written off in the London Registers	...	...	1,000	1,08,000	8,000	3,81,000	48,000	5,46,000	5,000	...	1,53,800	1,58,800	...	...	7,04,800
Balance on 31st May 1886	54,100	13,73,653	27,32,100	2,28,01,600	91,73,200	2,63,23,000	2,29,80,700	8,53,84,253	43,99,700	77,03,200	9,71,13,900	10,92,16,800	1,33,800	32,200	19,48,21,153

NOTE.—From 9th June 1867 to 31st Mar. 1886 enfaced from India 5,245 lakhs, re-transferred from London 4,654 lakhs.

,, 1st Apl. 1886 to 15th Apl.	7 ,,	3 ,,
,, 16th ,, ,, to 30th ,,	7 ,,	5 ,,
,, 1st May ,, to 15th May	5 ,,	9 ,,
,, 16th ,, ,, to 31st ,,	4 ,,	7 ,,
	5,266 lakhs.	4,678 lakhs.
	4,678 ,,	
Balance against India	590 lakhs.	

PUBLIC DEBT OFFICE,
BANK OF BENGAL;

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

[PART II.

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 June 1886.

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	Mar. 1886	May 19, 1886
2	Punjab	Do. ,,	Do. 22, ,,
3	Central India / Hyderabad (Imperial) / Hyderabad (Assigned Districts).	Do. ,,	Do. 25, ,,
6	Coorg	Do. ,,	Do. 27, ,,
7	Port Blair	Do. ,,	Do. 29, ,,
8	British Burma	Do. ,,	June 1, ,,
9	Bombay	Do. ,,	Do. 2, ,,
10	Madras	Do. ,,	Do. 3, ,,
11	Central Provinces / Military Works Branch	Feb. ,,	Apl. 26, ,,
13	Assam	Do. ,,	Do. 27, ,,
14	North-Western Provinces and Oudh.	Do. ,,	May 1, ,,
15	Bengal	Do. ,,	Do. 3, ,,

Irrigation.

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Bombay	Mar. 1886	May 2, 1886
2	Rajputana	Do. ,,	Do. 15, ,,
3	Punjab	Do. ,,	Do. 20, ,,
4	British Burma	Do. ,,	June 1, ,,
5	Madras	Do. ,,	Do. 3, ,,
6	Bengal	Do. ,,	Do. 4, ,,
7	Military Works Branch	Feb. ,,	Apl. 29, ,,
8	North-Western Provinces and Oudh.	Do. ,,	May 6, ,,

Telegraph Department.

1	Indo-European	Feb. 1886	May 15, 1886
2	Indian	Do. ,,	June 1, ,,
3	General	Jan. ,,	May 11, ,,

State Outlay on Guaranteed Railways.

1	State Railway Stores Branch.	Mar. 1886	May 20, 1886
2	Punjab	Do. ,,	Do. 22, ,,
3	North-Western Provinces and Oudh.	Do. ,,	June 1, ,,
4	Bombay	Do. ,,	Do. 2, ,,
5	Madras	Do. ,,	Do. 3, ,,
6	Bengal	Feb. ,,	May 3, ,,

State Railways (Capital).

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Bhopal Extension Survey	Mar. 1886	May. 15, 1886
2	Amritsar-Pathankot	Do. ,,	Do. 18, ,,
3	Punjab Railway Survey	Do. ,,	Do. 19, ,,
4	State Ry. Stores Branch	Do. ,,	Do. 20, ,,
5	Bengal & North-Western / Jorhat	Do. ,,	Do. 21, ,,
7	Cawnpore-Achneyra	Do. ,,	Do. 25, ,,
8	Assam Railway Surveys / Assam Subsidized Rys. / Bhopal / British Burmah / Eastern-Bengal / Nalhatti / Northern Bengal / Nagpur-Chhatisgarh / Nagpur-Bengal / Sindh-Sagar / Umaria Colliery / Wardah Coal / Chirra Punji Mt.	Do. ,,	Do. 26, ,,
21	Madras Railway Surveys / Tirhoot	Do. ,,	Do. 27, ,,
23	Dacca-Mymensing / Kaunia-Dhurla	Do. ,,	Do. 28, ,,
25	Satlej Bridge Division (Ferozepore).	Do. ,,	June 2, ,,
26	Belaspur-Etawah	Feb. ,,	Apl. 24, ,,
27	Indian Midland	Do. ,,	Do. 29, ,,
28	Bengal Central	Do. ,,	Do. 30, ,,
29	Bengal Provincial Surveys / Ranaghat-Bhagwangola	Do. ,,	May 3, ,,
31	Cuddapah-Nellore	Do. ,,	Do. 10, ,,
32	Holkar	Do. ,,	Do. 12, ,,
33	N.-W. P. and Oudh Provincial Rys.	Do. ,,	Do. 13, ,,
34	East Indian / Patna-Gya / Sindia / Ghazipur-Dildarnagar	Do. ,,	Do. 15, ,,
38	Southern-Mahratta / Indian Midland Ry. Cawnpur-Jhansi Section.)	Do. ,,	Do. 18, ,,
40	Rewari-Ferozpur	Do. ,,	Do. 19, ,,
41	Rajputna-Malwah	Do. ,,	Do. 21, ,,
42	North Western Railway	Do. ,,	Do. 31, ,,
43	Bellary-Kistna	Jan. ,,	Do. 19, ,,
44	Sind-Pishin (N. Section)	Do. ,,	Do. 27, ,,
45	Bolan	Dec.. 1885	Do. 5, ,,

State Railways (Revenue).

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Amritsar-Pathankot	Mar. 1886	May 18, 1886
2	Jorhat	Do. ,,	Do. 21, ,,
3	British Burmah	Do. ,,	Do. 25, ,,
4	Bhopal / Dacca-Mymensing / Eastern Bengal / Kaunia-Dhurla / Nalhatti / Northern Bengal / Tirhoot / Wardah Coal / Umaria-Colliery	Do. ,,	Do. 26, ,,
13	Cawnpore-Achneyra	Do. ,,	Do. 28, ,,
14	Southern Mahratta	Do. ,,	June 3, ,,
15	Nagpur-Chhattisgarh	Feb. ,,	Apl. 30, ,,
16	Bengal Administrative Charges.	Do. ,,	May 3, ,,
17	East Indian	Do. ,,	Do. 15, ,,
18	Rajputana-Malwah	Do. ,,	Do. 25, ,,
19	North-Western Railway	Do. ,,	Do. 27, ,,

Foreign States.

Railways—Revenue.

1	Bhavnagar-Gondal	Mar. 1886	May 26, 1886

Railways—Capital.

1	Bhavnagar-Gondal	Mar. 1886	May 26, 1886

SIMLA,
The 7th June 1886.

A. G. BEGBIE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

2 Q 1

[PART II]

Statement of the Affairs of the Bank of Bengal for the week ending 8th June 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,684	15	0
Public Deposits at Head Office ₹ 1,49,29,223 2 7			
Public Deposits at Branches 1,23,82,808 7 10	2,73,12,031	10	5
Other Deposits at Head Office and Branches	2,90,44,291	1	4
Bank Post Bills, &c.	3,60,891	5	1
Sundries	20,54,479	0	5
RUPEES	8,29,28,378	0	3

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				55,22,731	4	0
Other authorized Investments				54,40,861	8	0
Loans on Government and other authorized Securities				1,34,59,838	2	5
Accounts of Credit on Government and other authorized Securities				78,37,368	0	0
Bills discounted and purchased				2,64,69,204	5	11
Balances with other Banks				12,23,302	7	7
Bullion				3,125	9	0
Dead Stock				11,43,071	1	4
Stamps				9,444	15	6
Sundries				6,51,744	11	10
				6,17,60,692	1	7
Cash and Currency Notes at Head Office	1,01,25,975	14	0	2,11,67,685	14	8
Cash and Currency Notes at Branches	1,10,41,710	0	8			
RUPEES				8,29,28,378	0	3

BANK OF BENGAL,
Calcutta, 10th June 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Rate for Demand Loans 8 per cent.
Percentage 36.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 7th June 1886.

No. 566.—Mr. W. Donaldson, 2nd Engraver, Survey of India Office, Calcutta, is granted twelve months' leave on medical certificate to Europe, under Section 128, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 6th June 1886.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*
Offg. Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 18th May 1886.

No. 11.—With reference to the Foreign Department Notification No. 948 G. of the 6th instant, the services of Assistant Surgeons Benode Behary Doss and Sodhi Fateh Singh are replaced at the disposal of the Bengal and the Punjab Governments, respectively, with effect from the date of their relief in the Kashmir State.

The 20th May 1886.

No. 12.—Third Grade Assistant Surgeon Sris Chandra Sarkar, of the Imperial List, is granted leave on medical certificate for fourteen days, with effect from the date on which he avails himself of it.

No. 13.—The services of 3rd Grade Assistant Surgeon Annada Prasad Ghosh, of the Imperial List, are placed, temporarily, at the disposal of the Chief Commissioner, Assam.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 1st June 1886.

No. 8.—Mr. W. C. N. Jones, Assistant Superintendent, 1st Grade, is allowed furlough for twelve months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 15th May 1886.

The 3rd June 1886.

No. 9.—Mr. J. C. Douglas, Superintendent, 2nd Grade, is allowed special leave on urgent private affairs for three months, under Section 61 of the Civil Leave Code, with effect from the forenoon of the 26th May 1886.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL, BALUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 2nd June 1886.

No. 79.—Babu Bidhu Bhushan Biswas, Assistant Engineer, 1st Grade, is granted furlough on private affairs for one year, with effect from the 15th June 1886, or such subsequent date as he may avail himself of it.

The 3rd June 1886.

No. 81.—Mr. H. O. Walling, Assistant Engineer, 2nd Grade, passed the examination prescribed in Public Works Department Code,

Chapter II, Section i, paragraph 17, on the 1st June 1886.

A. C. BIGG-WITHER,
Joint Secy. to Agent to Govr. Genl., Baluchistan, P. W. Dept.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 8th June 1886.

No. 1361 G.—With reference to this Office Notification No. 1081 G., dated 8th ultimo, Major and Brevet Lieutenant-Colonel A. Conolly, Commandant, Meywar Bheel Corps, availed himself on the 30th idem of the privilege leave granted him therein.

By Order,
HUGH DALY,
for 1st Asst. to the Agent to the Govr. Genl., Rajputana.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 4th June 1886.

No. 1597.—Mr. J. C. S. Lawrance, B.A., LL.B., an Advocate of the Resident's Court, is appointed Public Prosecutor of the Civil and Military Station of Bangalore, with effect from the 9th June 1886, *vice* Mr. P. Singarachari, who resigns that appointment.

By Order,
E. A. FRASER, *Major,*
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 4th June 1886.

No. 49.—Mr. J. M. Rutherford, Class I, Grade 3, of the Superior Revenue Establishment of State Railways, Traffic Department, has been granted by Her Majesty's Secretary of State for India extraordinary leave, without pay, for four days in extension of the furlough granted him in Director General's Notification No. 101, dated 4th August 1885.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

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.
9	D 8—56093 to ,, —56102	500 each.	Missar Sepoy Singh and Sital Prasad, Sambhal, Zillah Mooradabad.
10	D 20—62740 ,, —62761	100 100	Shaikh Elahi Baksh, Contractor, Allahabad.

ALLAHABAD,
The 9th June 1886.

H. J. BRERETON,
Asst. Accountant Genl., In charge of Paper Currency Office.

TREASURE TROVE.

NOTICE.

Notice is hereby given that on the 3rd February 1886, the undermentioned property, valued in all at ₹180-9, was found near the burial ground at a distance from the temple of Agasti Iswaraswamy, in the village of Irakam, in Gudur Taluq, Nellore District:—

List of Property.	Value. ₹	a.	p.
1 A big idol of mixed metal, 6 maunds weight	150	0	0
1 A small idol of mixed metal, 2½ viss weight	15	0	0
1 Cumharthi copper, 1¼ viss	3	0	0
1 Tirthuvattu, ½ viss, copper	1	0	0
1 Copper sandals, a pair, ½ viss	2	0	0
1 A bell, 4 pollams	0	1	0
2 Cumharti thattalu of one metal	4	0	0
1 Plate made of bell metal, ½ viss	0	8	0
1 Metallic plate for Cumharti, 2½ viss	5	0	0
TOTAL	180	9	0

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the undersigned on the 1st October 1886, at Nellore, and establish their claims to it.

W. J. TATE,
Acting Collector.

NELLORE COLLECTOR'S OFFICE,
The 28th May 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on the 5th day of May 1886, treasure consisting of the undermentioned articles, valued at ₹127-1, was found by the convicts belonging to the Extramural Convict Gang while excavating earth close to the road to the Aras Mahal, which

is being made in the Mahal Bagayat, in the town of Bijapur, District of Bijapur :—

Description of Property.	*Value.* ₹ a. p.
1. Silver coins bearing inscription in Native character for hazari (1,000) . . .	29 0 0
2. Silver coins bearing inscription in Native character for the year 12 Julus .	89 0 0
3. Silver coins bearing inscription in Native character for the year 14 Julus .	1 0 0
4. Silver coins bearing inscription in Native character for the year 16 Julus .	1 0 0
5. Silver coins bearing inscription in Native character for the year 20 Julus .	1 0 0
6. Silver coins bearing inscription in Native character for the year 44 Julus .	1 0 0
7. Silver coins bearing inscription in Native character for the year 15 Julus .	1 0 0
8. Silver coins bearing inscription in Native character for the year not known .	2 0 0
9. Silver coins bearing inscription in Native character for the year 3 Julus .	2 0 0
10. Small copper pot in which the treasure was found .	0 1 0
TOTAL .	₹127 1 0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Bijapur Taluka of the Bijapur District, at his office, on the 30th day of September 1886, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,
Acting Collector.

BIJAPUR COLLECTOR'S OFFICE,
The 31st May 1886.

TREASURE TROVE.

NOTICE.

In terms of Section 5 of Act VI of 1878, notice is hereby given, that on 25th April 1886, certain treasure (Dulabshai Dhabu copper coin of the value of ₹55-6) was found in a piece of gaothan land lying between the houses of Dodhu Nimji and Ragji Wagji of Waghadi, Taluka Shirpur, of the Khandesh Collectorate of the Bombay Presidency.

Claimants are hereby required to appear personally or by agent before the Mamlatdar of Shirpur, on the 15th October 1886, when he will proceed to hold an enquiry according to law.

W. W. LOCH,
Acting Collector of Khandesh.

DHULIA,
The 8th June 1886.

POST OFFICE.

NOTIFICATIONS.

Simla, the 5th June 1886.

No. 3525.—Mr. Ratanji Jamsedji is appointed to officiate as a 1st Grade Superintendent, Bombay.

Mr. Chandalal Mathuradas is appointed to officiate as a 2nd Grade Superintendent, Bombay.

Mr. Ram Chandra Moreshoor Bapat is appointed to officiate as a 3rd Grade Superintendent, Bombay.

Mr. Vaman Ganesh is appointed to officiate as a 4th Grade Superintendent, Bombay.

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

LOCAL NOTIFICATION.

The 19th June 1886.

Tenders are invited for the supply, under contract for one year, of Professional Petition Writers, to attend at the General Post Office and at the Town Sub-Post Offices, for the purpose of writing and addressing letters and filling in Money Order, Insurance, Parcel Receipts, and other Post Office Forms, for the illiterate classes.

A copy of the rules and authorized fees can be had on application to the undersigned.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

Unclaimed letters held in the Calcutta General Post Office on 10th June 1886.

Calvin, H.
Dundas, R. H. D.
Faulkner, Mrs. G. H.
Gasper, E. Cecil.
Kingsly, F. J.
Leemaun, J.
Mackay, A. J.
Power, J. O.
Schulze, W.
Scott, H. G.
Stevens, R. H.
Wilkinson, Messrs. & Co.

Letters marked "Care of Post Office."

"Akaba."
Barnes, G. J.
Barnett, Mrs. James.
Beaheen, M. E.
Bean, J. N.
Bigge, Mem. E.
Bisbeth, W. W.
Brock, A.
B. R.
Bush, C.
Capel, Lt.-Col.
Carson, Mrs.
Caws, Capt. A. E.
Charleston, R. M.
Cohen, Mr.
Dimmock, Basil.
D'Mello, Jose.
Dowling, D. G. A.
D'Rozario, Miss J.
Driver, W. H. P.
Drury, Surgeon F. J.
Dukes, Mrs.
Easton, Percy H.
Fox, R. C. W.
Fraser, H. B.
Gayer, A. H.
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Greenhill, E. G.
Guerrier, H. J.
Gulliday, Mr.
Hannagan, C. H. M.
Heare, R.
Hutson, Lt.-Col.
Inmate, James.
Kelly, Miss M.
Kelly, Miss M.
K. T. M.
Kirkbride, J.
Krayn, W.
Lee, Rev.
Little, T. R.
M. O.
Macqueen, T.
Mantield, J. J.
Martin, H.
McDonald, Miss.
McLaughlin, John.
Miller, Capt. John C.
Minaeff, Mr.
Morris, Paul.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Percy, A.
Perry, C. J.
Polley, J.
Power, J. O.
Preston, R. C. Campbell.
Randall, T.
Rice, W. G. L.
Rishworth, B. J.
R. M. E., Miss.
Roberts, H. A.
Robinson, F. A.
Schaefer, C. J.
Schaw, Miss M.
Schmid, Otto.
Schonamann, C. H.
Sharpe, Capt. A.
Shaw, H. J.
Silk, W.
Smallwood, Geo.
Smart, Mrs. R. B.
Smith, Chas. W. Trevor.
Smith, J. M.
Sole, Rev. A. B.
Stanislaus, Walter.
Stone, Mrs. T.
Swingler, Mrs. C.
Taylor, Capt.
Todd, H. P.
Tracey, A.
Tyrrell, C. A.
Walker, P. C.
Ward, Lieut. B. R.
Wessendorff, Henri.
Williams, C.
Wilson, Mrs. Mark.

Registered Letters.

Altridge, G.
Grogan, H. C.
Guerrier, H. J.
Jones, W.
Pierotte, Sig. Nicolas.
Power, J. O.
Ross, A.
Sutherland, G.
Wilson, W. T.

Unclaimed Letters held in the Barrackpore Post Office on the 7th June 1886.

Agar, H.
Asrakiel, M.
Cress, J.
Delargh, W. T.
Fagan, H. R.
Fowler, J.
Hart, H.
Kerr, Major.
Lidstone, C. A.
McKay, S. B.
Mullick, N. C.
Owen, J.
Owen, M. S.
Patch, J.
Stewart, Mrs.
Zacherlah, H. C.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 12th June 1886.
SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom . . .	12th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto .	19th ,,	Ditto.
Ditto Book Post and Pattern Packets .	18th ,,	Ditto.
Mauritius, Mahé (Seychelles) Mayotte, Nossi Be, and Reunion	26th ,,	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets . . .	12th ,,	Ditto.
Ditto ditto (Supplementary)	19th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan .	22nd ,,	Ditto.
Australia, New Zealand and Tasmania .	22nd ,,	Ditto.
Madras and Colombo	23rd ,,	Per P. & O. Str. *Coromandel.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	14th ,,	Per French Str. *Tibre.*
Straits and Hong-Kong	19th ,,	Per Str. *A. Apcar.*
Rangoon and Moulmein	16th ,,	Per Str. *Secundra.*
Akyab, Kyouk Phyoo, and Rangoon . .	16th ,,	Per Str. *Busheer.*

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.

G. BARTON GROVES,
Offg. 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, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *₹4-8;* per eight-ounce tin, *₹8-8;* per pound tin, *₹16-8.* The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the undernoted rates—per four-ounce tin, *₹5-8;* per eight-ounce tin, *₹10-8;* per pound tin, *₹20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائين كا خوب قائم مقام هى اور كلكته كے بوٹانكل كارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت لاگت حسب ذيل خريد كرسكتے هيں يعنے نرخ چار آونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه آونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سولة روپيه آٹهه آنه '

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

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونميں بكتي هى ماسواے تيمت مذكورهٔ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارة آنه '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, ₹6-8; per eight-ounce tin, ₹12-8; per pound tin, ₹24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, ₹8-8; per eight-ounce tin, ₹16-8; per pound tin, ₹32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoign rates.

كرسٹلين سنكونا دوائي بخار '

لال سنكونا بارك كي ايك نئي اور عمده دوا گورنمنٹ فاكٹري مين تيار هوئي هى معمولي سے صاف كي هوئي دوائي بخار سے كونين كے لئے يهه بهت خوب قايم مقام هى اور سيب پور متصل كلكته كے بوٹانكل گارڈن يعني كمپني باغ كے سپرنٹنڈنٹ صاحب سے هر ايك ملازم سركاري كام اور خيرات كے لئے اور وه لوگ جو ايك مشت بيس پونڈ لين نقد اس بهار سے خريد سكتے هين يعنے چار آونس كے ٹين كا چهه روپيه آٹهه آنه ; آٹهه آونس كے ٹين كا بارة روپيه آٹهه آنه ; اور ايك پونڈ كے ٹين كا چوبيس روپيه—

اور عام لوگون كو بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے نقد اس بهار پر مل سكتا هى يعنے چار آونس ٹين كا آٹهه روپيه آٹهه آنه ; آٹهه آونس كي ٹين كا اسولة روپيه آٹهه آنه اور ايك پونڈ ٹين كا بتيس ۳۲ روپيه يهه دوا كلكته كے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بكتي هى محصول ڈاك چار آونس كي ٹين كے لئے چار آنه ; آٹهه آونس كي ٹين كے لئے آٹهه آنه اور ايك پونڈ كي ٹين كے لئے بارة آنه علاوة اوپر لكهے هوئے نرخ كے هى '

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., at the prices specified below :—

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Report on the Meteorology of India in 1883, 4to, 150 pages text, 305 pages tables, 9 charts. R8.
Report on the Meteorology of India in 1884, 4to, 153 pages text, 305 pages tables, 4 charts. R8.
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GOVERNMENT OF BENGAL REVENUE DEPARTMENT 28 JUN 86

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 19, 1886.

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 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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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.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

BANK OF BENGAL.

Calcutta, the 17th June 1886.

Notice is hereby given that the Transfer Books of the Bank will be closed from Thursday, the 1st, to Thursday, the 15th proximo, both days inclusive.

By order of the Directors,

W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th June 1886.

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. 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 31st May 1886 .	54,100	13,73,653	27,32,100	2,28,01,600	91,73,200	2,63,23,000	2,29,80,700	8,53,84,253	43,99,700	77,03,200	9,71,13,900	10,92,16,800	1,33,800	32,200	19,48,21,153
Add—															
Amount enfaced at Madras between 1st and 15th June 1886 . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	47,000
Amount enfaced at Bombay between 1st and 15th June 1886 . . .	...	...	4,500	...	...	21,000	8,000	33,500	...	9,000	4,500	13,500	...	...	
Amount enfaced at Calcutta between 1st and 15th June 1886 . . .	...	...	600	15,700	...	39,300	800	56,400	...	5,500	2,47,500	2,53,000	...	...	3,09,400
	54,100	13,73,653	27,37,200	2,28,17,300	91,73,200	2,63,83,300	2,29,89,500	8,54,74,153	43,99,700	77,17,700	9,73,65,900	10,94,83,300	1,33,800	32,200	19,51,77,553
Deduct—															
Amount written off in the London Registers . .	...	...	14,400	99,800	27,800	1,66,800	22,400	3,31,200	...	...	35,000	35,000	...	...	3,66,200
Balance on 15th June 1886	54,100	13,73,653	27,22,800	2,27,17,500	91,45,400	2,62,16,500	2,29,67,100	8,51,42,953	43,99,700	77,17,700	9,73,30,900	10,94,48,300	1,33,800	32,200	19,48,11,353

NOTE.—From 9th June 1867 to 15th Apl. 1886 enfaced from India 5,252 lakhs, re-transferred from London 4,657 lakhs.
" 16th Apl. 1886 to 30th Apl. " " " 7 " "
" 1st May " to 15th May " " " 5 " "
" 16th " " to 31st " " " 4 " "
" 1st June " to 15th June " " " 3 " "
5,271 lakhs. 4,681 lakhs.
4,681 " 500 lakhs.
Balance against India . 500 lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 16th June 1886.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 11th June 1886.

No. 567.—Mr. W. C. G. Barckley, Assistant Surveyor, 1st Grade, Survey of India Department, is granted privilege leave for two months and twenty-two days, under Section 138, Chapter X, of the Civil Leave Code, with effect from 10th July 1886.

No. 568.—Mr. E. Graham, Assistant Surveyor, 1st Grade, Survey of India Department, is granted privilege leave for two months and twenty-two days, under Section 138, Chapter X, of the Civil Leave Code, with effect from 10th July 1886.

H. R. THUILLIER, *Lieut.-Colonel, R.E.*,
Offg. Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 25th May 1886.

No. 14.—The services of the undermentioned 3rd Grade Assistant Surgeons of the Imperial List are placed temporarily at the disposal of the Chief Commissioner, Central Provinces:—

Third Grade Assistant Surgeon Radhica Prosad Sinha.

Third Grade Assistant Surgeon Upendra Nath Chatterjea.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 10th June 1886.

No. 2237.—Pundit Balaprasad, Assistant Superintendent of Police, Rajputana-Malwa Railway, Indore Section, returned from the three months' privilege leave granted him in this Office Notification No. 245 A., dated 21st February 1886, and resumed charge of his office from Mr. R. Vital, on the forenoon of the 28th May 1886.

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

The 11th June 1886.

No. 2272.—Colonel M. G. Gerard, C. B., returned from the privilege leave granted him in this Office Notification No. 828 of the 11th March 1886, and resumed charge of his duties as Political Assistant, Goona, in addition to his other duties from Captain G. E. Money, on the forenoon of the 5th June 1886.

By Order,

F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 10th June 1886.

No. 594-331.—Lala Balmakund Dass, Tehsildar of Ajmere, sub. *pro tem.*, is invested with the powers of a Magistrate of the 2nd Class as defined in Section 32, Act X of 1882 (Criminal Procedure Code), with effect from the 1st June 1886.

No. 597-190 *H.*.—Mr. H. E. J. Fitzpatrick, Extra Assistant Commissioner and Treasury Officer, Ajmere, is granted privilege leave for two months and nine days, with effect from the 2nd July 1886, or such subsequent date as he may avail himself of the same.

No. 598-190 *H.*.—Pundit Jia Lal, 1st Clerk of the Commissioner's Office, Ajmere, is appointed to officiate as Extra Assistant Commissioner and Treasury Officer during the absence on privilege leave of Mr. Fitzpatrick.

Pundit Jia Lal is invested, with effect from the date of assuming charge, with the powers of a Magistrate of the 2nd Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code), and is further especially empowered under the last clause of the said section to pass sentence of whipping.

By Order,

HUGH DALY,
for 1st Asst. to the Agent to the Govr Genl.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 10th June 1886.

No. 1686.—In supersession of the Notification of the Resident in Mysore, No. 7, dated 31st May 1884, the Resident in Mysore is pleased, under the provision of Section 220 A of the Indian Companies Act (VI of 1882), to appoint the Assistant to the Resident in Mysore for the

time being to be Registrar of Companies for the Civil and Military Station of Bangalore, with effect from 1st July 1886.

By Order,

E. A. FRASER, *Major*,
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 8th June 1886.

No. 50.—With reference to Public Works Department Notification No. 142, dated 2nd June 1886, Mr. C. S. Harris, Class IV of the Superior Revenue Establishment of State Railways, Stores Department, is posted to the Sind-Sagar State Railway.

No. 51.—Mr. H. G. S. Savory, Assistant Engineer, 1st Grade, is transferred, in the interests of the public service, from the Bolan Railway to the Sind-Pishin State Railway, Northern Section.

No. 52.—Mr. W. Giles, Assistant Engineer, 1st Grade, is transferred in the interests of the public service from the Nagpur-Bengal Railway to the Sind-Pishin State Railway, Northern Section.

The 12th June 1886.

No. 53.—Mr. V. E. DeBroe, Assistant Engineer, 1st Grade, is transferred, in the interests of the public service, from the Ferozepore Bridge Works to the North-Western Railway.

No. 54.—With reference to Public Works Department Notification No. 130, dated 14th May 1886, the undermentioned officers are posted to the Sind-Pishin State Railway, Northern Section:—

Mr. A. C. C. Rogers, Executive Engineer, 3rd Grade.

Babu Bhoobun Mohun Bose, Executive Engineer, 4th Grade, sub. *pro tem.*

Babu Kali Podo Sen, Executive Engineer, 4th Grade, sub. *pro tem.*

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Statement of Silver Balance in the Calcutta Mint for the week ending 9th June 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 2nd June 1886	1,99,089	
Value of Government silver in the Mint on the same date	62,34,264	
		64,33,353
ADD—		
Silver received by the Mint during the week on account of the Currency Department	26	
Ditto ditto Government	1,894	
		1,920
		64,35,273
DEDUCT—		
New coin paid to Reserve Treasury during the week	5,22,358	
Petty items issued for miscellaneous purposes	...	
		5,22,358
Balance on the evening of the 9th June 1886	...	59,12,915
The Balance comprises—		
Silver held on account of the Currency Department	1,99,115	
Ditto ditto Government	57,13,800	
There is in addition awaiting assay—		59,12,915
Bullion belonging to Private Individuals	39,101	
Ditto ditto Government	...	
		39,101

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 10th June 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 16th June 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 9th June 1886	1,99,115	
Value of Government silver in the Mint on the same date	57,13,800	
		59,12,915
ADD—		
Silver received by the Mint during the week on account of the Currency Department	34,780	
Ditto ditto Government	9,353	
		44,133
		59,57,048
DEDUCT—		
New coin paid to Reserve Treasury during the week	6,00,000	
Petty items issued for miscellaneous purposes	...	
		6,00,000
Balance on the evening of the 16th June 1886		53,57,048
The Balance comprises—		
Silver held on account of the Currency Department	2,33,895	
Ditto ditto Government	51,23,153	
There is in addition awaiting assay—		53,57,048
Bullion belonging to Private Individuals	3,34,162	
Ditto ditto Government	...	
		3,34,162

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

CALCUTTA MINT,
The 17th June 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 15th June 1886.

LIABILITIES.	₹	a.	p.	ASSETS.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	52,84,733	6	0
Reserve Fund	41,56,684	15	0	Other authorized Investments	53,46,736	8	0
Public Deposits at Head Office ₹ 1,34,15,605 10 9	2,65,08,145	1	5	Loans on Government and other authorized Securities	1,32,44,491	3	4
Public Deposits at Branches ₹ 1,30,92,539 6 8				Accounts of Credit on Government and other authorized Securities	80,52,880	11	1
Other Deposits at Head Office and Branches	2,96,74,239	4	6	Bills discounted and purchased	2,65,49,805	3	9
Bank Post Bills, &c.	3,07,343	12	9	Balances with other Banks	12,50,638	11	9
Sundries	20,76,277	3	6	Bullion	3,043	1	0
				Dead Stock	11,41,987	4	3
				Stamps	10,586	3	6
				Sundries	6,53,135	15	6
					6,15,38,038	4	2
				Cash and Currency Notes at Head Office ₹ 1,18,00,383 0 5	2,11,84,652	1	0
				Cash and Currency Notes at Branches 93,84,269 0 7			
RUPEES	8,27,22,690	5	2	RUPEES	8,27,22,690	5	2

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

BANK OF BENGAL,
Calcutta, 17th June 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

Rate for Demand Loans 8 per cent.
Percentage 36·1.

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.
1886.			
W19	S 3—30106	50	Nusserwanji Rustamji Kuthoke, Bombay.
W20	S 11—11432	100	Mr. A. Maidment, Kanara.
	M 94—76147	100	
	M 84—53023	50	
	„ —73239	50	
W21	M 76—89092	1,000	Mooledina Moomun, Bombay.
	„ —92137	1,000	
	„ —95191	1,000	
	„ —93320	1,000	
	„ —80712	1,000	
	„ —90457	1,000	
	„ —92149	1,000	
	„ —84672	1,000	
	„ —92148	1,000	
	„ —88270	1,000	
	„ —91473	1,000	
	„ —56184	1,000	
W22	M 94—80390	100	Mr. H. W. J. Bagnell, Thana.
W23	M 57—45023	50	Krishnaji Wasudeo Barve, Thana.

BOMBAY,
The 15th June 1886.

R. A. STERNDALE,
Asst. Acct. Genl., Paper Currency Dept.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
5	B 93—15387	100	Messrs. T. A. Taylor & Co., Madras.

FORT ST. GEORGE,
The 10th June 1886.

C. HALL,
Chief Superintendent,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Simla, the 19th June 1886.

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G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

Unclaimed letters held in the Calcutta General Post Office on 17th June 1886.

Archibald, A. M.	Krayn, William.	Palendine, W.
Dundas, R. H. D.	Marshall & Co.	Parry, J. C.
Faulkner, Mrs. G. H.	Nicholson, G.	Stevens, R. H.

Letters marked "Care of Post Office."

Barnes, G. J.	Gayer, A. H.	Murphy, H.
Barnett, Mrs. James.	Gilbert, Mrs. M.	Norville, Mrs. L.
Basheu, M. E.	Godfrey, J. B.	Olsen, J.
Bates, J. N.	Goodall, Miss.	Page, J. B.
Biget, Mon. E.	Griffiths, Morris.	Percy, A.
Blessett, W. V.	Guerrier, H. J.	Perry, C. J.
Bowers, S.	Gulliday, Mr.	Poley, J.
B. R.	Hair, G.	Power, J. O.
Burke, E. M.	Hannagan, C. H. M.	Preston, R. C. Campbell.
Bush, C.	Hill, Mrs. Knox.	Randall, T.
Capel, Lt.-Col.	Hoare, R.	Rice, W. G. L.
Carson, Mrs.	Horne, James S.	Rishworth, B. J.
Caws, Capt. A. E.	Howell, L. J.	R. M. E., Miss.
Charleston, R. M.	Hutton, Lt.-Col.	Roberts, H. A.
Cohen, Mr.	J. M. Mc.	Robinson, F. A.
Delany, Mrs. J.	Jones, Mrs.	Salten, Miss M.
Dimmock, Basil.	Kelly, Miss G.	Sargon, S
D'Mello, Jose.	K. T. M.	Schmid, Otto.
Dodd, C. B. N.	Kirkbride, J.	Schonamann, C. H.
Dowling, D. G. A.	Knight, Capt. M. J.	Smith, Chas. W. Trevor.
D'Rozario, H. S. S.	Lea, Jay.	Sole, Rev. A. B.
D'Rozario, Miss J.	Ludder, E.	Stone, Mrs. T.
Driver, W. H. P.	Macqueen, T.	Swingler, Mrs. C.
Drury, Surgeon F. J.	Martin, H.	Taylor, Capt.
Dukes, Mrs.	McCarthy, Chas.	Todd, H. P.
Earle, T.	McDonald, J.	Tracey, A.
Easton, Percy H.	McDonald, Miss.	Tyrrell, C. A.
Ellis, R. H. M.	McLaughlin, John.	Walker, P. C.
Entwistle, R.	Miller, Capt. John C.	Ward, Lieut. B. R.
Fox, R. C. W.	Morris, Paul.	Williams, C.
Fraser, H. B.	Mullen, J.	

Registered Letters.

Grogan, H. C.
Guerrier, H. J.
Jones, W.
Power, J. O.
Sutherland, G.
Wilson, W. T.

Unclaimed Letters held in the Barrackpore Post Office on the 14th June 1886.

Agar, H.
Arrakiel, M.
Barrow, A. J.
Cress, J.
Deburgh, W. T.
Doyle, A.
Fagan, H. R.
Fowler, J.
Hart, H.
Kerr, Major.
Owen, J.
Owen, M. S.
Patch, J.
Phuffer, R.
Rayneau, G.
Stewart, Mrs.
Thomas, Major.
Zacheriah, H. C.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 19th June 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom . . .	19th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto .	26th ,,	Ditto.
Ditto Book Post and Pattern Packets .	25th ,,	Ditto.
Mauritius, Mahé (Seychelles) Mayotte, Nossi Be, and Réunion	26th ,,	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets (Supplementary) .	19th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan . .	22nd ,,	Ditto.
Australia, New Zealand and Tasmania .	22nd ,,	Ditto.
Madras and Colombo	23rd ,,	Per P. & O. Str. *Coromandel.*
Straits and Hong-Kong	19th ,,	Per Str. *Ajdar.*
Rangoon and Moulmein	23rd ,,	Per Str. *Siva.*
Akyab, Kyouk Phyoo, and Rangoon . .	23rd ,,	Per Str. *Cocanada.*

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.

G. BARTON GROVES,
Offg. Presidency Post Master.

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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, Botanic Garden, 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, Botanic Garden, *for cash only*, at the undernoted 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, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فیوج

یہہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہرایک ملازم سرکاري کام اور خیرات کے اور سوائے اونکے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہین یعنے نرخ چار اونس ٹین کا پانچ روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا دس روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا بیس روپیہ '

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

یہہ دوا کلکتہ کے بڑے بڑے ولایتي اور دیسي دوا خانونمین بکتي ہی ماسوائے تیمت مذکورۂ بالا کے محصول ڈاک چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, R6-8; per eight-ounce tin, R12-8; per pound tin, R24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, R8-8; per eight-ounce tin, R16-8; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoign rates.

کرسٹلین سنکونا دوائي بخار '

ال سنکونا بارک کي ایک نئي اور عمدہ دوا گورنمنٹ فاکٹري مین تیار ہوئي ہی معمولي بے صاف کي ہوئي دوائي بخار سے کونین کے لئے یہہ بہت خوب قایم مقام ہی اور سیب پور متصل کلکتہ کے بوٹانکل گارڈن یعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاري کام اور خیرات کے لئے اور وہ لوگ جو ایک مشت بیس پونڈ لین نقد اس مار سے خرید سکتے ہین یعنے چار آونس کے ٹین کا چھہ روپیہ آٹھہ آنہ ; آٹھہ آونس کے ٹین کا بارہ روپیہ آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا چوبیس روپیہ—

اور عام لوگون کو بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھاو پر مل سکتا ہی یعنے چار آونس ٹین کا آٹھہ روپیہ آٹھہ آنہ ; آٹھہ آونس کي ٹین کا اسولہ روپیہ آٹھہ آنہ اور ایک پونڈ ٹین کا بتیس ۳۲ روپیہ یہہ دو کلکتہ کے بڑي بڑي ولایتي اور دیسي دواخانون مین بھي بکتي ہی محصول ڈاک چار آونس کي ٹین کے لئے چار آنہ ; آٹھہ آونس کي ٹین کے لئے آٹھہ آنہ اور ایک پونڈ کي ٹین کے لئے بارہ آنہ علاوہ اوپر لکھے ہوئے نرخ کے ہی '

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1886.

From the 10th 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 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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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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Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's Gazette.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 7th June 1886.

No. 15.—Third Grade Assistant Surgeon Lala Hurdial Singh, of the Imperial List, is granted leave on medical certificate for twenty-three days, from the 16th April to the 8th May 1886.

The 10th June 1886.

No. 16.—The services of 1st Grade Assistant Apothecary William Mason are permanently placed at the disposal of the Punjab Government, with effect from 1st June 1886.

No. 17.—The services of 3rd Grade Assistant Surgeon Annada Prasanna Ghatak, of the Imperial List, are placed temporarily at the disposal of the Chief Commissioner, Central Provinces.

The 11th June 1886.

No. 18.—Third Grade Assistant Surgeon Sris Chandra Sarkar, of the Imperial List, is granted leave on medical certificate for a further period of one month in extension of the fourteen days leave granted in this Office Notification No. 12, dated 20th ultimo.

B. SIMPSON, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 15th June 1886.

Offices reported opened and closed during the month of May 1886 :—

Name of Station.	Where situated.	Date.	Remarks.
	Departmental.		
Aurungabad City	Berar	6th May.	Opened.
Bidar	Sind	25th ,,	Re-opened.
Ghazipur	N.-W. Provinces	16th ,,	Opened.
Kachh (Field Office.)	Baluchistan	28th ,,	Ditto.
Maddia (Field Office.)	Upper Burmah	8th ,,	Ditto.
Magwai (Field Office.)	Ditto	24th ,,	Ditto.
Muttra City	N.-W. Provinces	1st ,,	Ditto.
Myinthee (Field Office.)	Upper Burmah	5th ,,	Ditto.
Durwaza (Field Office.)	Baluchistan	14th ,,	Closed.
Rindli (Field Office.)	Ditto	2nd ,,	Ditto.
Swboungweh	Upper Burmah	12th ,,	Ditto.
	Railway.		
Ferozepore City (Tramway Station.)	N.-W. Ry.	22nd May.	Opened.
Wadhwan	B. B. C. I.	20th ,,	Closed.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 21st June 1886.

No. 2990.—Captain G. E. Money, Officiating 3rd Squadron Commander, 1st Regiment, Central India Horse, is granted sixty days' privilege leave from the 9th August, or such subsequent date as he may avail himself of it.

By Order,
F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 18th June 1886.

No. 1449 *G.*—With reference to Foreign Department Notification No. 1039 G., dated the 19th of May 1886, Lieutenant J. A. Bell assumed charge of the duties of Officiating Wing Commander and 2nd-in-Command, Merwara Battalion, from Lieutenant G. H. J. Moore, on the 10th June 1886.

The 19th June 1886.

No. 1465 *G.*—Local Class Hospital Assistant Luchmun Panday returned from the leave granted him in this Office Notification No. 845 G., dated 16th April 1886, and resumed charge of his duties from 3rd Hospital Assistant Hushmut Ally, on the afternoon of the 4th June 1886.

No. 1466 *G.*—Second Class Hospital Assistant Kirna Ram returned from the leave granted him in this Office Notification No. 951 G., dated 28th April 1886, and resumed charge of his duties from 3rd Class Hospital Assistant Dost Mahomed Khan, on 1st June 1886.

No. 1467 *G.*—Third Class Hospital Assistant Nazeer Khan returned from the leave granted him in this Office Notification No. 846 G., dated 16th April 1886, and resumed charge of his duties on the 1st June 1886, from 2nd Class Hospital Assistant Jewala Pershad, who reverts to the Government Reserve List of Hospital Assistants.

No. 1468 *G.*—First Class Hospital Assistant Emamooddin has been transferred from the Government Reserve List of Hospital Assistants to the Northern India Salt Revenue Hospital at Didwana, charge of which was made over to him on the forenoon of the 5th instant by 2nd Class Hospital Assistant Brij Mohun Lall, who has been retransferred to the Government Reserve List of Hospital Assistants.

By Order,
HUGH DALY,
for *1st Asst. to the Agent to the Govr. Gen'l., Rajputana.*

RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 16th June 1886.

No. 1542 *S.*—Under Section 6 of Act XV of 1873, the Chief Commissioner of Ajmere-Merwara is pleased to notify that Mr. F. N. Gutersloh having been duly elected, is appointed to be a Railway Member of the Ajmere Municipal Committee, *vice* Mr. Hogan, resigned.

By Order,
S. S. JACOB, *Lieut.-Colonel,*
Offg. Secy. to the Chief Commr., Ajmere-Merwara.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 15th June 1886.

No. 55.—With reference to Public Works Department Notification No. 148, dated 8th June 1886, Mr. A. E. Adie, Class II, Superior Revenue Establishment of State Railways, Traffic Department, is posted to the North-Western Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

NORTH-WESTERN RAILWAY, Manager's Office.

NOTIFICATION.

Lahore, the 14th June 1886.

No. 4.—Mr. P. Rainier, District Traffic Superintendent, Class II of the Superior Revenue Establishment, has been granted one year's leave to Europe on medical certificate, and ten days' subsidiary leave.

L. CONWAY-GORDON,
Manager, North-Western Railway.

Statement of Silver Balance in the Calcutta Mint for the week ending 23rd June 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 16th June 1886	2,33,895	
Value of Government silver in the Mint on the same date	51,23,153	53,57,048
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,60,589	
Ditto ditto Government	...	3,60,589
		57,17,637
DEDUCT—		
New coin paid to Reserve Treasury during the week	11,00,000	
Petty items issued for miscellaneous purposes	610	11,00,610
Balance on the evening of the 23rd June 1886		46,17,027
The Balance comprises—		
Silver held on account of the Currency Department	5,94,484	
Ditto ditto Government	40,22,543	46,17,027
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	584	
Ditto ditto Government	...	584

A. W. BAIRD, *Major, R.E.,*
Offg. Master of the Mint.

CALCUTTA MINT,
The 24th June 1886.

CEMETERY NOTICE.

List of monuments in the Chinsurah Cemetery published with reference to Rule XIX, Part I, of the Revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 20th June 1885 :—

Inscription.	*Date.*
Ann Marrio	1834
James Wheely	1838
Lance Corporal Thomas Johnson	1837
Mary, wife of William Flynn, of Her Majesty's 44th Regiment	1834
Mary, wife of R. Healy, Private, 21st Fusiliers	1839
Thomas O'Connor, Sergeant, 21st Fusiliers	1839
Ann Donughy	1843
Elizabeth, wife of M. Brennen	1839
Michael Henessy, Private of Her Majesty's 21st Fusiliers	1839
John Barnes, son of Captain Robert Barnes, Her Majesty's 9th Regiment	1838
William Sterrett, of Her Majesty's 9th Regiment	1836
Henrietta, daughter of John and Martha Arnold	1836
— Prichard, of Her Majesty's 9th Regiment	?
Son of Henry and Mary Coffin	1837
Sarah Sharland, wife of William Sharland, of 9th Regiment	1837
Lieutenant Dent	1782
Elizabeth, daughter of William and Kate Brigs, of Her Majesty's 9th Regiment	1837
Mary Robertson, daughter of Sergeant Robertson, of Her Majesty's 50th Regiment	1842
Robert Bluntish, son of R. Bluntish, Esq., Paymaster, Her Majesty's 9th Regiment	1836
Bridget Moore, wife of Sergeant John Moore, of Her Majesty's 16th Regiment	1833
Major Arnold Nesbit, of the Bengal Artillery	1820
S. S. Sherman	?
Elisa Petronella Van Zandyk Weduwe Brand	1817
Ann Cuddy, wife of Corporal Cuddy, of Her Majesty's 41st Regiment	1826
Color Sergeant William Taylor, of Her Majesty's 50th Regiment	1842
William Scott, son of William and Eliza Scott	1831

JAMES ISAACSON,
Chaplain of Chinsurah.
The 20th June 1886.

CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	Description.	Metal.	Value ₹	Value a.	Value p.	Number available for sale.	Remarks.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver .	0	4 each	0	210	These coins will be available for sale up to and not later than the 7th December 1886.
	Found in the Gujrat District (Punjab).						
22	Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates.	Copper .	0	1 each	0	43	Do. 17th January 1887.
23	Ditto with illegible dates . .	Do. .	0	0 each	6	99	Do. Ditto.
	Found in the Nimar District.						
44	Moghal Shah Jehan 1037—1068 A. H. = 1627—1658 A.D., mint and dates illegible.	Silver .	1	4 each	0	6	
45	Moghal Aurangzib A. H. 1068—1118 = 1658—1707 A.D.	Do. .	1	4 each	0	2	
46	Moghal VI Aurangzib, Mint Darul Khilafat Shah Jehanabad, date 1115—1147 A. H.	Do. .	1	4 each	0	1	
47	Moghal VII Muhammad Shah, 1131—1161 A. H. = 1719—1748 A.D., Mint and date illegible.	Do. .	1	4 each	0	1	
48	Moghal VI Aurangzib, Mint Surat, dates various.	Do. .	1	4 each	0	4	
	Found in the Raipur District.						
49	Moghal VI Aurangzib 1658—1707 A.D.	Do. .	0	13 each	0	6	
50	Moghal XII Muhammad Shah A. H. 1131—1161 = 1719—1748 A.D.	Do. .	0	13 each	0	4	
	Found in the Hooghly District.						
51	Moghal XVI Alam Shah 1759 A.D.	Do. .	1	0 each	0	6	
	Found in the Hamirpur District.						
52	XXXVII Islam Shah, 952—960 = 1545—1552 Types lettered surfaces, dates illegible.	Copper .	0	2 each	0	10	
53	Moghal III Akbar A. H. 963—1014 = 1556—1605 A.D.	Do. .	0	2 each	0	1	Do. 24th June 1887.
	Found in the Partabghur District.						
54	Moghal XVI Shah Alam, Mint Akbarabad.	Silver .	1	0 each	0	15	
	Found in the Etawah Distrtct.						
56	Buddhist punched coins . .	Do. .	0	3 each	0	93	
	Found in the Banda District.						
57	Moghal XVI Shah Alam 1759 A.D., Mint Banda, Reign 39.	Do. .	1	0 each	0	9	
	Found in the Ballia District.						
58	Old Hindu or Buddhist punched coins.	Do. .	1	0 each	0	135	
	Found in the Hissar District.						
59	Muhammad Shah . . .	Do. .	1	8 each	0	46	
60	Ahmed Shah Bahadur . .	Do. .	1	8 each	0	15	
62	Muhammad Shah, bad specimens	Do. .	1	0 each	0	40	
	Found in the Partabghur District.						
63	Nasiruddin Mahmud A.D. 1246—1265, Mint and date illegible.	Do. .	2	0 each	0	4	
	Found in the Basti District.						
64	Pathan Ala-uddin Mahamad Shah 1295—1315 A.H.	Do. .	1	8 each	0	33	

A. W. BAIRD, *Major, R.E.*,
Offg. Master of the Mint.

Statement of the Affairs of the Bank of Bengal for the week ending 22nd June 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,56,674	15	0
Public Deposits at Head Office (₹ 1,30,07,683 12 5)	2,73,70,777	8	8
Public Deposits at Branches (₹ 1,43,63,093 12 3)			
Other Deposits at Head Office and Branches	3,00,15,404	5	7
Bank Post Bills, &c.	3,48,750	1	2
Sundries	21,09,605	6	10
RUPEES	8,40,01,212	5	3

ASSETS.	₹	a.	p.
Government Securities	48,63,686	8	0
Other authorized Investments	53,95,951	8	0
Loans on Government and other authorized Securities	1,37,62,360	14	3
Accounts of Credit on Government and other authorized Securities	84,35,566	14	6
Bills discounted and purchased	2,60,67,289	7	10
Balances with other Banks	12,01,106	0	0
Bullion	3,221	13	0
Dead Stock	11,42,067	3	8
Stamps	10,017	6	3
Sundries	6,53,134	6	6
	6,15,34,402	2	0
Cash and Currency Notes at Head Office (₹ 1,15,92,446 9 2)	2,24,66,810	3	3
Cash and Currency Notes at Branches (₹ 1,08,74,363 10 1)			
RUPEES	8,40,01,212	5	3

BANK OF BENGAL,
Calcutta, 24th June 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.

Rate for Demand Loans 8 per cent.
Percentage 37·5.

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & 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 :—

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
10	E 26—06572	100	Deen Mohamed, Clerk, Office of Inspector General of Registration, Punjab, Lahore.
12	E 26—37068	100	Shadi Ram and Jhunnoo Mul, Jewellers, Johri Bazar, Delhi.

LAHORE,
The 19th June 1886.

A. H. H. MUNROWD,
for *Deputy Commissioner of Currency.*

Report of a Deserter from the 4-1st Lancashire Division, Royal Artillery, dated at Rawalpindi, this 15th day of June 1886.

Number, Rank, and Name, No. 19718, Gunner Frederick Lampard.	At what Place Enlisted,—Liverpool.
Age,—31 years 192 days.	Parish and County in which Born,—Peel, Isle of Ulan.
Size,—5 feet 6¾ inches.	Marks,—
Colour of— Complexion, fresh; Hair, brown; Eyes, brown.	Trade,—
Date of Desertion,—10th June 1886.	Coat or Jacket,—Summer, uniform (white).
Place of Desertion,—Rawalpindi.	Waistcoat,—
Date of Enlistment,—30th November 1875.	Breeches or Trowsers,—
	REMARKS,—
	Under 11 years' service.

F. R. DRAKE, *Lieut., R.A.*,
Comdg. 4-1st Lancashire Divn., R.A.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 24th June 1886.

Archibald, A. M.
Bastien, J. V.
Dundas, R. H. D.
Dunn, Mrs. E. A.
Nicholson, G.
Okedon, W. P.
Palendine, W.
Parry, J. C.
Sandeman, H. D.
Schoenemann, C. H. T.

Letters marked "Care of Post Office."

Barnes, G. J.
Barnett, Mrs. James.
Basheni, M. B.
Bates, J. N.
Berrill, Charles.
Bigex, Mon. E.
Blessett, W. V.
B. R.
Burke, E. M.
Bush, C.
Capel, Lt.-Col.
Caws, Capt. A. E.
Charleston, R. M.
Cohen, Mr.
Delany, Mrs. J.
Dimmock, Basil.
D'Mello, Jose.
Dodd, C. B. N.
Dowling, D. G. A.
D'Rozario, H. S. S.
D'Rozario, Miss J.
Driver, W. H. P.
Drury, Surgeon F. J.
Dyson, H. J.
Easton, Percy H.
Ellis, R. H. M.
Entwistle, R.
Fox, R. C. W.
Fraser, H. B.
Gayer, A. H.
Gilbert, Mrs. M.
Godfrey, J. B.
Goodall, Miss.
Greenhill, E. G.
Groseman, L. O.
Griffiths, Morris.
Guerrier, H. J.
Gulliday, Mr.
"Gusture."
Hair, G.
Hannagan, C. H. M.
Harford, J.
Harmer, Capt. Henry.
Hoare, R.
Horne, James S.
Hutton, Lt.-Col.
J. M. Mc.
Jefferson, J.
Kelly, Miss G.
K. T. M.
Kirkbride, J.
Knight, Capt. M. J.
Lea, Jay.
Lemarchand, J. R.
Macqueen, T.
Martin, H.
Martin, Lt. C. W. F.
McCarthy, Chas.
McDonald, J.
McDonald, Miss.
McLaughlin, John.
Mifsud, George.
Miller, Capt. John C.
Morris, Paul.
Mullen, J.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Percy, A.
Perry, C. J.
Poley, J.
Power, J. O.
Preston, R. C. Campbell.
Randall, T.
Rice, W. G. L.
Rishworth, B. J.
R. M. E., Miss.
Roberts, H. A.
Robinson, F. A.
Salten, Miss M.
Sommi, T.
Sargon, S.
Schmid, Otto.
Schonamaun, C. H.
Sole, Rev. A. B.
Stone, Mrs. T.
Swingler, Mrs. C.
Taylor, Capt.
Todd, H. P.
Tracey, A.
Tyrrell, C. A.
Walker, P. C.
Ward, Lieut. B. R.
Williams, C.

Registered Letters.

Grogan, H. C.
Guerrier, H. J.
Jones, W.
Power, J. O.
Sutherland, G.
Wilson, W. T.
Wrightson, T. N.

Unclaimed Letters held in the Barrackpore Post Office on the 21st June 1886.

Agar, H.
Arrakiel, M.
Banerjee, Shib Nath.
Bhattacharjee, Ram Brohmo.
Cress, J.
Doyle, A.
Flunks, Lt.-Col. W. A.
Hart, H.
Mitford, R. C. W.
Mount, F. de.
Mukerjee, Nelumber.
Nicholls, J.
Owen, M. S.
Phuffer, R.
Rayneau, G.
Thomas, C. P.
Zacheriah, H. C.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 26th June, 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	26th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto	3rd July	Ditto.
Ditto Book Post and Pattern Packets	2nd ,,	Ditto.
Mauritius, Mahé (Seychelles) Mayotte, Nossi Be, and Réunion	26th June	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	10th July	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	6th ,,	Ditto.
Australia, New Zealand and Tasmania	6th ,,	Ditto.
Madras and Colombo	7th ,,	Per P. & O. Str.
Straits and Hong-Kong	6th ,,	Per Str. *Yatsang.*
Rangoon and Moulmein	30th June	Per Str. *Nerbudda.*
Akyab, Kyouk Phyoo, and Rangoon	30th ,,	Per Str. *Mahratta.*
Port Blair and Camorta	1st July	Per Str. *Maharani.*

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.

G. BARTON GROVES,
Offg. 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, Botanic Garden, 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, Botanic Garden, *for cash only*, at the undernoted 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, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئيناٹين 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 اونکے جو کوئي ايک مشت بيس پونڈ خريد ليئے سے بقيمت نقد حسب 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 سولة روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب 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 بارة آنه '

CRYSTALLYNE 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 uncrystallized 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, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, R6-8; per eight-ounce tin, R12-8; per pound tin, R24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, R8-8; per eight-ounce tin, R16-8; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoign rates.

کرسٹلين سنکونا دوائي بخار '

لال سنکونا بارک کي ايک نئي اور عمده دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي سے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے هر ايک ملازم سرکاري کام اور خيرات کے لئے اور وه لوگ جو ايک مشت بيس پونڈ لين نقد اس بهاو سے خريد سکتے هين يعنے چار آونس کے ٹين کا چهه روپيه آٹهه آنه ; آٹهه آونس کے ٹين کا بارة روپيه آٹهه آنه ; اور ايک پونڈ کے ٹين کا چوبيس روپيه —

اور عام لوگون کو بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سکتا هی يعنے چار آونس ٹين کا آٹهه روپيه آٹهه آنه ; آٹهه آونس کي ٹين کا اسوله روپيه آٹهه آنه اور ايک پونڈ ٹين کا بتيس ۳۲ روپيه يهه دو کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنه ; آٹهه آونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارة آنه علاوه اوپر لکهے هوئے نرخ کے هی '

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At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., at the prices specified below:—

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Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates. R1-8.
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Orders and subscriptions for 1885 should be at once remitted.

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,, six ,,	,, 70	,,40	,,25
,, twelve,,	,,110	,,70	,,45

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8, HASTINGS STREET, CALCUTTA.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

The undersigned hereby notifies that the business hitherto carried on by the late Mr. A. Woodward, as Ship Chandler, Commission Agent, Provisioner, Spirit, Wine and Beer Merchant, at Akyab, in the Province of British Burman, has been purchased by him, as from the first day of November last past, and that it will be henceforward carried on by him under the style and name of A. Woodward & Co.

G. W. WHITE.

AKYAB,
The 3rd December 1885.

PROMISSORY NOTES.

Lost.

The Provincial Debenture Note No. 000256, of the 4 per cent. of North-Western Provinces and Oudh Government, Cawnpore and Farukhabad, for ₹1,000, originally standing in the name of Choube Sadhari Lal, 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.

CHOUBE SADHARI LAL,
Taluhdar of Bhewan, Pargana Sheorajpur, Zila Cawnpore.

Lost.

The Government Promissory Note No. 153252 of the 4 per cent. of 1865, for ₹1,500, originally standing in the name of Debnath Sreemany, and last endorsed to Purnochundra Ghosh, 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.

PURNOCHUNDRA GHOSH,
58, Hari Ghosh's Street, Calcutta.

Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 193015 and 191278, of the 4 per cent. loan of 1st May 1865, for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Maria de Vizitacao e Souza, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicates in favour of the proprietress.

MARIA DE VIZITACAO E SOUZA.

The Gazette of India.

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CALCUTTA, SATURDAY, JANUARY 9, 1886.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

NOTICE.

The Forty-Eighth Annual General Meeting of Subscribers of the above institution will be held in the Town Hall, on Saturday, the 30th January 1886, at 3 P.M., to receive the report of the Directors and to consider such matters as may then be submitted.

By order of the Directors,

W. H. RYLAND,
Secretary.

CALCUTTA,
The 30th December 1885.

PROMISSORY NOTES.

Lost.

The Provincial Debenture Note No. 000256, of the 4 per cent. of North-Western Provinces and Oudh Government, Cawnpore and Farukhabad, for ₹1,000, originally standing in the name of Choube Sadhari Lal, 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.

CHOUBE SADHARI LAL,
Talukdar of Bhewan, Pargana Sheorajpur, Zila Cawnpore.

Lost.

The Government Promissory Note No. 153252 of the 4 per cent. of 1865, for ₹1,500, originally standing in the name of Debnath Sreemany, and last endorsed to Purnochundra Ghosh, 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.

PURNOCHUNDRA GHOSH,
58, Hari Ghosh's Street, Calcutta.

Stolen.

The Government Promissory Notes Nos. 077369 and 121965, of the 4 per cent. of 1865, for ₹500 each, originally standing in the names of Debnath Sreemany and Nilmony Mitter, respectively, and last endorsed to Nilmony Mitter, 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.

NILMONY MITTER,
Tallah, N. Sudurst, Calcutta.

Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 193015 and 191278, of the 4 per cent. loan of 1st May 1865, for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Maria de Vizitacao e Souza, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicates in favour of the proprietress.

MARIA DE VIZITACAO E SOUZA.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 16, 1886.

☞ 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.

NOTICE.

The Forty-Eighth Annual General Meeting of Subscribers of the above institution will be held in the Town Hall, on Saturday, the 30th January 1886, at 3 P.M., to receive the report of the Directors and to consider such matters as may then be in submitted.

By order of the Directors,

W. H. RYLAND,
Secretary.

CALCUTTA,
30th December 1885.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 153252 of the 4 per cent. of 1865, for ₹1,500, originally standing in the name of Debnath Sreemany, and last endorsed to Purnochundra Ghosh, 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.

PURNOCHUNDRA GHOSH,
58, Hari Ghosh's Street,
Calcutta.

Lost

The upper half of the Government Promissory Note No. 072841 of the 4 per cent. of 1865, for ₹500, standing in the name of the Bank of Bengal, and last endorsed to Shama Kanth Chatterjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SHAMA KANTH CHATTERJEE,
Dacca.

Stolen.

The Government Promissory Notes Nos. 077369 and 121965, of the 4 per cent. of 1865, for ₹500 each, originally standing in the names of Debnath Sreemany and Nilmony Mitter, respectively, and last endorsed to Nilmony Mitter, 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.

NILMONY MITTER,
Tallah, N. Suburbs,
Calcutta.

Lost, Stolen, or Destroyed.

The Government Promissory Notes, Nos. 193015 and 191278, of the 4 per cent. loan of 1st May 1865, for ₹500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Maria de Vizitacao e Souza, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicates in favour of the proprietress.

MARIA DE VIZITACAO E SOUZA.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 23, 1886.

☞ 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.

NOTICE.

The Forty-Eighth Annual General Meeting of Subscribers of the above institution will be held in the Town Hall, on Saturday, the 30th January 1886, at 3 P.M., to receive the report of the Directors and to consider such matters as may then be in submitted.

By order of the Directors,

W. H. RYLAND,
Secretary.

CALCUTTA,
The 30th December 1885.

DR. JOHN FERGUSON, DECEASED.

STATUTORY NOTICE TO CREDITORS.

Pursuant to the Trustees and Mortgagees' Powers Act, 1866, being Act XXVIII of 1866 of the Legislative Council of the Government of India, notice is hereby given that all creditors and other persons having any claims or demands upon or against the estate of John Ferguson, M.D., F.R.C.S.E., some time belonging to Her Majesty's Punjab Medical Service, late Superintendent, Central Jail, Mooltan, deceased, who died at Edinburgh, on 29th September 1884, are hereby required to send in writing particulars of their claims or demands on or before 1st March 1886, to Joseph Carstairs Roberts Johnston, of 11, Hastings Street, Calcutta, to whom letters of administration have been granted by the High Court of Judicature at Fort William in Bengal, and notice is hereby also given that at the expiration of the last mentioned day the said Joseph Carstairs Roberts Johnston will be at liberty to distribute the assets of the estate of the said Dr. John Ferguson, or any part thereof, amongst the parties entitled thereto, having regard only to the claims of which the said Joseph Carstairs Roberts Johnston has then had notice and that the said Joseph Carstairs Roberts Johnston will not be liable for the assets or any part thereof so distributed to any person of whose claim the said Joseph Carstairs Roberts Johnston has not had notice at the time of such distribution.

CALCUTTA,
The 16th January 1886.

PROMISSORY NOTES.

Lost

The upper half of the Government Promissory Note No. 072841 of the 4 per cent. of 1865, for ₹500, standing in the name of the Bank of Bengal, and last endorsed to Shama Kanth Chatterjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SHAMA KANTH CHATTERJEE,
Dacca.

Lost

The Government Promissory Note No. A020723, of the reduced 4 per cent. loan of 1879, for ₹1,000, standing in the name of Jwala Pershad, administrator of Kariji Sahoy, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and of the interest thereupon has been stopped at the Public Debt Office, and application is about to be made to Government for the issue of a duplicate in favour of the proprietor.

JWALA PERSHAD,
Nephew of Rai Kariji Sahoy, deceased.

Lost.

The Government Promissory Note No. 075422, of the 4 per cent. of 1842-43, for ₹1,000, originally standing in the name of Shavaram Khoshalchand, and last endorsed to Kader Nath Nag, 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.

KADER NATH NAG,
Sukchar, Zillah 24-Pergunnahs.

Stolen.

The Government Promissory Notes Nos. 077369 and 121965, of the 4 per cent. of 1865, for ₹500 each, originally standing in the names of Debnath Sreemany and Nilmony Mitter, respectively, and last endorsed to Nilmony Mitter, 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.

NILMONY MITTER,
Tallah, N. Suburbs, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 30, 1886.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

IN THE COURT FOR THE RELIEF OF INSOLVENT DEBTORS AT CALCUTTA.

In the matter of Hadjee Hadaitoollah Saddoollah Buxoollah Doojali and Yacoob, lately carrying on business (amongst other places) at No. 143 Hookaputty Burra Bazar in Calcutta in co-partnership under the name style and firm of Meerun Gomastah Shaik Poorunder Noozroo Insolvents.

Notice is hereby given that by an order made by this Court in this matter on and bearing date the sixth day of January 1886 It was ordered that the creditors of the Insolvents abovenamed should before the 1st day of April next file in the office of the Chief Clerk this Court a statement of the amount of their respective claims against the Estate of the said Insolvents duly verified by their respective affidavit and thereupon the said Chief Clerk should form a schedule from the claims so to be filed.

M. CAMELL,
Attorney for J. C. Macgregor, Esq., Official Assignee.

CALCUTTA,
The 21st January 1886.

PROMISSORY NOTES.

Lost

The upper half of the Government Promissory Note No. 072841 of the 4 per cent. of 1865, for ₹500, standing in the name of the Bank of Bengal, and last endorsed to Shama Kanth Chatterjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, and application is about to be made for the issue of a duplicate in favour of the proprietor.

SHAMA KANTH CHATTERJEE,
Dacca.

Lost

The Government Promissory Note No. A020723, of the reduced 4 per cent. loan of 1879, for ₹1,000, standing in the name of Jwala Pershad, administrator of Kariji Sahoy, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and of the interest thereupon has been stopped at the Public Debt Office, and application is about to be made to Government for the issue of a duplicate in favour of the proprietor.

JWALA PERSHAD,
Nephew of Rai Kariji Sahoy, deceased.

Lost.

The Government Promissory Note No. 075422, of the 4 per cent. of 1842-43, for ₹1,000, originally standing in the name of Shavaram Khoshalchand, and last endorsed to Kader Nath Nag, 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.

KADER NATH NAG,
Sukchar, Zillah 24-Pergunnahs.

Lost or Stolen.

The Certificates of Bank of Bengal Shares, Nos. 210, 19465, 26291, and 26292, for ₹500 each (of which No. 210 was issued in the name of William Anderson, Esq., No. 19465 in that of Colonel N. F. Bayley, and Nos. 26291 and 26292 in the name of H. S. King, Esq.) and all four of which were endorsed and transferred to Miss F. M. Templeton, the duly registered proprietor thereof, by whom they were never endorsed to any other person. Transfer and payment of the above shares and the dividends thereon have been stopped at the Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

C. T. DAVIS,
Attorney of the said F. M. Templeton.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 6, 1886.

☞ 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. A020723, of the reduced 4 per cent. loan of 1879, for ₹1,000, standing in the name of Jwala Pershad, administrator of Kariji Sahoy, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and of the interest thereupon has been stopped at the Public Debt Office, and application is about to be made to Government for the issue of a duplicate in favour of the proprietor.

JWALA PERSHAD,
Nephew of Rai Kariji Sahoy, deceased.

Lost.

The Government Promissory Note No. 075422, of the 4 per cent. of 1842-43, for ₹1,000, originally standing in the name of Shavaram Khoshalchand, and last endorsed to Kader Nath Nag, 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.

KADER NATH NAG,
Sukchar, Zillah 24-Pergunnahs.

Lost or Stolen.

The Certificates of Bank of Bengal Shares, Nos. 210, 19465, 26291, and 26292, for ₹500 each (of which No. 210 was issued in the name of William Anderson, Esq., No. 19465 in that of Colonel N. F. Bayley, and Nos. 26291 and 26292 in the name of H. S. King, Esq.) and all four of which were endorsed and transferred to Miss F. M. Templeton, the duly registered proprietor thereof, by whom they were never endorsed to any other person. Transfer and payment of the above shares and the dividends thereon have been stopped at the Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

C. T. DAVIS,
Attorney of the said F. M. Templeton.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 13, 1886.

☞ 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.

Abstract Statement of Receipts and Disbursements of the Uncovenanted Service Family Pension Fund for the Fourth Quarter ending 30th April 1885, compared with the corresponding quarter of the year 1884.

Particulars.	For the 4th quarter ending 30th April 1885.	For the 4th quarter ending 30th April 1884.	Increase.	Decrease.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Balance at credit of the Fund on the Government books at the end of the previous quarter	87,96,903 14 8	83,31,027 9 0	4,65,876 5 8	.....
And Receipts—				
Subscriptions from February to April in the Widows' Fund ...	1,21,563 2 1	1,18,870 7 3	2,712 10 10	.....
Ditto ditto Child's Fund ...	80,614 2 10	79,116 7 9	1,497 11 1	.....
Entrance fees, &c., ditto	659 5 3	520 2 0	139 3 3	.....
Divisible surplus transferred to debit of subscribers	171 12 0	73 8 0	98 4 0	.....
Amount of fines imposed under Rule 40A	.....	1,493 5 1	.....	1,493 5 1
Amount of pension received with interest from Government of India for sums advanced to widows and orphans who came upon the fund during the Mutiny of 1857	2,961 2 0	2,961 2 0	.....	.....
Amount of interest received from Government of India for the year ending 31st March 1885	5,19,806 6 7	5,01,933 6 1	17,873 0 6	.....
Total Receipts ...	7,25,786 14 9	7,04,968 6 2	(a)20,811 13 8	1,493 5 1
Grand Total ...	95,22,690 13 5	90,35,995 15 2	(b)4,88,188 3 4	1,493 5 1
Deduct Payments—				
Pensions paid to incumbents in the Widows' Fund	86,822 14 7	83,308 10 7	3,514 4 0	.....
Ditto ditto Children's Fund	59,894 3 6	56,218 13 9	3,675 5 9	.....
Establishment, including office-rent and contingencies	8,516 15 4	9,903 6 9	.....	1,386 7 5
Loss in exchange on remittances to England	12,128 0 2	15,614 2 7	.....	3,486 2 5
Amount of fines written back	146 3 11	.....	146 3 11	.....
Total Payments ...	1,67,508 5 6	1,65,045 1 8	(c)7,335 13 6	4,872 9 10
Net balance in favour of the Fund	93,55,182 7 11	88,70,950 13 6	(d)4,80,853 5 8	3,379 4 0
Proportion of divisible surplus passed to subscribers	49,403 0 0	45,759 0 0	3,644 0 0	.....

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of subscribers	1,534	1,011	1,527	1,035	7	8	.....	.....
Ditto of incumbents	495	606	398	565	17	41	.....	.....
Ditto of subscribers sharing abatements	1,096	702	1,036	691	60	41	.....	.....

		Rs. A. P.
(a)	Net increase in Total Receipts ...	20,818 3 7
(b)	Ditto in Grand Total do ...	4,86,694 14 3
(c)	Ditto in Total Payments ...	2,463 3 10
(d)	Ditto in Balance ...	4,84,231 10 5

G. W. Macleod, *Accountant.*

H. Ronaldson, R. A. Fink, } *Auditors.*

Published by order of the Directors,

W. H. Reland, *Secretary,*
Uncovenanted Service Family Pension Fund.

The 14th January 1886.

IN THE GOODS OF JOHN PATERSON, DECEASED.

Pursuant to Section 320 of Act X of 1865 and Section 42 of Act XXVIII of 1866, notice is hereby given that all persons having claims against the estate of John Paterson, formerly of the Town of Calcutta, a Commander in the service of the British India Steam Navigation Company, but late of No. 32, Windsor Road, Forest Gate, in the County of Essex, in England, Marine Superintendent, deceased, should, on or before the 28th day of February 1886, send in their claims to the undersigned to whom letters of administration with copy of the will of the said John Paterson annexed have been granted by the High Court, Calcutta, after which date no claims will be admitted and the assets of the estate of the said deceased will be distributed.

A. MACNAB,

Administrator to the Estate of John Paterson, deceased.

COCONADA,
The 1st January 1886.

PROMISSORY NOTES.

Lost or Stolen.

The Certificates of Bank of Bengal Shares, Nos. 210, 19465, 26291, and 26292, for ₹500 each (of which No. 210 was issued in the name of William Anderson, Esq., No. 19465 in that of Colonel N. F. Bayley, and Nos. 26291 and 26292 in the name of H. S. King, Esq.) and all four of which were endorsed and transferred to Miss F. M. Templeton, the duly registered proprietor thereof, by whom they were never endorsed to any other person. Transfer and payment of the above shares and the dividends thereon have been stopped at the Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

C. T. DAVIS,

Attorney of the said F. M. Templeton.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 20, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT, DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,

District Judge, Thonegwa.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 27, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT, DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 6, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT,
DISTRICT THONEGWA.
The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

IN THE COURT FOR THE RELIEF OF INSOLVENT DEBTORS AT CALCUTTA.

In the matter of Hadjee Hadaitoollah Saddoollah Buxoollah Doojali and Yacoob, lately carrying on business (amongst other places) at No. 143 Hookaputty Burra Bazar in Calcutta in co-partnership under the name style and firm of Meerun Gomastah Shaik Poorunder Noozroo Insolvents.

Notice is hereby given that by an order made by this Court in this matter on and bearing date the sixth day of January 1886 It was ordered that the creditors of the Insolvents abovenamed should before the 1st day of April next file in the office of the Chief Clerk this Court a statement of the amount of their respective claims against the Estate of the said Insolvents duly verified by their respective affidavit and thereupon the said Chief Clerk should form a schedule from the claims so to be filed.

M. CAMELL,
Attorney for J. C. Macgregor, Esq.,
Official Assignee.

CALCUTTA,
The 21st January 1886.

PROMISSORY NOTES.

Lost

The lower half of the Government Promissory Note No. 200570, of the 4 per cent. of 1865, for R1,000, originally standing in the name of the Bank of Bengal, and last endorsed to Sreemutty Krishna Kamini Rudra, the proprietress, by whom it was never endorsed to any other person. Payment of the above note and of 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 proprietress.

SREEMUTTY KRISHNA KAMINY RUDRA.
Calcutta.

Lost, Stolen, or Destroyed.

The undermentioned Government Securities particularised at foot, belonged to Tara Prosonno Mukerjee, deceased, by whom they were never endorsed to any other person. Payment of the undermentioned notes and of the interest thereupon has been stopped at the Public Debt

Office, and application is about to be made to Government for the issue of duplicate notes in favour of the undersigned, the representative of the said Tara Prosonno Mukerjee :—

Note No. 012711 of the 4 per cent. of 1854-55, originally standing in the name of Abhoy Churn Roy, and last endorsed to late Tara Prosonno Mukerjee, for ₹500.

Note No. 032436, of the 4 per cent. of 1854-55, standing in the name of Tara Prosonno Mukerjee, for ₹500, and

Note No. 006517, of the 4½ per cent. of 1872, standing in the name of Tara Prosonno Mukerjee, by whom they were never endorsed to any other person, for ₹500.

GANGA PROSONNO MUKERJEE,
Bally.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 13, 1886.

☞ 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.

Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Year ended 31st March 1885.

Receipts.	Amount.			Disbursements.	Amount.		
	₹	a.	p.		₹	a.	p.
Subscriptions	26,580	1	0	Annuity	3,479	10	6
Entrance Fees	125	0	0	Establishment	1,094	15	0
Government of India	34,328	14	10	Miscellaneous	1,154	8	3
Deposit Account	381	7	9	Government of India	34,316	13	1
Interest	6,776	14	10	Deposit Account	443	10	3
Miscellaneous Receipts	6	7	6	Advances Recoverable	432	3	7
Furniture (by Sale)	5	0	0	Furniture	44	7	9
Advances Recoverable	700	0	0	Government Securities purchased	29,000	0	0
Investment Account	870	0	0	Closing Cash Balance	378	13	0
Opening Cash Balance	571	3	6				
TOTAL ₹	70,345	1	5	TOTAL ₹	70,345	1	5

Published by order of the Directors agreeably to Rule 75.

RAMAPRASANNA GHOSH, M.A., B.L.
KRISHNALAL DATTA, M.A.

NURSING DOSS AUDDY,
Secretary.

CALCUTTA,
THE HINDU FAMILY ANNUITY FUND OFFICE,
The 2nd January 1886.

HINDU FAMILY ANNUITY FUND.

The following Resolution of the subscribers to the Hindu Family Annuity Fund, assembled in Meeting on the 30th January 1886, is published for general information as required in Rule 57 of the Rules of the Fund :—

That the Directors be authorised to draw, in the manner provided in Rule 55, Rs. (8,266) eight thousand two hundred and sixty-six, during the year 1886-87, from the Deposit Account with the Government of India; that this Resolution be published in the *India Gazette*, the *Calcutta Gazette*, the *Statesman*, the *Indian Mirror*, and the *Naba Bibhakar*; and that a copy be also forwarded to the Government of India, Financial Department, agreeably to Rule 58.

RAMAPRASANNA GHOSH,
Secretary.

DENONATH GHOSH,
Chairman.

NOTICE.

Notice is hereby given that the partnership subsisting between us the undersigned James Hewitt Barry Emily Jane Barry the said James Hewitt Barry and James Thomas Snell (executors of the will of John Boyle Barry deceased) Patrick Playfair and John Horne as Merchants and Agents at Lyons Range in the City of Calcutta in the Empire of India under the style or firm of Barry and Company was on the 31st day of December 1885 dissolved by effluxion of time so far as regards the said Emily Jane Barry James Hewitt Barry and James Thomas Snell (Executors of John Boyle Barry deceased) all debts due and owing from and to the said firm will be paid and received by the said James Hewitt Barry Patrick Playfair and John Horne by whom the said business will in future be carried on. As witness our hands this 27th day of January 1886.

J. H. BARRY.
EMILY JANE BARRY.
J. T. SNELL.
P. PLAYFAIR.
J. HORNE.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT, DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

PROMISSORY NOTES.

Lost

The lower half of the Government Promissory Note No. 200570, of the 4 per cent. of 1865, for R1,000, originally standing in the name of the Bank of Bengal, and last endorsed to Sreemutty Krishna Kamini Rudra, the proprietress, by whom it was never endorsed to any other person. Payment of the above note and of 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 proprietress.

SREEMUTTY KRISHNA KAMINY RUDRA.
Calcutta.

Lost, Stolen, or Destroyed.

The undermentioned Government Securities particularised at foot, belonged to Tara Prosonno Mukerjee, deceased, by whom they were never endorsed to any other person. Payment of the undermentioned notes and of the interest thereupon has been stopped at the Public Debt Office, and application is about to be made to Government for the issue of duplicate notes in favour of the undersigned, the representative of the said Tara Prosonno Mukerjee :—

Note No. 012711 of the 4 per cent. of 1854-55, originally standing in the name of Abhoy Churn Roy, and last endorsed to late Tara Prosonno Mukerjee, for R500.

Note No. 032436, of the 4 per cent. of 1854-55, standing in the name of Tara Prosonno Mukerjee, for R500, and

Note No. 006517, of the 4½ per cent. of 1872, standing in the name of Tara Prosonno Mukerjee, by whom they were never endorsed to any other person, for R500.

GANGA PROSONNO MUKERJEE,
Bally.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 27, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT, DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

PROMISSORY NOTES.

Lost, Stolen or Destroyed.

Six Government Promissory Notes Nos. 114004, 111657, 102111, 102110, 102109, 102108, of the 4 per cent. of 1865, for R500 each, originally standing in the name of Ram Durga, 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.

RAM DURGA,
P. O. & Village Sholaghar, Dacca.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 3, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT,
DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

NOTICE.

The business heretofore carried on by my late father at No. 59, Ezra Street, in the City of Calcutta, under the style or firm of E. D. J. Ezra, will from this date be carried on by myself under the firm and style of E. D. J. Ezra & Co.

J. E. D. EZRA.

PROMISSORY NOTES.

Lost, Stolen or Destroyed.

Six Government Promissory Notes Nos. 114004, 111657, 102111, 102110, 102109, 102108, of the 4 per cent. of 1865, for ₹500 each, originally standing in the name of Ram Durga, 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.

RAM DURGA,
P. O. & Village Sholaghar,
Dacca.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 10, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT,
DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

NOTICE.

The business heretofore carried on by my late father at No. 59, Ezra Street, in the City of Calcutta, under the style or firm of E. D. J. Ezra, will from this date be carried on by myself under the firm and style of E. D. J. Ezra & Co.

J. E. D. EZRA.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 17, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT,
DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

NOTICE.

The business heretofore carried on by my late father at No. 59, Ezra Street, in the City of Calcutta, under the style or firm of E. D. J. Ezra, will from this date be carried on by myself under the firm and style of E. D. J. Ezra & Co.

J. E. D. EZRA.

PROMISSORY NOTES.

Lost, Stolen or Destroyed.

Six Government Promissory Notes Nos. 114004, 111657, 102111, 102110, 102109, 102108, of the 4 per cent. of 1st May 1865, for ₹500 each, the first two originally standing in the name of Ram Durga, and the remaining four in that of the Bank of Bengal, and last endorsed to same Ram Durga, 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.

RAM DURGA,
P. O. & Village Sholaghar,
Dacca.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 24, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT,
DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

HINDU FAMILY ANNUITY FUND.

NOTICE.

Under Rule 91 of the Rules of the Hindu Family Annuity Fund, it is hereby notified that the limit of aggregate annuities securable under Rule 23 has been raised from ₹60 to ₹80, all other limitations remaining as at present.

RAMAPRASANNA GHOSH, M.A., B.L.,
Secretary.

CALCUTTA,
The 21st April 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 1, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT, DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,

District Judge, Thonegwa.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 8, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT,
DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 222369 of the 4 per cent. of 1st May 1865, for ₹500, originally standing in the name of Nundo Lal Seal, and last endorsed to my wife, Sreemutty Krishna Mohini Roy Chowdhry, by whom it was never endorsed to any other person. Payment of the above note and the interest due thereupon from the 1st November 1885 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 proprietress.

DEBENDRA KUMAR ROY CHOWDHRY,
Barripoor.

The 6th May 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 15, 1886.

☞ 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.

BRITISH BURMA.

NOTICE.

DEPUTY COMMISSIONER'S COURT, DISTRICT THONEGWA.

The 4th February 1886.

CIVIL SIDE MISCELLANEOUS CASE NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,
District Judge, Thonegwa.

PROMISSORY NOTES.

Stolen.

The upper half of the Government Promissory Note, No. 174407, of the 4 per cent. loan of 1st May 1865, for ₹500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr. Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Trivandrum. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,
Abkary Contractor, residing at Porayar, near Tranquebar.

QUILON,
The 25th October 1885.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 22, 1886.

☞ 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.

HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL, ORDINARY ORIGINAL CIVIL JURISDICTION.

Messrs. John Smeal and Company, Silchar, Cachar,

against

John Walter Walken, late of No. 107, Circular Road, in the Town of Calcutta, Civil Engineer, and now a prisoner in the Presidency Civil Jail,

and

In the matter of Act XIV of 1882 (the Code of Civil Procedure) Chapter XX.

Notice is hereby given that by an order of this Court made in the above cause and dated the 3rd day of March last, John Cameron Macgregor, Esq., the Officiating Official Assignee of the Court for the Relief of Insolvent Debtors at Calcutta, has been appointed Receiver of all the properties of the said John Walter Walken, who has been declared an Insolvent under the provisions of Section 351 of Act XIV of one thousand eight hundred and eighty-two, except the particulars specified in the first proviso to Section 266 of the said Act, and the creditors of the said insolvent are required to appear before the Commissioner of this Court for the Relief of Insolvent Debtors at Calcutta, on Wednesday, the 2nd day of June next, at the hour of 11 o'clock in the forenoon, and produce evidence of the amount and particulars of their respective claims.

Dated this 17th day of May one thousand eight hundred and eighty-six.

W. F. GILLANDERS,
Attorney.

R. BELCHAMBERS,
Registrar.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, 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.

BAMA CHURN MITTER,
Pleader, Small Cause Court.

Stolen.

The upper half of the Government Promissory Note, No. 174407, of the 4 per cent. loan of 1st May 1865, for ₹500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr. Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Trivandrum. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,
Abkary Contractor, residing at Porayar, near Tranquebar.

QUILON,
The 25th October 1885.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 29, 1886.

☞ 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.

Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarter ended 30th June 1885.

Receipts.	Amount.			Disbursements.	Amount.		
	₹	a.	p.		₹	a.	p.
Subscriptions	6,889	7	6	Annuity	1,153	0	0
Entrance Fees	37	0	0	Establishment	314	14	3
Interest	3,257	12	5	Miscellaneous	232	1	1
Miscellaneous	0	10	0	Valuation of Assets and Liabilities	634	11	6
Deposits	134	1	3	Government of India	10,587	0	5
Government of India Amount withdrawn	2,532	0	0	Deposits	370	2	0
Advances Recoverable	432	3	7	Interest on Security Deposit	10	10	0
Opening Cash Balance	378	13	0	Closing Cash Balance	359	8	6
TOTAL ₹	13,661	15	9	TOTAL ₹	13,661	15	9

Published by order of the Directors agreeably to Rule 75.

GOBIND CHUNDER SEAL,
DOORGA DOSS BOSE,
Auditors.

RAMAPRASANNA GHOSH, M.A., B.L.,
Secretary.

THE HINDU FAMILY ANNUITY FUND OFFICE,
CALCUTTA,
The 16th May 1886.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, 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.

BAMA CHURN MITTER,
Pleader, Small Cause Court.

Lost or Stolen.

The lower half of Government Promissory Note No. 052357, of the 4½ per cent. of 1879 portion, for ₹2,000, originally standing in the name of Russick Lall Ghose, and last endorsed to Russick Lall Ghose, 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.

TARA PROSAD CHATTERJEE,
Treasury Officer, Burdwan.

BURDWAN COLLECTORATE,
The 19th May 1886.

Stolen.

The upper half of the Government Promissory Note, No. 174407, of the 4 per cent. loan of 1st May 1865, for ₹500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr. Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Trivandrum. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,
Abkary Contractor, residing at Porayar, near Tranquebar.

QUILON,
The 25th October 1885.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 5, 1886.

☞ **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. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, 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.

BAMA CHURN MITTER,
Pleader, Small Cause Court.

Lost or Stolen.

The lower half of Government Promissory Note No. 052357, of the 4½ per cent. of 1879 portion, for ₹2,000, originally standing in the name of Russick Lall Ghose, and last endorsed to Russick Lall Ghose, 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.

TARA PROSAD CHATTERJEE,
Treasury Officer, Burdwan.

BURDWAN COLLECTORATE,
The 19th May 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 12, 1886.

☞ 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 lower half of Government Promissory Note No. 052357, of the 4½ per cent. of 1879 portion, for ₹2,000, originally standing in the name of Russick Lall Ghose, and last endorsed to Russick Lall Ghose, 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.

TARA PROSAD CHATTERJEE,
Treasury Officer, Burdwan.

BURDWAN COLLECTORATE,
The 19th May 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 9, 1886.

☞ 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 6th January, 1886, and is hereby promulgated for general information :—

ACT No. I OF 1886.

THE LAHORE TRAMWAYS ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title and commencement.
2. Definitions.

Powers of grantees generally.

3. Powers to construct, maintain and use tramways.

Construction and Maintenance of Tramways and of Streets on which they are laid.

4. Powers to grantees to break up streets and lay rails, &c.
5. Grantees to keep tramways and adjoining part of street in repair.
6. Obligations of grantees when they have broken up street.
7. Reservation of power of Committee and Government over streets.

Rights over Tramways and Streets on which they are laid.

SECTIONS.

8. Grantees' exclusive right over tramways.
9. Grantees to have right of user only.
10. Power of Committee and Government officers to regulate traffic on streets.

Traffic on Tramways.

11. Rates of fares and charges.
12. Mode of payment of fares and charges.
13. Carriage of dangerous or offensive goods.

Offences and Penalties.

14. Penalty for failure of grantees to comply with certain provisions of Act and agreement.
15. Penalty for obstructing grantees in the exercise of their powers.
16. Penalty for interfering with tramway.
17. Penalty for taking or sending dangerous or offensive goods without giving notice.
18. Penalty for avoiding payment of proper fare.
19. Power of servant of grantees to arrest persons avoiding payment of fare.

Powers to make Rules.

20. Powers to make rules.

Supplemental Provisions.

21. Commencement of agreement.
22. Construction of clauses 17 and 24 of agreement.
23. Exemption from certain municipal taxation.
24. Transfer of control on exclusion of local area from municipality.
25. Provisions as to other Acts.
26. Saving of prosecutions under other laws.

THE SCHEDULE.

The Lahore Tramways Act, 1886.

(*Sections 1—6.*)

An Act to authorize the making, and to regulate the working, of Street Tramways in Lahore.

WHEREAS the Municipal Committee of Lahore by an agreement dated the seventh day of February, 1885, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to David Parkes Masson, John Robson and Arthur Milford Ker, their heirs, executors, administrators and assigns, hereinafter called the grantees, the right to construct, maintain and use a tramway or tramways in Lahore upon the terms, subject to the conditions and in the manner mentioned in the said agreement, and the said agreement was made subject to the confirmation and recognition thereof by the Government of the Punjab;

And whereas the Government of the Punjab has confirmed and recognised the said agreement and it is now expedient that effect be given to it, subject to the provisions and limitations hereinafter contained;

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Lahore Tramways Act, 1886; and

(*2*) It shall come into force at once.

Definitions.

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

"Committee" means the Committee established for the municipality of Lahore under the Punjab Municipal Act, 1884:

XIII of 1884.

"tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway: and

"street" means any way, street, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and along or across which any tramway authorized by this Act is or is intended to be laid, 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.

Powers of grantees generally.

Powers to construct, maintain and use tramways.

3. Subject to the provisions of this Act, and to the terms and conditions of the said agreement so far as the same are not inconsistent with this Act or are not provided for thereby, the grantees may, within the local area included on the seventh day of February, 1885, within the limits of the municipality of Lahore, construct, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified to be fit therefor by an engineer appointed in this behalf by the Local Government.

Construction and Maintenance of Tramways and of Streets on which they are laid.

Power to grantees to break up streets and lay rails, &c.

4. Subject to the terms and conditions of the said agreement, the grantees may, from time to time, for the purpose of constructing, maintaining or renewing any tramway under this Act, open or break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway:

Provided that they shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

Grantees to keep tramways and adjoining part of street in repair.

5. The grantees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the Committee from time to time directs, all tramways constructed by them under this Act, and so much of any street as lies between the rails of any such tramway, and in the case of double lines or turnouts or sidings, the portion of the street between the tramways, and in every case so much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway.

Obligations of grantees when they have broken up street.

6. When the grantees have, for the purposes of section 4 or section 5, opened or broken up any portion of a street, they shall be under the following further obligations, namely:—

(*a*) they shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consents in writing, complete the work for which the street has been opened or broken up, fill in the ground and make good the surface, and, to the satisfaction of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby;

(*b*) they shall, in the meantime, cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted from sunset to sunrise; and

(*c*) they shall be answerable for all injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of the opening or breaking up of the street.

The Lahore Tramways Act, 1886.

(*Sections 7—13.*)

Reservation of power of Committee and Government over streets.

7. (*1*) Nothing in this Act or in the said agreement shall prevent the Committee or any Government officers from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street:

Provided that—

(*a*) they shall cause as little detriment or inconvenience to the grantees as circumstances admit; and

(*b*) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the grantees not less than eighteen hours' previous notice of their intention to commence the work, specifying the time at which they will commence it.

(*2*) The Committee or officers aforesaid or the Secretary of State for India in Council shall not be liable to pay to the grantees any compensation for injury done to the tramway by the execution of any work referred to in sub-section (*1*), or for loss of traffic occasioned by the reasonable use of any power lawfully exercised in connection with the same.

Rights over Tramways and Streets on which they are laid.

Grantees' exclusive right over tramways.

8. The grantees shall, subject to the provisions of this Act and to the terms and conditions of the said agreement, have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail:

Provided that nothing in this Act or in the said agreement shall affect the right of the public to pass along or across any part of any street along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail.

Grantees to have right of user only.

9. Notwithstanding anything in this Act or in the said agreement, the grantees shall not acquire any right other than that of user over any street along or across which they lay any tramway.

Power of Committee and Government officers to regulate traffic on streets.

10. Nothing in this Act or in the said agreement shall affect any powers possessed by the Committee or by any Government officers to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or officers aforesaid may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the grantees as to the traffic of other persons.

Traffic on Tramways.

Rates of fares and charges.

11. The grantees may, from time to time, by a notice published in such languages and in such manner as the Local Government may prescribe, fix the rates of fares and charges for carrying passengers and goods in their carriages:

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class, and two annas per mile for each passenger in the higher or first class.

Mode of payment of fares and charges.

12. The fares and charges by this Act authorized shall be paid to such persons, at such places upon or near to the tramways, and in such manner and under such regulations as the grantees may, by a notice published as aforesaid, from time to time prescribe.

Carriage of dangerous or offensive goods.

13. (*1*) No person shall be entitled to carry or to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(*2*) Every person taking such goods with him on any such tramway shall, before entering the carriage, give notice of their nature to the servant of the grantees in charge of the carriage.

(*3*) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the grantees with whom they are left at the time of such sending.

(*4*) Any servant of the grantees may refuse to carry upon any such tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

The Lahore Tramways Act, 1886.

(*Sections 14—20.*)

Offences and Penalties.

Penalty for failure of grantees to comply with certain provisions of Act and agreement.

14. If the grantees—

(*a*) construct or maintain any tramway, or run any carriage thereon, otherwise than in accordance with the said agreement and with this Act and the rules made under this Act;

(*b*) open any tramway for traffic before it has been inspected and certified in manner required by section 3;

(*c*) open or break up any street otherwise than as permitted by this Act, or having opened or broken up a street fail to discharge any of the obligations imposed on them by section 6, clauses (*a*) and (*b*); or

(*d*) fail to fulfil the requirements of section 5;

each of them shall (without prejudice to the enforcement of specific performance of the provisions of this Act or of the said agreement or to any other remedy against them), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

Penalty for obstructing grantees in the exercise of their powers.

15. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully obstructs any person acting under the authority of the grantees in the lawful exercise of their powers in constructing, maintaining or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

16. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things, namely:—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith;

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing;

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway; or

(*d*) abets, within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (*a*), clause (*b*) or clause (*c*);

shall be punished with fine which may extend to one hundred rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

17. Any person taking or sending by any tramway any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished with fine which may extend to fifty rupees.

Penalty for avoiding payment of proper fare.

18. If any person travelling or having travelled in any carriage of the grantees avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Power of servant of grantees to arrest persons avoiding payment of fare.

19. (*1*) When a person commits an offence under section 18 and refuses, on demand of a servant of the grantees, to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call in for his assistance.

(*2*) When the person is taken to the police-station, he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Powers to make Rules.

Powers to make rules.

20. (*1*) The Local Government may make rules consistent with this Act for regulating the use of steam-power or any other mechanical power on any of the tramways, and for the inspection of the engines worked on or in connection with the tramways for the purpose of producing that power.

(*2*) The Committee at a special meeting may, with the sanction of the Local Government, from to time, make such rules consistent with this Act as to the rate of speed, number of passengers and mode of use of the tramways, and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the grantees, as the convenience and safety of the public may, in the opinion of the Committee, require.

(*3*) The grantees may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them, and for regulating the travelling in any carriage belonging to them.

The Lahore Tramways Act, 1886.

(*Sections 21—26. The Schedule.*)

(*4*) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees; and

(*b*) if that authority is the Committee or the grantees, to twenty rupees.

(*5*) All rules made under this section shall be published in the local official Gazette.

Supplemental Provisions.

Commencement of agreement.

21. The said agreement shall, subject to the provisions and limitations in this Act contained, be deemed, for all the purposes thereof, to have been confirmed and recognised by the Government of the Punjab on the date of the passing of this Act.

Construction of clauses 17 and 24 of agreement.

22. For the purposes of clauses 17 and 24 of the said agreement the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the grantees.

Exemption from certain municipal taxation.

23. The plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the grantees shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting-rates and water-tax as may, from time to time, be payable in respect of the yards, workshops, engine-sheds and depôts.

Transfer of control on exclusion of local area from municipality.

24. If a local area in which a tramway has been constructed under this Act is at any time excluded from the municipality of Lahore, all the authority of the Committee under the said agreement and this Act and the rules made under this Act shall, in respect of that local area, devolve on the Local Government.

Provisions as to other Acts.

25. Nothing in this Act or in the said agreement shall exempt the grantees or any tramway constructed by them under this Act from the provisions of the Indian Railway Act, 1879, section 54, or of any general enactment relating to tramways now in force or which may hereafter be passed.

IV of 1879.

Saving of prosecutions under other laws.

26. Nothing in this Act shall prevent a person from being prosecuted under any other law for an 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.

THE SCHEDULE.

ARTICLES OF AGREEMENT made this seventh day of February, 1885, between the MUNICIPAL COMMITTEE OF LAHORE, PUNJAB, hereinafter called the Lahore Municipality, of the one part, and D. P. MASSON, JOHN ROBSON and ARTHUR MILFORD KER OF LAHORE, hereinafter called the grantees, of the other part.

WHEREAS the said Lahore Municipality, subject to the confirmation of the Government of the Punjab, and to the recognition of this agreement by the said Government of the Punjab, have agreed to grant to the said grantees the right to construct, maintain and use a tramway or tramways in Lahore upon the terms and conditions hereinafter contained.

2. NOW THESE PRESENTS witness that, in consideration of the covenants hereinafter contained, and on the part of the said Lahore Municipality to be performed, the said grantees for themselves, their heirs, executors and assigns do covenant with the said Lahore Municipality, so far as the covenants and agreements hereinafter contained are to be performed by the said grantees and their heirs, executors, administrators and assigns, and the said Municipality for and in consideration of the covenants and agreements hereinafter contained and on the part of the said grantees and their heirs, executors, administrators and assigns to be performed, do hereby covenant with the said grantees and their heirs, executors, administrators and assigns so far as the covenants and agreements hereinafter contained are to be performed by the said Lahore Municipality, their successors and assigns, in manner following, that is to say:—

The said Lahore Municipality grant to the said grantees and their heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said grantees," the right to construct, maintain and use a tramway or tramways with all necessary sidings, turnouts, connections and lines of whatever nature which may be required to connect the said tramway with the depôts of the said grantees (but in the case of sidings and turnouts only in such places as the said corporation may sanction) on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Municipality:—

Clause 1.—(*1st*). A line commencing at the junction of Nicholson and Mayo Roads near the Sindh, Punjab and Delhi Railway Workshops, and continued along the road in front of the Railway Station through the Landa Bazar to the Delhi Gate, thence by the circular road on the south side of the City to the end of the Anarkali Bazar near the Lohari Gate.

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(*The Schedule.*)

(*2nd*). A line, being a continuation of the above, through the Anarkali Bazar past the Museum to the junction of the Church Road near Kapurthala House.

(*3rd*). A line in continuation leading to Mozang.

(*4th*). A line commencing at the junction of Mayo and Nicholson Roads continued along the Mayo Road through Shalu-ki-Garhi to Meean Meer Bazar.

Lines 1 and 2 are delineated on the map or plan hereunto annexed and signed by the parties hereto. The lines shall be single except at crossing stations, where they shall be double.

Clause 2.—The said grantees shall further (subject to clauses 3 and 4) have the exclusive right of laying, constructing, maintaining and using a tramway or tramways within the limits of the Lahore Municipality on the terms contained in these presents: provided always that if the said grantees shall at any time or times, not being a period less than three months after the construction of the lines 1 and 2 enumerated in clause 1, refuse or neglect for three months to accept any proposal by the said Lahore Municipality for the construction, maintenance and use of any tramway or tramways other than those mentioned in clause 1, which the said Lahore Municipality may consider necessary or desirable, it shall be lawful for the said Lahore Municipality to employ any other person or company for the purposes aforesaid or any of them, and to make such arrangements as they may think proper independently of the said grantees.

Clause 3.—The said grantees shall construct in such manner as to be available for use at least tramways 1 and 2 within two years from the date of obtaining the sanction and approval of the Government of the Punjab, and they shall, before the expiration of the third year, give notice in writing to the said Lahore Municipality of the lines they intend to construct during the next succeeding two years; and failing the observance by the said grantees of the terms of this clause, it shall be lawful for the said Lahore Municipality to withdraw and cancel the concessions and rights granted by these presents to the said grantees as regards the lines remaining to be constructed.

Clause 4.—If the grantees shall, at the expiration of five years from the date of commencement of this contract, have left any one or more lines hereinbefore in clause 1 specified unconstructed, and if the said Lahore Municipality shall not have exercised the rights conferred on them by clause 3, the said Lahore Municipality may call upon the said grantees to construct the line or lines, and if the said grantees do not construct the line or lines within twelve calendar months after receiving such formal notice, then their power granted in this concession shall, so far as relates to that line or lines, cease, and the said Lahore Municipality may make arrangements with other persons for the construction of the same.

Clause 5.—Any tramway or tramways to be constructed under this agreement shall be constructed on the metre gauge of 3 feet 3⅜ inches, or on such other gauge not exceeding 4 feet 8½ inches as may be mutually agreed upon, and especially the rails shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road; and before the work of construction is begun the drawings and specifications showing the proposed construction of each tramway shall be submitted to the said Municipality and be approved by them, and the cars and carriages intended to run on the said tramways shall also be such as shall have been approved of by the Municipality. The rail to be used is the ordinary grooved rail of steel weighing 34 pounds per yard.

Clause 6.—If the said Municipality shall hereafter alter the level of any street or road along or across which any tramway by this agreement authorized is laid or authorized to be laid, the grantees shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered: provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use and working thereof.

Clause 7.—The cars and carriages of the said grantees on the tracks of the said tramways shall be worked with such power, animal or mechanical, as the said grantees may think suitable, provided that no steam carriages may be used without the special consent of the Municipality (Commissioners in special general meeting) and the sanction of the Punjab Government, and provided also that the said Municipality (Commissioners in special general meeting) shall have power at all times to make such regulations as to the rate of speed, number of passengers and mode of use of the said tracks as the convenience and safety of the public using the street may require.

Clause 8.—The said grantees shall have power from time to time to fix the rate of fares for carrying persons and goods in the cars or carriages to be run on the said tramway or tramways: provided that the rates of fares shall for any distance not exceed the rate of one anna per mile for the lower class and two annas per mile for the higher or first class for each passenger.

Clause 9.—The said grantees may, for the purpose of constructing and maintaining such tramways under such superintendence as is hereinafter

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(*The Schedule.*)

specified, open and break up the soil and metalled way of the several streets, roads and bridges, and thereon lay sleepers and rails, and from time to time repair, alter or remove the same, and may, for the purposes aforesaid, remove and use all earth and materials in such streets, roads and bridges, and the said grantees may, in and on such streets, roads and bridges, do all other acts which they shall from time to time deem necessary for constructing and maintaining street tramways, doing as little damage as may be in the execution of the powers hereby granted, and shall make good all damage done to drains, sewers, water and gas pipes, or to the wires or other materials or things used for any other system of lighting, and whether belonging to the said Municipality or to private individuals, and shall make compensation for any other damage done in the execution of such powers.

Clause 10.—Before the said grantees proceed to open or break up any street, road or bridge, they shall obtain the approval in writing of the said Committee to the tracks or lines of the said tramway being laid down on the said streets, roads or bridges, and the said grantees, before opening or breaking up any street, road or bridge, shall give to the said Committee or their Executive Engineer, or other municipal officer duly appointed for that purpose, notice in writing of their intention to open or break up the same not less than three clear days before beginning such work, except in such cases of emergency arising from defects in any of the rails or other works, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Clause 11.—No street, road or bridge shall, except in cases of emergency as aforesaid, be opened or broken up, except under the superintendence of the said Committee or of their Executive Engineer, or of some other municipal officer duly appointed for that purpose, and according to such plans as shall be approved of by him or them: provided always that, if the said Committee or their Engineer or other such officer as aforesaid fail to attend at the time fixed for the opening of any such street, road or bridge after having had such notice of the said grantees' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said grantees may perform the work specified in such notice without such superintendence as aforesaid.

Clause 12.—When the said grantees open or break up the roadway or pavement of any street, road or bridge, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and make good the roadway or pavement so opened or broken up as aforesaid, and carry away the rubbish occasioned thereby, and deposit the same for the use of the said Committee at such place as the Executive Engineer of the said Municipality shall direct, and shall at all times, whilst any such roadway or pavement shall be so opened or broken up, cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such roadway or pavement where the same shall be open or broken up every night during which the same shall continue open or broken up.

Clause 13.—If the said grantees open or break up any street, road or bridge without giving such notice as hereinbefore mentioned, or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the said grantees are hereby authorized to perform such work without any superintendence or notice, or if the said grantees shall make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good, so far as is consistent with the existence of the said tramway, the roadway or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such roadway or pavement has been broken up to be guarded and lighted, they shall forfeit to the said Committee a sum not exceeding fifty (50) rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty (50) rupees for each day during which any such delay or neglect as aforesaid shall continue after they shall have received notice thereof.

Clause 14.—The said grantees shall maintain and keep in repair such portion of the streets, roads and bridges as shall be occupied by their tracks or lines, including therein, not only the space between their tracks or lines, but a space eighteen inches on either side thereof, and in consideration of the maintenance of such streets, roads and bridges as aforesaid, and of the yearly rent hereinafter mentioned to be paid by the grantees, the plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the said grantees shall be exempt from municipal taxation for a period of five years, except lighting and water-rates for such yards, workshops, engine-sheds and depôts.

Clause 15.—The said grantees shall be liable for any loss, damage or injuries that any person or persons may sustain by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said grantees, or by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of the tramways or any portion thereof; the same shall be made good by the said grantees, and in the event of any suit being instituted against the said Committee in respect of any of the matters hereinbefore mentioned, the said grantees shall, within fourteen days from the receipt of a notice thereof from the said Committee, settle the same; but if the said grantees choose to defend such suit, they shall be at liberty

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to do so upon their undertaking to indemnify the said Committee against all losses, damages and expenses in respect thereof: provided always that, if the said grantees fail to settle such suit or to indemnify the said Committee as is hereinbefore provided, it shall be lawful for the said Committee to settle the same without any consent or concurrence on the part of the said grantees, and the sums which they shall have to pay in making such settlement, together with interest thereon at the rate of 8 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said grantees.

Clause 16.—Nothing in this agreement shall be construed to prevent the said Committee from taking up any of the public streets or roads traversed by the said tramway for the purposes for which the said Committee may lawfully take up the same, and the said grantees shall have no right to claim cost from the said Committee for obstructing the tramway or causing delay in the traffic so long as the delay shall not be unreasonable for the work to be performed.

Clause 17.—If at any time after the opening of any tramway for traffic the said grantees shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the said grantees), it shall be lawful for the said Committee, without any previous notice to the said grantees, to remove the tramway or part of the tramway so discontinued, and the said grantees shall pay to the said Committee the cost of such removal and of the making good of the street, road or bridge, and the certificate of the said Committee or of their engineer as to such costs shall be conclusive.

Clause 18.—The provisions of this agreement shall remain and be in force for a term not less than twenty-one (21) years from the date thereof. The said Committee shall have the right of purchasing the said tramways, with the plant, stores, rolling-stock, sheds, depôts and yards, and everything connected therewith, after the expiration of the said twenty-one (21) years, upon declaring its intention so to do within six months after the expiration of the said twenty-one (21) years; the amount to be paid in the event of such purchase shall be the actual *bonâ fide* value at the termination of this agreement, exclusive of any compensation for goodwill, premium on compulsory sale or other consideration whatever, of the tramways and of the work and materials connected therewith, and of the lands and buildings and all the other property of the grantees, such value to be decided by mutual agreement or by arbitration as hereinafter provided.

Clause 19.—The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said grantees by any route or routes to be hereafter sanctioned by the said Committee, and to the works connected with or incidental to such tramways, it being agreed that in the event of the Municipality failing to declare its intention as above provided to purchase the property of the said grantees, the terms of this contract shall continue in force during the period of six months from the date of the determination of these presents and for a further period of six months, and if the said Committee shall not within that time exercise the option of purchase hereby given, the said Committee and the said grantees shall enter into a fresh agreement.

Clause 20.—The said grantees will, if required by the Municipality, before opening and breaking up the soil and pavement of any street or bridge, deposit in an approved Bank in Lahore, in the name of the said Municipality, the sum of Rs. 1,000 or in their option Promissory Notes of the Government of India or Municipal Bonds of the nominal value of Rs. 1,000, and the same will remain so deposited until the completion by the said grantees of the lines of tramway herein sanctioned for immediate construction. But all interest accruing on the said sum or the said notes shall be credited to the said grantees, and subject as next hereinafter mentioned, be paid to them as the same shall accrue due: provided, nevertheless, that the said Municipality shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes, or out of the proceeds of sale of the said notes, all moneys to which they may be entitled under any clause or clauses of these presents.

Clause 21.—In consideration of the concession hereby granted, the said grantees will pay to the said Lahore Municipality rents at the rates and under the conditions hereinafter specified; that is to say, for the first two years after the opening of the tramway or tramways no rent will be charged, after the expiration of the first two years, and during the next ensuing year, the rental shall be one-tenth of the annual average profits as shown by the company's books during the preceding two years, this rental to be subject to revision at the end of every two years, and the maximum charge or rental made by the said Municipality shall under no circumstance exceed one-tenth of the net profit divided by the company in every period of two years immediately preceding each adjustment of the charge. The books and accounts shall at all times be open to the inspection of the Municipal Committee, and should any dispute arise as to the exact charge to be made by the said Municipality, then such matter or matters in dispute shall be referred to arbitrators as detailed in clause 25 of this agreement. If the said rent or any part thereof shall not be paid on due date, the said grantees shall be liable to pay interest thereon at the rate of 8 per cent. per annum from the due date until payment.

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Clause 22.—From and after the commencement of the 15th year of this contract to the end of the 21st, the said grantees shall not be at liberty to enter upon any fresh arrangements or expenditure which would increase their capital account in connection with this contract without first notifying their intention to the said Municipality and obtaining their approval thereof and sanction thereto in writing.

Clause 23.—The sleepers, rails, materials and implements and other erections placed and erected by the said grantees on the streets, bridges or roads under the powers hereby granted shall be and remain the property of the said grantees, and the said grantees shall have the exclusive use of their tramway or tramways for carriages with flanged wheels or other wheels suitable only to run on the prescribed rail.

Clause 24.—Unless the said grantees shall have commenced the work of laying down the said tramways within twelve months from the date of the execution of these articles of agreement, the said Committee shall be at liberty to cease and determine this contract and to enter into arrangements with any other person or persons for the construction of tramways; it being agreed, however, that these conditions of contract are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said 12 months shall date from the day on which notice of such sanction is given to the said grantees: provided also that any delay in commencing the work beyond 12 months shall not have been due to any cause beyond the control of the said grantees.

Clause 25.—If any doubt, difference or dispute shall arise between the said grantees and the said Committee touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said grantees and the other by the said Committee within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators if they agree, or of such umpire if they disagree, shall be final; and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

Clause 26.—The said grantees are to be at liberty to form a Company or Limited Liability Company for the purpose of constructing, maintaining and working the tramways authorized by or hereafter to be authorized under the terms of this agreement. The words "the said grantees" used in this agreement shall include such Company or Limited Liability Company so formed as aforesaid.

Clause 27.—The words "the said Committee" used in this agreement shall include the present Committee and their successors, and also persons empowered by the said Committee or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Committee are hereinbefore authorized or empowered to do or exercise.

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

The following Report of the Select Committee on the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd December, 1885:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Office memorandum from Government of India, Public Works Department, No. 554 R. C., dated 17th June, 1885 [Paper No. 1].
From Officiating Secretary to Government, Punjab, No. 870, dated 9th November, 1885, and enclosures [Papers No. 2].

2. A portion of the tramways mentioned in the agreement between the Municipal Committee of Lahore and the grantees would lie beyond the limits of the municipality. As the Committee has authority only within the municipality, we have, with the concurrence of the Lieutenant-Governor of the Punjab, limited the operation of the Bill to the local area within municipal limits. The tramway which it is proposed to construct beyond those limits can be authorized hereafter when the Indian Tramways Bill has been passed.

3. In section 3 we have provided that the fitness of a tramway for public traffic shall be certified by an Inspector appointed by the Local Government. At Lahore there is not now an officer holding the office of Engineer to the Municipal Committee. In England the Inspector is appointed by the Board of Trade.

4. To section 20 we have prefixed a sub-section empowering the Local Government to make rules for regulating the use of steam or other mechanical power on the tramways, and for the inspection of the engines worked on or in connection with the tramways. In England the Board of Trade by its provisional orders reserves to itself the power of making rules for these purposes.

5. As some time has elapsed since the agreement between the Municipal Committee and the grantees was executed, and some works have to be constructed within limited periods after the commencement of the contract, we have in effect provided in section 21 that the contract shall not be deemed to have commenced till the Bill has been passed.

In section 24 we have provided for a case which section 165 of the Punjab Municipal Act, 1884, renders possible.

7. The other alterations which we have made are unimportant and do not call for special notice.

8. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	16th, 23rd and 30th May, 1885.
Punjab Government Gazette	21st and 28th May, and 4th June, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Punjab	Urdu	15th, 22nd and 29th June, 1885.

9. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
T. C. HOPE.

The 23rd December, 1885.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 16, 1886.

☞ 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 6th January, 1886, and is hereby promulgated for general information:—

ACT No. I OF 1886.

THE LAHORE TRAMWAYS ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.
1. Short title and commencement.
2. Definitions.

Powers of grantees generally.

3. Powers to construct, maintain and use tramways.

Construction and Maintenance of Tramways and of Streets on which they are laid.

4. Powers to grantees to break up streets and lay rails, &c.
5. Grantees to keep tramways and adjoining part of street in repair.
6. Obligations of grantees when they have broken up street.
7. Reservation of power of Committee and Government over streets.

Rights over Tramways and Streets on which they are laid.

SECTIONS.
8. Grantees' exclusive right over tramways.
9. Grantees to have right of user only.
10. Power of Committee and Government officers to regulate traffic on streets.

Traffic on Tramways.

11. Rates of fares and charges.
12. Mode of payment of fares and charges.
13. Carriage of dangerous or offensive goods.

Offences and Penalties.

14. Penalty for failure of grantees to comply with certain provisions of Act and agreement.
15. Penalty for obstructing grantees in the exercise of their powers.
16. Penalty for interfering with tramway.
17. Penalty for taking or sending dangerous or offensive goods without giving notice.
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Powers to make Rules.

20. Powers to make rules.

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21. Commencement of agreement.
22. Construction of clauses 17 and 24 of agreement.
23. Exemption from certain municipal taxation.
24. Transfer of control on exclusion of local area from municipality.
25. Provisions as to other Acts.
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THE SCHEDULE.

The Lahore Tramways Act, 1886.

(*Sections 1—6.*)

An Act to authorize the making, and to regulate the working, of Street Tramways in Lahore.

WHEREAS the Municipal Committee of Lahore by an agreement dated the seventh day of February, 1885, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to David Parkes Masson, John Robson and Arthur Milford Ker, their heirs, executors, administrators and assigns, hereinafter called the grantees, the right to construct, maintain and use a tramway or tramways in Lahore upon the terms, subject to the conditions and in the manner mentioned in the said agreement, and the said agreement was made subject to the confirmation and recognition thereof by the Government of the Punjab;

And whereas the Government of the Punjab has confirmed and recognised the said agreement and it is now expedient that effect be given to it, subject to the provisions and limitations hereinafter contained;

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Lahore Tramways Act, 1886; and

(*2*) It shall come into force at once.

Definitions.

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

"Committee" means the Committee established for the municipality of Lahore under the Punjab Municipal Act, 1884:

XIII of 1884.

"tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway: and

"street" means any way, street, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and along or across which any tramway authorized by this Act is or is intended to be laid, 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.

Powers of grantees generally.

Powers to construct, maintain and use tramways.

3. Subject to the provisions of this Act, and to the terms and conditions of the said agreement so far as the same are not inconsistent with this Act or are not provided for thereby, the grantees may, within the local area included on the seventh day of February, 1885, within the limits of the municipality of Lahore, construct, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified to be fit therefor by an engineer appointed in this behalf by the Local Government.

Construction and Maintenance of Tramways and of Streets on which they are laid.

Power to grantees to break up streets and lay rails, &c.

4. Subject to the terms and conditions of the said agreement, the grantees may, from time to time, for the purpose of constructing, maintaining or renewing any tramway under this Act, open or break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway:

Provided that they shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

Grantees to keep tramways and adjoining part of street in repair.

5. The grantees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the Committee from time to time directs, all tramways constructed by them under this Act, and so much of any street as lies between the rails of any such tramway, and in the case of double lines or turnouts or sidings, the portion of the street between the tramways, and in every case so much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway.

Obligations of grantees when they have broken up street.

6. When the grantees have, for the purposes of section 4 or section 5, opened or broken up any portion of a street, they shall be under the following further obligations, namely:—

(*a*) they shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consents in writing, complete the work for which the street has been opened or broken up, fill in the ground and make good the surface, and, to the satisfaction of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby;

(*b*) they shall, in the meantime, cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted from sunset to sunrise; and

(*c*) they shall be answerable for all injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of the opening or breaking up of the street.

The Lahore Tramways Act, 1886.

(*Sections 7—13.*)

Reservation of power of Committee and Government over streets.

7. (*1*) Nothing in this Act or in the said agreement shall prevent the Committee or any Government officers from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street:

Provided that—

(*a*) they shall cause as little detriment or inconvenience to the grantees as circumstances admit; and

(*b*) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the grantees not less than eighteen hours' previous notice of their intention to commence the work, specifying the time at which they will commence it.

(*2*) The Committee or officers aforesaid or the Secretary of State for India in Council shall not be liable to pay to the grantees any compensation for injury done to the tramway by the execution of any work referred to in sub-section (*1*), or for loss of traffic occasioned by the reasonable use of any power lawfully exercised in connection with the same.

Rights over Tramways and Streets on which they are laid.

Grantees' exclusive right over tramways.

8. The grantees shall, subject to the provisions of this Act and to the terms and conditions of the said agreement, have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail:

Provided that nothing in this Act or in the said agreement shall affect the right of the public to pass along or across any part of any street along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail.

Grantees to have right of user only.

9. Notwithstanding anything in this Act or in the said agreement, the grantees shall not acquire any right other than that of user over any street along or across which they lay any tramway.

Power of Committee and Government officers to regulate traffic on streets.

10. Nothing in this Act or in the said agreement shall affect any powers possessed by the Committee or by any Government officers to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or officers aforesaid may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the grantees as to the traffic of other persons.

Traffic on Tramways.

Rates of fares and charges.

11. The grantees may, from time to time, by a notice published in such languages and in such manner as the Local Government may prescribe, fix the rates of fares and charges for carrying passengers and goods in their carriages:

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class, and two annas per mile for each passenger in the higher or first class.

Mode of payment of fares and charges.

12. The fares and charges by this Act authorized shall be paid to such persons, at such places upon or near to the tramways, and in such manner and under such regulations as the grantees may, by a notice published as aforesaid, from time to time prescribe.

Carriage of dangerous or offensive goods.

13. (*1*) No person shall be entitled to carry or to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(*2*) Every person taking such goods with him on any such tramway shall, before entering the carriage, give notice of their nature to the servant of the grantees in charge of the carriage.

(*3*) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the grantees with whom they are left at the time of such sending.

(*4*) Any servant of the grantees may refuse to carry upon any such tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

The Lahore Tramways Act, 1886.

(Sections 14—20.)

Offences and Penalties.

Penalty for failure of grantees to comply with certain provisions of Act and agreement.

14. If the grantees—

(*a*) construct or maintain any tramway, or run any carriage thereon, otherwise than in accordance with the said agreement and with this Act and the rules made under this Act;

(*b*) open any tramway for traffic before it has been inspected and certified in manner required by section 3;

(*c*) open or break up any street otherwise than as permitted by this Act, or having opened or broken up a street fail to discharge any of the obligations imposed on them by section 6, clauses (*a*) and (*b*); or

(*d*) fail to fulfil the requirements of section 5;

each of them shall (without prejudice to the enforcement of specific performance of the provisions of this Act or of the said agreement or to any other remedy against them), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

Penalty for obstructing grantees in the exercise of their powers.

15. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully obstructs any person acting under the authority of the grantees in the lawful exercise of their powers in constructing, maintaining or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

16. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things, namely:—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith;

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing;

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway; or

(*d*) abets, within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (*a*), clause (*b*) or clause (*c*);

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shall be punished with fine which may extend to one hundred rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

17. Any person taking or sending by any tramway any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished with fine which may extend to fifty rupees.

Penalty for avoiding payment of proper fare.

18. If any person travelling or having travelled in any carriage of the grantees avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Power of servant of grantees to arrest persons avoiding payment of fare.

19. (*1*) When a person commits an offence under section 18 and refuses, on demand of a servant of the grantees, to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call in for his assistance.

(*2*) When the person is taken to the police-station, he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Powers to make Rules.

Powers to make rules.

20. (*1*) The Local Government may make rules consistent with this Act for regulating the use of steam-power or any other mechanical power on any of the tramways, and for the inspection of the engines worked on or in connection with the tramways for the purpose of producing that power.

(*2*) The Committee at a special meeting may, with the sanction of the Local Government, from time to time, make such rules consistent with this Act as to the rate of speed, number of passengers and mode of use of the tramways, and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the grantees, as the convenience and safety of the public may, in the opinion of the Committee, require.

(*3*) The grantees may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them, and for regulating the travelling in any carriage belonging to them.

The Lahore Tramways Act, 1886.

(Sections 21—26. The Schedule.)

(*4*) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees; and

(*b*) if that authority is the Committee or the grantees, to twenty rupees.

(*5*) All rules made under this section shall be published in the local official Gazette.

Supplemental Provisions.

Commencement of agreement.

21. The said agreement shall, subject to the provisions and limitations in this Act contained, be deemed, for all the purposes thereof, to have been confirmed and recognised by the Government of the Punjab on the date of the passing of this Act.

Construction of clauses 17 and 24 of agreement.

22. For the purposes of clauses 17 and 24 of the said agreement the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the grantees.

Exemption from certain municipal taxation.

23. The plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the grantees shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting-rates and water-tax as may, from time to time, be payable in respect of the yards, workshops, engine-sheds and depôts.

Transfer of control on exclusion of local area from municipality.

24. If a local area in which a tramway has been constructed under this Act is at any time excluded from the municipality of Lahore, all the authority of the Committee under the said agreement and this Act and the rules made under this Act shall, in respect of that local area, devolve on the Local Government.

Provisions as to other Acts.

25. Nothing in this Act or in the said agreement shall exempt the grantees or any tramway constructed by them under this Act from the provisions of the Indian Railway Act, 1879, section 54, or of any general enactment relating to tramways now in force or which may hereafter be passed.

IV of 1879.

Saving of prosecutions under other laws.

26. Nothing in this Act shall prevent a person from being prosecuted under any other law for an 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.

THE SCHEDULE.

ARTICLES OF AGREEMENT made this seventh day of February, 1885, between the MUNICIPAL COMMITTEE OF LAHORE, PUNJAB, hereinafter called the Lahore Municipality, of the one part, and D. P. MASSON, JOHN ROBSON and ARTHUR MILFORD KER OF LAHORE, hereinafter called the grantees, of the other part.

WHEREAS the said Lahore Municipality, subject to the confirmation of the Government of the Punjab, and to the recognition of this agreement by the said Government of the Punjab, have agreed to grant to the said grantees the right to construct, maintain and use a tramway or tramways in Lahore upon the terms and conditions hereinafter contained.

2. NOW THESE PRESENTS witness that, in consideration of the covenants hereinafter contained, and on the part of the said Lahore Municipality to be performed, the said grantees for themselves, their heirs, executors and assigns do covenant with the said Lahore Municipality, so far as the covenants and agreements hereinafter contained are to be performed by the said grantees and their heirs, executors, administrators and assigns, and the said Municipality for and in consideration of the covenants and agreements hereinafter contained and on the part of the said grantees and their heirs, executors, administrators and assigns to be performed, do hereby covenant with the said grantees and their heirs, executors, administrators and assigns so far as the covenants and agreements hereinafter contained are to be performed by the said Lahore Municipality, their successors and assigns, in manner following, that is to say:—

The said Lahore Municipality grant to the said grantees and their heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said grantees," the right to construct, maintain and use a tramway or tramways with all necessary sidings, turnouts, connections and lines of whatever nature which may be required to connect the said tramway with the depôts of the said grantees (but in the case of sidings and turnouts only in such places as the said corporation may sanction) on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Municipality:—

Clause 1.—(*1st*). A line commencing at the junction of Nicholson and Mayo Roads near the Sindh, Punjab and Delhi Railway Workshops, and continued along the road in front of the Railway Station through the Landa Bazar to the Delhi Gate, thence by the circular road on the south side of the City to the end of the Anarkali Bazar near the Lohari Gate.

The Lahore Tramways Act, 1886.

(*The Schedule.*)

(*2nd*). A line, being a continuation of the above, through the Anarkali Bazar past the Museum to the junction of the Church Road near Kapurthala House.

(*3rd*). A line in continuation leading to Mozang.

(*4th*). A line commencing at the junction of Mayo and Nicholson Roads continued along the Mayo Road through Shalu-ki-Garhi to Meean Meer Bazar.

Lines 1 and 2 are delineated on the map or plan hereunto annexed and signed by the parties hereto. The lines shall be single except at crossing stations, where they shall be double.

Clause 2.—The said grantees shall further (subject to clauses 3 and 4) have the exclusive right of laying, constructing, maintaining and using a tramway or tramways within the limits of the Lahore Municipality on the terms contained in these presents: provided always that if the said grantees shall at any time or times, not being a period less than three months after the construction of the lines 1 and 2 enumerated in clause 1, refuse or neglect for three months to accept any proposal by the said Lahore Municipality for the construction, maintenance and use of any tramway or tramways other than those mentioned in clause 1, which the said Lahore Municipality may consider necessary or desirable, it shall be lawful for the said Lahore Municipality to employ any other person or company for the purposes aforesaid or any of them, and to make such arrangements as they may think proper independently of the said grantees.

Clause 3.—The said grantees shall construct in such manner as to be available for use at least tramways 1 and 2 within two years from the date of obtaining the sanction and approval of the Government of the Punjab, and they shall, before the expiration of the third year, give notice in writing to the said Lahore Municipality of the lines they intend to construct during the next succeeding two years; and failing the observance by the said grantees of the terms of this clause, it shall be lawful for the said Lahore Municipality to withdraw and cancel the concessions and rights granted by these presents to the said grantees as regards the lines remaining to be constructed.

Clause 4.—If the grantees shall, at the expiration of five years from the date of commencement of this contract, have left any one or more lines hereinbefore in clause 1 specified unconstructed, and if the said Lahore Municipality shall not have exercised the rights conferred on them by clause 3, the said Lahore Municipality may call upon the said grantees to construct the line or lines, and if the said grantees do not construct the line or lines within twelve calendar months after receiving such formal notice, then their power granted in this concession shall, so far as relates to that line or lines, cease, and the said Lahore Municipality may make arrangements with other persons for the construction of the same.

Clause 5.—Any tramway or tramways to be constructed under this agreement shall be constructed on the metre gauge of 3 feet 3⅜ inches, or on such other gauge not exceeding 4 feet 8½ inches as may be mutually agreed upon, and especially the rails shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road; and before the work of construction is begun the drawings and specifications showing the proposed construction of each tramway shall be submitted to the said Municipality and be approved by them, and the cars and carriages intended to run on the said tramways shall also be such as shall have been approved of by the Municipality. The rail to be used is the ordinary grooved rail of steel weighing 34 pounds per yard.

Clause 6.—If the said Municipality shall hereafter alter the level of any street or road along or across which any tramway by this agreement authorized is laid or authorized to be laid, the grantees shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered: provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use and working thereof.

Clause 7.—The cars and carriages of the said grantees on the tracks of the said tramways shall be worked with such power, animal or mechanical, as the said grantees may think suitable, provided that no steam carriages may be used without the special consent of the Municipality (Commissioners in special general meeting) and the sanction of the Punjab Government, and provided also that the said Municipality (Commissioners in special general meeting) shall have power at all times to make such regulations as to the rate of speed, number of passengers and mode of use of the said tracks as the convenience and safety of the public using the street may require.

Clause 8.—The said grantees shall have power from time to time to fix the rate of fares for carrying persons and goods in the cars or carriages to be run on the said tramway or tramways: provided that the rates of fares shall for any distance not exceed the rate of one anna per mile for the lower class and two annas per mile for the higher or first class for each passenger.

Clause 9.—The said grantees may, for the purpose of constructing and maintaining such tramways under such superintendence as is hereinafter

The Lahore Tramways Act, 1886.

(*The Schedule.*)

specified, open and break up the soil and metalled way of the several streets, roads and bridges, and thereon lay sleepers and rails, and from time to time repair, alter or remove the same, and may for the purposes aforesaid, remove and use all earth and materials in such streets, roads and bridges, and the said grantees may, in and on such streets, roads and bridges, do all other acts which they shall from time to time deem necessary for constructing and maintaining street tramways, doing as little damage as may be in the execution of the powers hereby granted, and shall make good all damage done to drains, sewers, water and gas pipes, or to the wires or other materials or things used for any other system of lighting, and whether belonging to the said Municipality or to private individuals, and shall make compensation for any other damage done in the execution of such powers.

Clause 10.—Before the said grantees proceed to open or break up any street, road or bridge, they shall obtain the approval in writing of the said Committee to the tracks or lines of the said tramway being laid down on the said streets, roads or bridges, and the said grantees, before opening or breaking up any street, road or bridge, shall give to the said Committee or their Executive Engineer, or other municipal officer duly appointed for that purpose, notice in writing of their intention to open or break up the same not less than three clear days before beginning such work, except in such cases of emergency arising from defects in any of the rails or other works, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Clause 11.—No street, road or bridge shall, except in cases of emergency as aforesaid, be opened or broken up, except under the superintendence of the said Committee or of their Executive Engineer, or of some other municipal officer duly appointed for that purpose, and according to such plans as shall be approved of by him or them: provided always that, if the said Committee or their Engineer or other such officer as aforesaid fail to attend at the time fixed for the opening of any such street, road or bridge after having had such notice of the said grantees' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said grantees may perform the work specified in such notice without such superintendence as aforesaid.

Clause 12.—When the said grantees open or break up the roadway or pavement of any street, road or bridge, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and make good the roadway or pavement so opened or broken up as aforesaid, and carry away the rubbish occasioned thereby, and deposit the same for the use of the said Committee at such place as the Executive Engineer of the said Municipality shall direct, and shall at all times, whilst any such roadway or pavement shall be so opened or broken up, cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such roadway or pavement where the same shall be open or broken up every night during which the same shall continue open or broken up.

Clause 13.—If the said grantees open or break up any street, road or bridge without giving such notice as hereinbefore mentioned, or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the said grantees are hereby authorized to perform such work without any superintendence or notice, or if the said grantees shall make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good, so far as is consistent with the existence of the said tramway, the roadway or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such roadway or pavement has been broken up to be guarded and lighted, they shall forfeit to the said Committee a sum not exceeding fifty (50) rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty (50) rupees for each day during which any such delay or neglect as aforesaid shall continue after they shall have received notice thereof.

Clause 14.—The said grantees shall maintain and keep in repair such portion of the streets, roads and bridges as shall be occupied by their tracks or lines, including therein, not only the space between their tracks or lines, but a space eighteen inches on either side thereof, and in consideration of the maintenance of such streets, roads and bridges as aforesaid, and of the yearly rent hereinafter mentioned to be paid by the grantees, the plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the said grantees shall be exempt from municipal taxation for a period of five years, except lighting and water-rates for such yards, workshops, engine-sheds and depôts.

Clause 15.—The said grantees shall be liable for any loss, damage or injuries that any person or persons may sustain by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said grantees, or by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of the tramways or any portion thereof; the same shall be made good by the said grantees, and in the event of any suit being instituted against the said Committee in respect of any of the matters hereinbefore mentioned, the said grantees shall, within fourteen days from the receipt of a notice thereof from the said Committee, settle the same; but if the said grantees choose to defend such suit, they shall be at liberty

The Lahore Tramways Act, 1886.

(The Schedule.)

to do so upon their undertaking to indemnify the said Committee against all losses, damages and expenses in respect thereof: provided always that, if the said grantees fail to settle such suit or to indemnify the said Committee as is hereinbefore provided, it shall be lawful for the said Committee to settle the same without any consent or concurrence on the part of the said grantees, and the sums which they shall have to pay in making such settlement, together with interest thereon at the rate of 8 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said grantees.

Clause 16.—Nothing in this agreement shall be construed to prevent the said Committee from taking up any of the public streets or roads traversed by the said tramway for the purposes for which the said Committee may lawfully take up the same, and the said grantees shall have no right to claim cost from the said Committee for obstructing the tramway or causing delay in the traffic so long as the delay shall not be unreasonable for the work to be performed.

Clause 17.—If at any time after the opening of any tramway for traffic the said grantees shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the said grantees), it shall be lawful for the said Committee, without any previous notice to the said grantees, to remove the tramway or part of the tramway so discontinued, and the said grantees shall pay to the said Committee the cost of such removal and of the making good of the street, road or bridge, and the certificate of the said Committee or of their engineer as to such costs shall be conclusive.

Clause 18.—The provisions of this agreement shall remain and be in force for a term not less than twenty-one (21) years from the date thereof. The said Committee shall have the right of purchasing the said tramways, with the plant, stores, rolling-stock, sheds, depôts and yards, and everything connected therewith, after the expiration of the said twenty-one (21) years, upon declaring its intention so to do within six months after the expiration of the said twenty-one (21) years; the amount to be paid in the event of such purchase shall be the actual *bonâ fide* value at the termination of this agreement, exclusive of any compensation for goodwill, premium on compulsory sale or other consideration whatever, of the tramways and of the work and materials connected therewith, and of the lands and buildings and all the other property of the grantees, such value to be decided by mutual agreement or by arbitration as hereinafter provided.

Clause 19.—The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said grantees by any route or routes to be hereafter sanctioned by the said Committee, and to the works connected with or incidental to such tramways, it being agreed that in the event of the Municipality failing to declare its intention as above provided to purchase the property of the said grantees, the terms of this contract shall continue in force during the period of six months from the date of the determination of these presents and for a further period of six months, and if the said Committee shall not within that time exercise the option of purchase hereby given, the said Committee and the said grantees shall enter into a fresh agreement.

Clause 20.—The said grantees will, if required by the Municipality, before opening and breaking up the soil and pavement of any street or bridge, deposit in an approved Bank in Lahore, in the name of the said Municipality, the sum of Rs. 1,000 or in their option Promissory Notes of the Government of India or Municipal Bonds of the nominal value of Rs. 1,000, and the same will remain so deposited until the completion by the said grantees of the lines of tramway herein sanctioned for immediate construction. But all interest accruing on the said sum or the said notes shall be credited to the said grantees, and subject as next hereinafter mentioned, be paid to them as the same shall accrue due: provided, nevertheless, that the said Municipality shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes, or out of the proceeds of sale of the said notes, all moneys to which they may be entitled under any clause or clauses of these presents.

Clause 21.—In consideration of the concession hereby granted, the said grantees will pay to the said Lahore Municipality rents at the rates and under the conditions hereinafter specified; that is to say, for the first two years after the opening of the tramway or tramways no rent will be charged, after the expiration of the first two years, and during the next ensuing year, the rental shall be one-tenth of the annual average profits as shown by the company's books during the preceding two years, this rental to be subject to revision at the end of every two years, and the maximum charge or rental male by the said Municipality shall under no circumstance exceed one-tenth of the net profit divided by the company in every period of two years immediately preceding each adjustment of the charge. The books and accounts shall at all times be open to the inspection of the Municipal Committee, and should any dispute arise as to the exact charge to be made by the said Municipality, then such matter or matters in dispute shall be referred to arbitrators as detailed in clause 25 of this agreement. If the said rent or any part thereof shall not be paid on due date, the said grantees shall be liable to pay interest thereon at the rate of 8 per cent. per annum from the due date until payment.

The Lahore Tramways Act, 1886.

(The Schedule.)

Clause 22.—From and after the commencement of the 15th year of this contract to the end of the 21st, the said grantees shall not be at liberty to enter upon any fresh arrangements or expenditure which would increase their capital account in connection with this contract without first notifying their intention to the said Municipality and obtaining their approval thereof and sanction thereto in writing.

Clause 23.—The sleepers, rails, materials and implements and other erections placed and erected by the said grantees on the streets, bridges or roads under the powers hereby granted shall be and remain the property of the said grantees, and the said grantees shall have the exclusive use of their tramway or tramways for carriages with flanged wheels or other wheels suitable only to run on the prescribed rail.

Clause 24.—Unless the said grantees shall have commenced the work of laying down the said tramways within twelve months from the date of the execution of these articles of agreement, the said Committee shall be at liberty to cease and determine this contract and to enter into arrangements with any other person or persons for the construction of tramways; it being agreed, however, that these conditions of contract are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said 12 months shall date from the day on which notice of such sanction is given to the said grantees: provided also that any delay in commencing the work beyond 12 months shall not have been due to any cause beyond the control of the said grantees.

Clause 25.—If any doubt, difference or dispute shall arise between the said grantees and the said Committee touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said grantees and the other by the said Committee within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators if they agree, or of such umpire if they disagree, shall be final; and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

Clause 26.—The said grantees are to be at liberty to form a Company or Limited Liability Company for the purpose of constructing, maintaining and working the tramways authorized by or hereafter to be authorized under the terms of this agreement. The words "the said grantees" used in this agreement shall include such Company or Limited Liability Company so formed as aforesaid.

Clause 27.—The words "the said Committee" used in this agreement shall include the present Committee and their successors, and also persons empowered by the said Committee or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Committee are hereinbefore authorized or empowered to do or exercise.

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

The following Report of the Select Committee on the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd December, 1885:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Office memorandum from Government of India, Public Works Department, No. 554 R. C., dated 17th June, 1885 [Paper No. 1].
From Officiating Secretary to Government, Punjab, No. 870, dated 9th November, 1885, and enclosures [Papers No. 2].

2. A portion of the tramways mentioned in the agreement between the Municipal Committee of Lahore and the grantees would lie beyond the limits of the municipality. As the Committee has authority only within the municipality, we have, with the concurrence of the Lieutenant-Governor of the Punjab, limited the operation of the Bill to the local area within municipal limits. The tramway which it is proposed to construct beyond those limits can be authorized hereafter when the Indian Tramways Bill has been passed.

3. In section 3 we have provided that the fitness of a tramway for public traffic shall be certified by an Inspector appointed by the Local Government. At Lahore there is not now an officer holding the office of Engineer to the Municipal Committee. In England the Inspector is appointed by the Board of Trade.

4. To section 20 we have prefixed a sub-section empowering the Local Government to make rules for regulating the use of steam or other mechanical power on the tramways, and for the inspection of the engines worked on or in connection with the tramways. In England the Board of Trade by its provisional orders reserves to itself the power of making rules for these purposes.

5. As some time has elapsed since the agreement between the Municipal Committee and the grantees was executed, and some works have to be constructed within limited periods after the commencement of the contract, we have in effect provided in section 21 that the contract shall not be deemed to have commenced till the Bill has been passed.

In section 24 we have provided for a case which section 165 of the Punjab Municipal Act, 1884, renders possible.

7. The other alterations which we have made are unimportant and do not call for special notice.

8. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	16th, 23rd and 30th May, 1885.
Punjab Government Gazette	21st and 28th May, and 4th June, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Punjab	Urdu	15th, 22nd and 29th June, 1885.

9. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
T. C. HOPE.

The 22nd December, 1885.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 23, 1886.

☞ 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 6th January, 1886, and is hereby promulgated for general information:—

ACT No. I OF 1886.

THE LAHORE TRAMWAYS ACT, 1886.

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2. Definitions.

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4. Powers to grantees to break up streets and lay rails, &c.
5. Grantees to keep tramways and adjoining part of street in repair.
6. Obligations of grantees when they have broken up street.
7. Reservation of power of Committee and Government over streets.

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SECTIONS.
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20. Powers to make rules.

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THE SCHEDULE.

The Lahore Tramways Act, 1886.

(Sections 1—6.)

An Act to authorize the making, and to regulate the working, of Street Tramways in Lahore.

WHEREAS the Municipal Committee of Lahore by an agreement dated the seventh day of February, 1885, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to David Parkes Masson, John Robson and Arthur Milford Ker, their heirs, executors, administrators and assigns, hereinafter called the grantees, the right to construct, maintain and use a tramway or tramways in Lahore upon the terms, subject to the conditions and in the manner mentioned in the said agreement, and the said agreement was made subject to the confirmation and recognition thereof by the Government of the Punjab;

And whereas the Government of the Punjab has confirmed and recognised the said agreement and it is now expedient that effect be given to it, subject to the provisions and limitations hereinafter contained;

It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Lahore Tramways Act, 1886; and

(*2*) It shall come into force at once.

Definitions.

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

"Committee" means the Committee established for the municipality of Lahore under the Punjab Municipal Act, 1884;

XIII of 1884.

"tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway: and

"street" means any way, street, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and along or across which any tramway authorized by this Act is or is intended to be laid, 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.

Powers of grantees generally.

Powers to construct, maintain and use tramways.

3. Subject to the provisions of this Act, and to the terms and conditions of the said agreement so far as the same are not inconsistent with this Act or are not provided for thereby, the grantees may, within the local area included on the seventh day of February, 1885, within the limits of the municipality of Lahore, construct, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified to be fit therefor by an engineer appointed in this behalf by the Local Government.

Construction and Maintenance of Tramways and of Streets on which they are laid.

Power to grantees to break up streets and lay rails, &c.

4. Subject to the terms and conditions of the said agreement, the grantees may, from time to time, for the purpose of constructing, maintaining or renewing any tramway under this Act, open or break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway:

Provided that they shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

Grantees to keep tramways and adjoining part of street in repair.

5. The grantees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the Committee from time to time directs, all tramways constructed by them under this Act, and so much of any street as lies between the rails of any such tramway, and in the case of double lines or turnouts or sidings, the portion of the street between the tramways, and in every case so much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway.

Obligations of grantees when they have broken up street.

6. When the grantees have, for the purposes of section 4 or section 5, opened or broken up any portion of a street, they shall be under the following further obligations, namely:—

(*a*) they shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consents in writing, complete the work for which the street has been opened or broken up, fill in the ground and make good the surface, and, to the satisfaction of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby;

(*b*) they shall, in the meantime, cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted from sunset to sunrise; and

(*c*) they shall be answerable for all injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of the opening or breaking up of the street.

The Lahore Tramways Act, 1886.

(Sections 7—13.)

Reservation of power of Committee and Government over streets.

7. (*1*) Nothing in this Act or in the said agreement shall prevent the Committee or any Government officers from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street:

Provided that—

(*a*) they shall cause as little detriment or inconvenience to the grantees as circumstances admit; and

(*b*) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the grantees not less than eighteen hours' previous notice of their intention to commence the work, specifying the time at which they will commence it.

(*2*) The Committee or officers aforesaid or the Secretary of State for India in Council shall not be liable to pay to the grantees any compensation for injury done to the tramway by the execution of any work referred to in sub-section (*1*), or for loss of traffic occasioned by the reasonable use of any power lawfully exercised in connection with the same.

Rights over Tramways and Streets on which they are laid.

Grantees' exclusive right over tramways.

8. The grantees shall, subject to the provisions of this Act and to the terms and conditions of the said agreement, have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail:

Provided that nothing in this Act or in the said agreement shall affect the right of the public to pass along or across any part of any street along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail.

Grantees to have right of user only.

9. Notwithstanding anything in this Act or in the said agreement, the grantees shall not acquire any right other than that of user over any street along or across which they lay any tramway.

Power of Committee and Government officers to regulate traffic on streets.

10. Nothing in this Act or in the said agreement shall affect any powers possessed by the Committee or by any Government officers to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or officers aforesaid may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the grantees as to the traffic of other persons.

Traffic on Tramways.

Rates of fares and charges.

11. The grantees may, from time to time, by a notice published in such languages and in such manner as the Local Government may prescribe, fix the rates of fares and charges for carrying passengers and goods in their carriages:

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class, and two annas per mile for each passenger in the higher or first class.

Mode of payment of fares and charges.

12. The fares and charges by this Act authorized shall be paid to such persons, at such places upon or near to the tramways, and in such manner and under such regulations as the grantees may, by a notice published as aforesaid, from time to time prescribe.

Carriage of dangerous or offensive goods.

13. (*1*) No person shall be entitled to carry or to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(*2*) Every person taking such goods with him on any such tramway shall, before entering the carriage, give notice of their nature to the servant of the grantees in charge of the carriage.

(*3*) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the grantees with whom they are left at the time of such sending.

(*4*) Any servant of the grantees may refuse to carry upon any such tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

The Lahore Tramways Act, 1886.

(Sections 14—20.)

Offences and Penalties.

Penalty for failure of grantees to comply with certain provisions of Act and agreement.

14. If the grantees—

(*a*) construct or maintain any tramway, or run any carriage thereon, otherwise than in accordance with the said agreement and with this Act and the rules made under this Act;

(*b*) open any tramway for traffic before it has been inspected and certified in manner required by section 3;

(*c*) open or break up any street otherwise than as permitted by this Act, or having opened or broken up a street fail to discharge any of the obligations imposed on them by section 6, clauses (*a*) and (*b*); or

(*d*) fail to fulfil the requirements of section 5;

each of them shall (without prejudice to the enforcement of specific performance of the provisions of this Act or of the said agreement or to any other remedy against them), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

Penalty for obstructing grantees in the exercise of their powers.

15. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully obstructs any person acting under the authority of the grantees in the lawful exercise of their powers in constructing, maintaining or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

16. Any person who, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things, namely:—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith;

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing;

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway; or

(*d*) abets, within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (*a*), clause (*b*) or clause (*c*);

shall be punished with fine which may extend to one hundred rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

17. Any person taking or sending by any tramway any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished with fine which may extend to fifty rupees.

Penalty for avoiding payment of proper fare.

18. If any person travelling or having travelled in any carriage of the grantees avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Power of servant of grantees to arrest persons avoiding payment of fare.

19. (*1*) When a person commits an offence under section 18 and refuses, on demand of a servant of the grantees, to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call in for his assistance.

(*2*) When the person is taken to the police-station, he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Powers to make Rules.

Powers to make rules.

20. (*1*) The Local Government may make rules consistent with this Act for regulating the use of steam-power or any other mechanical power on any of the tramways, and for the inspection of the engines worked on or in connection with the tramways for the purpose of producing that power.

(*2*) The Committee at a special meeting may, with the sanction of the Local Government, from to time, make such rules consistent with this Act as to the rate of speed, number of passengers and mode of use of the tramways, and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the grantees, as the convenience and safety of the public may, in the opinion of the Committee, require.

(*3*) The grantees may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them, and for regulating the travelling in any carriage belonging to them.

The Lahore Tramways Act, 1886.

(Sections 21—26. The Schedule.)

(*4*) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees; and

(*b*) if that authority is the Committee or the grantees, to twenty rupees.

(*5*) All rules made under this section shall be published in the local official Gazette.

Supplemental Provisions.

Commencement of agreement.

21. The said agreement shall, subject to the provisions and limitations in this Act contained, be deemed, for all the purposes thereof, to have been confirmed and recognised by the Government of the Punjab on the date of the passing of this Act.

Construction of clauses 17 and 24 of agreement.

22. For the purposes of clauses 17 and 24 of the said agreement the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the grantees.

Exemption from certain municipal taxation.

23. The plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the grantees shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting-rates and water-tax as may, from time to time, be payable in respect of the yards, workshops, engine-sheds and depôts.

Transfer of control on exclusion of local area from municipality.

24. If a local area in which a tramway has been constructed under this Act is at any time excluded from the municipality of Lahore, all the authority of the Committee under the said agreement and this Act and the rules made under this Act shall, in respect of that local area, devolve on the Local Government.

Provisions as to other Acts.

25. Nothing in this Act or in the said agreement shall exempt the grantees or any tramway constructed by them under this Act from the provisions of the Indian Railway Act, 1879, section 54, or of any general enactment relating to tramways now in force or which may hereafter be passed.

Bar of prosecutions under other laws.

26. Nothing in this Act shall prevent a person from being prosecuted under any other law for an 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.

THE SCHEDULE.

ARTICLES OF AGREEMENT made this seventh day of February, 1885, between the MUNICIPAL COMMITTEE OF LAHORE, PUNJAB, hereinafter called the Lahore Municipality, of the one part, and D. P. MASSON, JOHN ROBSON and ARTHUR MILFORD KER OF LAHORE, hereinafter called the grantees, of the other part.

WHEREAS the said Lahore Municipality, subject to the confirmation of the Government of the Punjab, and to the recognition of this agreement by the said Government of the Punjab, have agreed to grant to the said grantees the right to construct, maintain and use a tramway or tramways in Lahore upon the terms and conditions hereinafter contained.

2. NOW THESE PRESENTS witness that, in consideration of the covenants hereinafter contained, and on the part of the said Lahore Municipality to be performed, the said grantees for themselves, their heirs, executors and assigns do covenant with the said Lahore Municipality, so far as the covenants and agreements hereinafter contained are to be performed by the said grantees and their heirs, executors, administrators and assigns, and the said Municipality for and in consideration of the covenants and agreements hereinafter contained and on the part of the said grantees and their heirs, executors, administrators and assigns to be performed, do hereby covenant with the said grantees and their heirs, executors, administrators and assigns so far as the covenants and agreements hereinafter contained are to be performed by the said Lahore Municipality, their successors and assigns, in manner following, that is to say:—

The said Lahore Municipality grant to the said grantees and their heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said grantees," the right to construct, maintain and use a tramway or tramways with all necessary sidings, turnouts, connections and lines of whatever nature which may be required to connect the said tramway with the depôts of the said grantees (but in the case of sidings and turnouts only in such places as the said corporation may sanction) on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Municipality:—

Clause 1.—(1st). A line commencing at the junction of Nicholson and Mayo Roads near the Sindh, Punjab and Delhi Railway Workshops, and continued along the road in front of the Railway Station through the Landa Bazar to the Delhi Gate, thence by the circular road on the south side of the City to the end of the Anarkali Bazar near the Lohari Gate.

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(*2nd*). A line, being a continuation of the above, through the Anarkali Bazar past the Museum to the junction of the Church Road near Kapurthala House.

(*3rd*). A line in continuation leading to Mozang.

(*4th*). A line commencing at the junction of Mayo and Nicholson Roads continued along the Mayo Road through Shalu-ki-Garhi to Mecan Meer Bazar.

Lines 1 and 2 are delineated on the map or plan hereunto annexed and signed by the parties hereto. The lines shall be single except at crossing stations, where they shall be double.

Clause 2.—The said grantees shall further (subject to clauses 3 and 4) have the exclusive right of laying, constructing, maintaining and using a tramway or tramways within the limits of the Lahore Municipality on the terms contained in these presents: provided always that if the said grantees shall at any time or times, not being a period less than three months after the construction of the lines 1 and 2 enumerated in clause 1, refuse or neglect for three months to accept any proposal by the said Lahore Municipality for the construction, maintenance and use of any tramway or tramways other than those mentioned in clause 1, which the said Lahore Municipality may consider necessary or desirable, it shall be lawful for the said Lahore Municipality to employ any other person or company for the purposes aforesaid or any of them, and to make such arrangements as they may think proper independently of the said grantees.

Clause 3.—The said grantees shall construct in such manner as to be available for use at least tramways 1 and 2 within two years from the date of obtaining the sanction and approval of the Government of the Punjab, and they shall, before the expiration of the third year, give notice in writing to the said Lahore Municipality of the lines they intend to construct during the next succeeding two years; and failing the observance by the said grantees of the terms of this clause, it shall be lawful for the said Lahore Municipality to withdraw and cancel the concessions and rights granted by these presents to the said grantees as regards the lines remaining to be constructed.

Clause 4.—If the grantees shall, at the expiration of five years from the date of commencement of this contract, have left any one or more lines hereinbefore in clause 1 specified unconstructed, and if the said Lahore Municipality shall not have exercised the rights conferred on them by clause 3, the said Lahore Municipality may call upon the said grantees to construct the line or lines, and if the said grantees do not construct the line or lines within twelve calendar months after receiving such formal notice, then their power granted in this concession shall, so far as relates to that line or lines, cease, and the said Lahore Municipality may make arrangements with other persons for the construction of the same.

Clause 5.—Any tramway or tramways to be constructed under this agreement shall be constructed on the metre gauge of 3 feet 3⅜ inches, or on such other gauge not exceeding 4 feet 8½ inches as may be mutually agreed upon, and especially the rails shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road; and before the work of construction is begun the drawings and specifications showing the proposed construction of each tramway shall be submitted to the said Municipality and be approved by them, and the cars and carriages intended to run on the said tramways shall also be such as shall have been approved of by the Municipality. The rail to be used is the ordinary grooved rail of steel weighing 84 pounds per yard.

Clause 6.—If the said Municipality shall hereafter alter the level of any street or road along or across which any tramway by this agreement authorized is laid or authorized to be laid, the grantees shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered: provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use and working thereof.

Clause 7.—The cars and carriages of the said grantees on the tracks of the said tramways shall be worked with such power, animal or mechanical, as the said grantees may think suitable, provided that no steam carriages may be used without the special consent of the Municipality (Commissioners in special general meeting) and the sanction of the Punjab Government, and provided also that the said Municipality (Commissioners in special general meeting) shall have power at all times to make such regulations as to the rate of speed, number of passengers and mode of use of the said tracks as the convenience and safety of the public using the street may require.

Clause 8.—The said grantees shall have power from time to time to fix the rate of fares for carrying persons and goods in the cars or carriages to be run on the said tramway or tramways: provided that the rates of fares shall for any distance not exceed the rate of one anna per mile for the lower class and two annas per mile for the higher or first class for each passenger.

Clause 9.—The said grantees may, for the purpose of constructing and maintaining such tramways under such superintendence as is hereinafter

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specified, open and break up the soil and metalled way of the several streets, roads and bridges, and thereon lay sleepers and rails, and from time to time repair, alter or remove the same, and may for the purposes aforesaid, remove and use all earth and materials in such streets, roads and bridges, and the said grantees may, in and on such streets, roads and bridges, do all other acts which they shall from time to time deem necessary for constructing and maintaining street tramways, doing as little damage as may be in the execution of the powers hereby granted, and shall make good all damage done to drains, sewers, water and gas pipes, or to the wires or other materials or things used for any other system of lighting, and whether belonging to the said Municipality or to private individuals, and shall make compensation for any other damage done in the execution of such powers.

Clause 10.—Before the said grantees proceed to open or break up any street, road or bridge, they shall obtain the approval in writing of the said Committee to the tracks or lines of the said tramway being laid down on the said streets, roads or bridges, and the said grantees, before opening or breaking up any street, road or bridge, shall give to the said Committee or their Executive Engineer, or other municipal officer duly appointed for that purpose, notice in writing of their intention to open or break up the same not less than three clear days before beginning such work, except in such cases of emergency arising from defects in any of the rails or other works, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Clause 11.—No street, road or bridge shall, except in cases of emergency as aforesaid, be opened or broken up, except under the superintendence of the said Committee or of their Executive Engineer, or of some other municipal officer duly appointed for that purpose, and according to such plans as shall be approved of by him or them: provided always that, if the said Committee or their Engineer or other such officer as aforesaid fail to attend at the time fixed for the opening of any such street, road or bridge after having had such notice of the said grantees' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said grantees may perform the work specified in such notice without such superintendence as aforesaid.

Clause 12.—When the said grantees open or break up the roadway or pavement of any street, road or bridge, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and make good the roadway or pavement so opened or broken up as aforesaid, and carry away the rubbish occasioned thereby, and deposit the same for the use of the said Committee at such place as the Executive Engineer of the said Municipality shall direct, and shall at all times, whilst any such roadway or pavement shall be so opened or broken up, cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such roadway or pavement where the same shall be open or broken up every night during which the same shall continue open or broken up.

Clause 13.—If the said grantees open or break up any street, road or bridge without giving such notice as hereinbefore mentioned, or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the said grantees are hereby authorized to perform such work without any superintendence or notice, or if the said grantees shall make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good, so far as is consistent with the existence of the said tramway, the roadway or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such roadway or pavement has been broken up to be guarded and lighted, they shall forfeit to the said Committee a sum not exceeding fifty (50) rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty (50) rupees for each day during which any such delay or neglect as aforesaid shall continue after they shall have received notice thereof.

Clause 14.—The said grantees shall maintain and keep in repair such portion of the streets, roads and bridges as shall be occupied by their tracks or lines, including therein, not only the space between their tracks or lines, but a space eighteen inches on either side thereof, and in consideration of the maintenance of such streets, roads and bridges as aforesaid, and of the yearly rent hereinafter mentioned to be paid by the grantees, the plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the said grantees shall be exempt from municipal taxation for a period of five years, except lighting and water-rates for such yards, workshops, engine-sheds and depôts.

Clause 15.—The said grantees shall be liable for any loss, damage or injuries that any person or persons may sustain by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said grantees, or by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of the tramways or any portion thereof; the same shall be made good by the said grantees, and in the event of any suit being instituted against the said Committee in respect of any of the matters hereinbefore mentioned, the said grantees shall, within fourteen days from the receipt of a notice thereof from the said Committee, settle the same; but if the said grantees choose to defend such suit, they shall be at liberty

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to do so upon their undertaking to indemnify the said Committee against all losses, damages and expenses in respect thereof: provided always that, if the said grantees fail to settle such suit or to indemnify the said Committee as is hereinbefore provided, it shall be lawful for the said Committee to settle the same without any consent or concurrence on the part of the said grantees, and the sums which they shall have to pay in making such settlement, together with interest thereon at the rate of 8 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said grantees.

Clause 16.—Nothing in this agreement shall be construed to prevent the said Committee from taking up any of the public streets or roads traversed by the said tramway for the purposes for which the said Committee may lawfully take up the same, and the said grantees shall have no right to claim cost from the said Committee for obstructing the tramway or causing delay in the traffic so long as the delay shall not be unreasonable for the work to be performed.

Clause 17.—If at any time after the opening of any tramway for traffic the said grantees shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the said grantees), it shall be lawful for the said Committee, without any previous notice to the said grantees, to remove the tramway or part of the tramway so discontinued, and the said grantees shall pay to the said Committee the cost of such removal and of the making good of the street, road or bridge, and the certificate of the said Committee or of their engineer as to such costs shall be conclusive.

Clause 18.—The provisions of this agreement shall remain and be in force for a term not less than twenty-one (21) years from the date thereof. The said Committee shall have the right of purchasing the said tramways, with the plant, stores, rolling-stock, sheds, depôts and yards, and everything connected therewith, after the expiration of the said twenty-one (21) years, upon declaring its intention so to do within six months after the expiration of the said twenty-one (21) years; the amount to be paid in the event of such purchase shall be the actual *bonâ fide* value at the termination of this agreement, exclusive of any compensation for goodwill, premium on compulsory sale or other consideration whatever, of the tramways and of the work and materials connected therewith, and of the lands and buildings and all the other property of the grantees, such value to be decided by mutual agreement or by arbitration as hereinafter provided.

Clause 19.—The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said grantees by any route or routes to be hereafter sanctioned by the said Committee, and to the works connected with or incidental to such tramways, it being agreed that in the event of the Municipality failing to declare its intention as above provided to purchase the property of the said grantees, the terms of this contract shall continue in force during the period of six months from the date of the determination of these presents and for a further period of six months, and if the said Committee shall not within that time exercise the option of purchase hereby given, the said Committee and the said grantees shall enter into a fresh agreement.

Clause 20.—The said grantees will, if required by the Municipality, before opening and breaking up the soil and pavement of any street or bridge, deposit in an approved Bank in Lahore, in the name of the said Municipality, the sum of Rs. 1,000 or in their option Promissory Notes of the Government of India or Municipal Bonds of the nominal value of Rs. 1,000, and the same will remain so deposited until the completion by the said grantees of the lines of tramway herein sanctioned for immediate construction. But all interest accruing on the said sum or the said notes shall be credited to the said grantees, and subject as next hereinafter mentioned, be paid to them as the same shall accrue due: provided, nevertheless, that the said Municipality shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes, or out of the proceeds of sale of the said notes, all moneys to which they may be entitled under any clause or clauses of these presents.

Clause 21.—In consideration of the concession hereby granted, the said grantees will pay to the said Lahore Municipality rents at the rates and under the conditions hereinafter specified; that is to say, for the first two years after the opening of the tramway or tramways no rent will be charged, after the expiration of the first two years, and during the next ensuing year, the rental shall be one-tenth of the annual average profits as shown by the company's books during the preceding two years, this rental to be subject to revision at the end of every two years, and the maximum charge or rental made by the said Municipality shall under no circumstance exceed one-tenth of the net profit divided by the company in every period of two years immediately preceding each adjustment of the charge. The books and accounts shall at all times be open to the inspection of the Municipal Committee, and should any dispute arise as to the exact charge to be made by the said Municipality, then such matter or matters in dispute shall be referred to arbitrators as detailed in clause 25 of this agreement. If the said rent or any part thereof shall not be paid on due date, the said grantees shall be liable to pay interest thereon at the rate of 8 per cent. per annum from the due date until payment.

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Clause 22.—From and after the commencement of the 15th year of this contract to the end of the 21st, the said grantees shall not be at liberty to enter upon any fresh arrangements or expenditure which would increase their capital account in connection with this contract without first notifying their intention to the said Municipality and obtaining their approval thereof and sanction thereto in writing.

Clause 23.—The sleepers, rails, materials and implements and other erections placed and erected by the said grantees on the streets, bridges or roads under the powers hereby granted shall be and remain the property of the said grantees, and the said grantees shall have the exclusive use of their tramway or tramways for carriages with flanged wheels or other wheels suitable only to run on the prescribed rail.

Clause 24.—Unless the said grantees shall have commenced the work of laying down the said tramways within twelve months from the date of the execution of these articles of agreement, the said Committee shall be at liberty to cease and determine this contract and to enter into arrangements with any other person or persons for the construction of tramways; it being agreed, however, that these conditions of contract are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said 12 months shall date from the day on which notice of such sanction is given to the said grantees: provided also that any delay in commencing the work beyond 12 months shall not have been due to any cause beyond the control of the said grantees.

Clause 25.—If any doubt, difference or dispute shall arise between the said grantees and the said Committee touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said grantees and the other by the said Committee within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators if they agree, or of such umpire if they disagree, shall be final; and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

Clause 26.—The said grantees are to be at liberty to form a Company or Limited Liability Company for the purpose of constructing, maintaining and working the tramways authorized by or hereafter to be authorized under the terms of this agreement. The words "the said grantees" used in this agreement shall include such Company or Limited Liability Company so formed as aforesaid.

Clause 27.—The words "the said Committee" used in this agreement shall include the present Committee and their successors, and also persons empowered by the said Committee or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Committee are hereinbefore authorized or empowered to do or exercise.

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

The following Report of the Select Committee on the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd December, 1885:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Office memorandum from Government of India, Public Works Department, No. 554 R. C., dated 17th June, 1885 [Paper No. 1].
From Officiating Secretary to Government, Punjab, No. 870, dated 9th November, 1885, and enclosures [Papers No. 2].

2. A portion of the tramways mentioned in the agreement between the Municipal Committee of Lahore and the grantees would lie beyond the limits of the municipality. As the Committee has authority only within the municipality, we have, with the concurrence of the Lieutenant-Governor of the Punjab, limited the operation of the Bill to the local area within municipal limits. The tramway which it is proposed to construct beyond those limits can be authorized hereafter when the Indian Tramways Bill has been passed.

3. In section 3 we have provided that the fitness of a tramway for public traffic shall be certified by an Inspector appointed by the Local Government. At Lahore there is not now an officer holding the office of Engineer to the Municipal Committee. In England the Inspector is appointed by the Board of Trade.

4. To section 20 we have prefixed a sub-section empowering the Local Government to make rules for regulating the use of steam or other mechanical power on the tramways, and for the inspection of the engines worked on or in connection with the tramways. In England the Board of Trade by its provisional orders reserves to itself the power of making rules for these purposes.

5. As some time has elapsed since the agreement between the Municipal Committee and the grantees was executed, and some works have to be constructed within limited periods after the commencement of the contract, we have in effect provided in section 21 that the contract shall not be deemed to have commenced till the Bill has been passed.

In section 24 we have provided for a case which section 165 of the Punjab Municipal Act, 1884, renders possible.

7. The other alterations which we have made are unimportant and do not call for special notice.

8. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	16th, 23rd and 30th May, 1885.
Punjab Government Gazette	21st and 28th May, and 4th June, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Punjab	... Urdu	15th, 22nd and 29th June, 1885.

9. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
T. C. HOPE.

The 23rd December, 1885.

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

Part IV [illegible] 1886 3-25

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 30, 1886.

☞ 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 29th January, 1886, and is hereby promulgated for general information:—

ACT No. II OF 1886.

An Act for imposing a tax on income derived from sources other than agriculture.

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An Act for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) Any power conferred by this Act to make rules or to issue orders 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.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Definitions.

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

(*1*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(*2*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

(*3*) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act:

(*4*) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(*5*) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(*a*) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(*b*) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof, and

(*11*) "Part" means a Part of the second schedule to this Act.

CHAPTER II.

LIABILITY TO TAX.

Incomes liable to the tax.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions.

5. (*1*) Nothing in section 4 shall render liable to the tax—

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(*c*) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (*a*), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (*b*) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building; or

(*d*) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in sea-going traffic out of Indian waters; or

(*e*) any income derived from property solely employed for religious or public charitable purposes; or

(*f*) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or,

(*g*) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(*h*) any interest on stock-notes; or

(*i*) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(*j*) any person whose income from all sources is less than five hundred rupees per annum.

(*2*) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

Power to make exemptions.

6. The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of servants and pensioners of local authorities.

8. (*1*) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(4) The power to deduct under this section shall be without prejudice to any other mode of recovery.

Mode of payment in case of servants and pensioners of companies and private employers.

9. (1) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

(2) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

Annual return by principal officer of company or association.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(a) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity, from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(b) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies.

Annual statement of nett profits.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12. (1) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(2) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities.

Mode of payment of tax on interest on securities.

13. (1) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(2) If that person does not deduct and pay the tax as required by sub-section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

Collector to determine persons chargeable.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Mode of making assessment.

15. (1) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(2) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made, or within the year next before that year, the assessment shall be made according to an average of

his income for such period as the Collector, having regard to the circumstances, directs.

List of incomes under two thousand rupees.

16. (1) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(2) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

(a) his name, and the source or sources of the income in respect of which he is chargeable;

(b) the year or portion of the year for which the tax is to be paid;

(c) the place or places, district or districts, where the income accrues;

(d) the amount to be paid; and

(e) the place where, and the person to whom, the amount is to be paid.

(3) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(4) The list so filed shall be open to inspection at all reasonable times without any payment.

(5) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(6) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (a) to (e), both inclusive, mentioned in section 16, sub-section (2), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (1) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(a) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list;

(b) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

(c) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice, of his income computed in the manner described in clause (b) of this sub-section.

(2) A return delivered under rules made under clause (b) or clause (c) of sub-section (1) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(3) When a Collector authorised in that behalf by rules made under clause (b) or clause (c) of sub-section (1) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(4) Rules made under this section shall be published in the official Gazette.

Time and place of payment.

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

Trustees, Agents, Managers and Incapacitated Persons.

Trustees, guardians and committees of incapacitated persons to be charged.

20. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Non-residents to be charged in names of their agents.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Power to retain duties charged on trustees, &c.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provision for tax on occupying owners.

24. (*1*) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(*2*) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

CHAPTER IV.

REVISION OF ASSESSMENT.

Petition to Collector against assessment under Part IV.

25. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

Hearing of petition.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (*2*), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon witnesses, &c.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure:

IV of 1882.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

Tax when payable.

29. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Mode and time of recovery.

30. (*1*) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (*1*) for the recovery of the tax chargeable under this Act.

(*3*) An order passed by the Collector under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, namely,—

XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(*4*) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.

(*5*) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

Agreements for composition.

31. (*1*) If a company or person desires to compound for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

(*2*) The agreement shall provide for the payment, in each year of the period comprised in the agreement, of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

Receipts.

Receipts and their contents.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be prescribed.

Amendment of Assessment.

Amendment of assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or per-

son or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

34. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 13, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False statement in declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (*2*), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code.

XLV of 1860.

Prosecution to be at instance of Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings.

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860

Power to make Rules.

Power to make rules.

38. (*1*) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) In making a rule for preventing the disclosure of any particulars referred to in sub-section (*1*), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code:

XLV of 1860.

(*3*) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(*4*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

Bar of suits in Civil Court.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Exercise of powers of Collector and Commissioner.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Obligation to furnish information respecting lodgers and employés.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

(*a*) the name of every inmate or lodger resident in any house used by him as a dwelling house or let by him in lodgings;

(*b*) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(*c*) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

Trustees and agents to furnish information as to beneficiaries and principals.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees, &c., to furnish information as to income.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official

Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

Obligation to furnish other information.

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

45. A person required to furnish any information under section 41, section 42, section 43 or section 44 shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Service of notices.

46. (*1*) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice.

XIV of 1866.

(*2*) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(*3*) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family:

(*4*) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

Power to declare principal place of business or residence.

47. (*1*) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*4*) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*5*) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

Saving in favour of payers of pándharí and capitation taxes.

48. Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pándharí-tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876.

II of 1876.

Indemnity.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (*2*), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof.

Powers exerciseable from time to time.

50. All powers conferred by, or conferable under, this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878.	The Northern India License Act, 1878.	So much as has not been repealed.
Act No. VI of 1880.	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878.	The Madras License Act, 1878.	So much as has not been repealed.
Act No. III of 1880.	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878.	The Bombay License Act, 1878.	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880.	The Bengal License Act, 1880.	The whole.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(*See section 4.*)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I.	
SALARIES AND PENSIONS.	
1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee.
2. Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem,—four pies in the rupee.

THE SECOND SCHEDULE—*contd.*

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART II.	
PROFITS OF COMPANIES.	
Profits of a company . .	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.
PART III.	
INTEREST ON SECURITIES.	
Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.
PART IV.	
OTHER SOURCES OF INCOME.	
Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but less than Rs. 750 the tax shall be Rs. 5 " " " 750 " " 1,000 " " 7 " " " 1,000 " " 1,250 " " 10 " " " 1,250 " " 1,500 " " 12 " " " 1,500 " " 1,750 " " 15 " " " 1,750 " " 2,000 " " 17 (*b*) If the annual income is assessed at Rs. 2,000 or upwards—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(*See section 25.*)

TO THE COLLECTOR OF

The day of 188 .

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April, 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees ,

[as will appear from the documents of which a list is presented herewith.*]

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

* *These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.*

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

The following Report of the Select Committee on the Bill for imposing a tax on income derived from sources other than agriculture was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill for imposing a tax on income derived from sources other than agriculture was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From the Officiating Secretary to the Government of Bengal, No. 31, dated the 7th January, 1886.
Telegram from the Financial Secretary to the Government of Bombay, dated the 11th January, 1886.
Telegram from the Chief Commissioner of Assam, dated the 11th January, 1886.
Telegram from the Resident, Hyderabad, dated 9th January, 1886.
Telegram from the Secretary to the Government of the Punjab, dated the 9th January, 1886.
Telegram from the Chief Secretary to the Government of Madras, dated the 11th January, 1886.
Note by A. Smith, Esq., Commissioner, Presidency Division, Bengal.
From the Secretary to the Government of the North-Western Provinces and Oudh, No. 5—XIII-101-2, dated the 9th January, 1886.
Telegram from the Secretary to the Chief Commissioner, Central Provinces, dated the 11th January, 1886.
Letter from James L. Mackay, Esq., to the Hon'ble R. Steel, No. 17, dated the 13th January, 1886.
Letter from H. B. H. Turner, Esq., to the Hon'ble R. Steel, dated the 13th January, 1886.
Memorandum by Dosabhai Framji, Esq., C.S.I., Presidency Magistrate, Bombay.
Letter from the Secretary, Indian Jute Manufacturers' Association, dated the 13th January, 1886.
Telegram from the Chief Commissioner, Ajmer-Merwára, dated the 15th January, 1886.
From the Officiating Secretary, Board of Revenue, Lower Provinces, No. 34 B., dated the 16th January, 1886.
Letter from the Secretary to the Bengal Chamber of Commerce, dated the 16th January, 1886.
Memorial from the Managers, Agents and Secretaries of the leading Life Assurance Companies carrying on business in India, dated the 16th January, 1886.
Telegram from the Bombay Chamber of Commerce, dated 19th January, 1886.

2. We have provided in section 1 that the Act shall come into force on the first day of April next. During the time which elapses between the passing of the Bill and that date, the Government will be able to prepare and issue its rules, and Collectors to make such arrangements for the assessment of the tax as they can make without calling in aid the provisions of the Act. It is important that Collectors should know as soon as possible what incomes will be assessable, and that the Government should at once be in a position to frame the necessary rules for assessment.

3. In section 5 we have, with advertence to section 24 (section 23 of the Bill as introduced), inserted a clause (clause (*c*)) excepting from liability to the tax the whole of the annual value of buildings which landholders and agriculturists own and occupy on, or in the immediate neighbourhood of, the land they hold and cultivate, and which are necessary to them in the exercise of their vocation as landholders and agriculturists. Thus, while a landholder will be exempt from the tax in respect of the annual value of the homestead (if any) appurtenant to his land, he will be assessable in respect of any other house he may own and occupy.

4. We have inserted in the same section a further clause (clause (*f*)), based on the English law, excepting from liability to the tax any portion, not exceeding one-sixth, of his income which a person pays either to the Government or to a company in respect of life-insurance or deferred annuity.

5. Clause (*d*) of section 5 (clause (*c*) of that section in the Bill as introduced) is based on a similar clause in Act VIII of 1872. The exemption appears to us to be sufficient to cover educational endowments, and does not, as has been suggested, open a door to the evasion of the Act by colourable gifts to idols or any like device.

6. We have omitted sub-section (*2*) of the same section in the Bill as introduced. There appears to us not to be sufficient ground for making, between official salaries and other incomes, the distinction which was proposed in that sub-section.

7. By the new sub-section (*2*) appended to section 5, we have made it clear that a salaried manager of land is not exempt from the tax by reason only of the income of his employer being exempt therefrom.

8. We have ascertained that companies and some other private employers are much opposed to that provision of the Bill as introduced which imposed on them the duty of deducting the tax from the salaries of their employés. To the argument that there was such a provision in force in the years 1869-72, they reply that the provision was then a fruitful cause of misunderstanding and disagreement between them and their subordinates. Under these circumstances it appears to us that companies ought not to be compelled to collect the tax. We have therefore modified section 8 of the Bill, and empowered the Collector, by a new section (section 9), to enter into an arrangement with any private employer, on terms to be mutually agreed on, for the collection by the employer of the tax payable by his employés.

9. Section 10 of the Bill as introduced followed the Acts of 1869 and 1872 in making special provision for the taxation of shipping companies. It has been stated, and we have satisfied ourselves, that the provision was unworkable and, in practice, inoperative. It has therefore been omitted from section 11, and the second schedule, of the Bill as amended by us: and we have added to section 5 a special exemption (clause (*d*)) in favour of shipping companies incorporated or registered out of British India and having their principal places of business out of India and their ships ordinarily engaged in sea-going traffic out of Indian waters.

10. To section 18 (section 17 of the Bill as introduced) we have added clauses empowering the Local Government to authorise the Collector in any specified town or place to publish general notices inviting tax-payers to make returns of their income, and in any presidency-town to serve special notices on individual tax-payers inviting them to make such returns.

11. In section 24 (section 23 of the Bill as introduced) we have provided for houses occupied by their owners being assessed at five-sixths, instead of nine-tenths, of their annual value. We have thus reverted to the principle of section 132 of Act XXXII of 1860.

12. We have so modified section 27 (section 26 of the Bill as introduced) as to require the Commissioner to call for the record in the case of a petition for the revision of any assessment of two hundred and fifty rupees or upwards.

13. In section 30 (section 29 of the Bill as introduced) we have provided for the continuance of the summary process of recovery described in section 24 of the Bengal License Act, 1880.

14. In sub-section (*5*) of the same section we have provided that no proceedings for the recovery of any sum payable under the Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable. The section as amended by us is more restrictive on the revenue-authorities than the corresponding section of the Bengal License Act, 1880, and less so than the corresponding section of the Northern India License Act, 1878.

15. In section 31 provision has been made, as in Act XXXII of 1860, for composition of the tax.

16. Seeing that provision is made in Chapter IV for revision of assessment, we think that section 32, sub-section (*1*), of the Bill as introduced should be omitted, and that section 31 of that Bill may also be omitted, as being likely, by suggesting the disturbance of settled assessments, to create irritation with which the additional revenue raised under the section would be incommensurate.

17. In section 38 of the Bill as amended by us (section 37 of the Bill as introduced) we have provided for rules being made for securing secrecy in regard to information furnished in documents relating to incomes of assessees.

18. We have deemed it desirable to specify more particularly than in section 40 of the Bill as introduced the information which may be required by a Collector for the purposes of the Act. We have, therefore, for that section substituted sections 41 to 45 of the Bill as amended.

19. We have modified section 46 (section 41 of the Bill as introduced) by providing that the delivery of a letter duly posted shall only be presumed, and we have required the letter to be registered.

20. From the first column of Part III of the second schedule to the Bill as introduced we have omitted the clause relating to stock of, or shares in, guaranteed railway companies. The clause is unnecessary, as all railway companies will be assessed on their nett earnings. We have, however, provided in new clause (*c*) of Part III for the recovery, in the manner prescribed in section 13, of the interest on debentures issued by companies.

21. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	5th, 9th and 16th January, 1886.
Fort St. George Gazette	20th January, 1886.
Bombay Government Gazette	14th January, 1886.
Calcutta Gazette	13th and 20th January, 1886.
North-Western Provinces and Oudh Government Gazette ...	16th January, 1886.
Central Provinces Gazette	16th January, 1886.

22. We do not think that the measure has been so altered as to require re-publication and we recommend that it be passed as now amended.

A. COLVIN.
C. P. ILBERT.
T. C. HOPE.
V. N. MANDLIK.*
PEARI MOHAN MUKERJI.†
J. W. QUINTON.
ROBERT STEEL.
W. W. HUNTER.

The 22nd January, 1886.

* I differ from the majority on sections 1, 5, clause (*d*), and section 24. I think the Bill should terminate in one or two years; I think clause (*d*), section 5, should be modified or left out, and section 24 should be made applicable only to houses in principal towns and cities.

V. N. MANDLIK.

† I sign this Report with reservation of opinion on the following provisions, namely, (1) "and in each subsequent year" in section 4; (2) clause (*f*) of section 5; and (3) section 24.

PEARI MOHAN MUKERJI.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information :—

ACT NO. III OF 1886.

An Act to amend the Northern India Ferries Act, 1878.

WHEREAS it is expedient to amend the Northern India Ferries Act, 1878; It is hereby enacted as follows :— XVII of 1878.

Substitution of new section for section 8, and amendment of sections 12 and 15.

1. (*1*) For section 8 the following shall be substituted, namely :—

"8. The tolls of any public ferry may, from time to time, be let by public auction for a term not exceeding five years with the approval of the Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the Local Government.

"The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 or section 7A, then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

"When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction."

(*2*) For section 12, clause (*b*), the following shall be substituted, namely :—

"(*b*) for regulating the time and manner at and in which, and the terms on which, the tolls of such ferries may be let by auction, and prescribing the persons by whom auctions may be conducted.

(*3*) In the third paragraph of section 15, for the word "auction" the word "lease" shall be substituted.

Amendment of section 13, and substitution of new section for section 26.

2. (*1*) For the first paragraph of section 13 the following shall be substituted, namely :—

"Except with the sanction of the Magistrate of the district or of such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, no person shall establish, maintain or work a ferry to or from any point within a distance of two miles from the limits of a public ferry."

(*2*) In the second proviso to the said section, after the word "boats" the words "which do not ply for hire or" shall be inserted.

(*3*) For section 26 the following shall be substituted, namely :—

Penalty for maintaining private ferry within prohibited limits.

"26. Whoever establishes, maintains or works a ferry in contravention of the provisions of section 13 shall be punished with fine which may extend to five hundred rupees, and with a further fine which may extend to one hundred rupees for every day during which the ferry is maintained or worked in contravention of those provisions."

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

The following Report of the Select Committee on the Bill to amend the Northern India Ferries Act, 1878, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Northern India Ferries Act, 1878, 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, Assam, No. 1620, dated 3rd September, 1885 [Paper No. 1].
From Chief Commissioner, Ajmer-Merwára, No. 1093, dated 6th October, 1885 [Paper No. 2].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 279C., dated 31st October, 1885 [Paper No. 3].
From Secretary to Government, North-Western Provinces and Oudh, No. 1596—XII-739, dated 12th November, 1885 [Paper No. 4].
From Officiating Secretary to Government, Punjab, No. 922, dated 17th November, 1885, and enclosures [Papers No. 5].
From Officiating Secretary to Government, Punjab, No. 1080, dated 23rd December, 1885, and enclosures [Papers No. 6].

2. We have amended section 8 of the Bill so as to make it clear that, when a ferry is managed by a municipal or other public body, that body may let the ferry, subject only to the restrictions to which the District Magistrate would be subject if the ferry were under his immediate superintendence.

3. The amendment of clause (*b*) of section 12 is a consequence of the amendment of section 8

4. We have so amended the second proviso to section 13 as to maintain the existing law with respect to boats which do not ply for hire.

5. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	15th, 22nd and 29th August, 1885.
North-Western Provinces and Oudh Government Gazette	22nd and 29th August, and 5th September, 1885.
Punjab Government Gazette	20th and 27th August, and 3rd September, 1885.
Central Provinces Gazette	22nd and 29th August, and 5th September, 1885.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

T. C. HOPE.
C. P. ILBERT.
J. W. QUINTON.
W. W. HUNTER.

The 21st January, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information :—

ACT NO. IV OF 1886.

An Act to amend section 265 of the Indian Contract Act, 1872.

WHEREAS it is expedient to amend section 265 of the Indian Contract Act, 1872 ; It is hereby enacted as follows :—

of 1872.

New section substituted for section 265, Indian Contract Act.

1. For section 265 of the said Act the following shall be substituted, namely :—

"265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of any contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively."

Winding up by Court on dissolution or after termination.

Repeal of part of section 213, Act XIV, 1882.

2. In section 213 of the Code of Civil Procedure the words and figures from and including the word "applications" to the end of the section are hereby repealed.

XIV of 1882.

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

The following report of the Select Committee on the Bill to amend section 265 of the Indian Contract Act, 1872, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend section 265 of the Indian Contract Act, 1872, 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 Registrar, High Court, Calcutta, No. 930, dated 20th March, 1885, and enclosure [Papers No. 1].
From Officiating Secretary to Chief Commissioner, Assam, No. 577, dated 8th April, 1885 [Paper No. 2].
From Secretary for Berar to Resident, Hyderabad, No. 131G., dated 15th April, 1885 [Paper No. 3].
From Officiating Secretary to Chief Commissioner, British Burma, No. 300—16L., dated 16th April, 1885, and enclosures [Papers No. 4].
From Chief Commissioner, Ajmer-Merwára, No. 458, dated 2nd May, 1885, and enclosure [Papers No. 5].
From Chief Secretary to Government, Madras, No. 1098, dated 27th April, 1885, and enclosures [Papers No. 6].
From Secretary to Chief Commissioner, Coorg, No. 207—26, dated 4th May, 1885 [Paper No. 7].
From Assistant Secretary to Chief Commissioner, Central Provinces, No. 1722—64, dated 8th May, 1885 [Paper No. 8].
From Acting Under-Secretary to Government, Bombay, No. 3277, dated 11th May, 1885, and enclosures [Papers No. 9].
From Secretary to Government, North-Western Provinces and Oudh, No. 477—VII-72-20, dated 7th May, 1885, and enclosures [Papers No. 10].
From Officiating Secretary to Government, Punjab, No. 509, dated 15th May, 1885, and enclosures [Papers No. 11].
From Secretary to Government, Bengal, No. 347 J. D., dated 11th May, 1885, and enclosures [Papers No. 12].
From Registrar, High Court, Calcutta, No. 2611, dated 8th September, 1885, and enclosure [Papers No. 13].

2. We have so framed the new section which it is proposed to substitute for section 265 as to make it a declaration of law consistent with the form of plaint No. 113 scheduled to the Code of Civil Procedure, and to show that a partner may apply to have the partnership wound up not only after its termination but also when he is entitled to claim a dissolution.

3. We have not overlooked the difficulties pointed out by Mr. Justice Field and others as

to the valuation and place of trial of suits under this section; but those difficulties, not being limited to suits of this class, should, we think, be considered separately and with care.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	21st and 28th February, and 7th March, 1885.
Fort Saint George Gazette	10th March, 1885.
Bombay Government Gazette	26th February, and 5th and 12th March, 1885.
Calcutta Gazette	25th February, and 4th and 11th March, 1885.
North-Western Provinces and Oudh Government Gazette	28th February, and 7th and 14th March, 1885.
Punjab Government Gazette	12th, 19th and 26th March, 1885.
Central Provinces Gazette ...	28th February, and 7th and 14th March, 1885.
British Burma Gazette	14th, 21st and 28th March, 1885.
Assam Gazette	14th and 28th March, 1885.
Coorg District Gazette	1st May, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Kanarese...	23rd June, 1885.
Bombay	Maráthí } Guzaráthí }	26th March, 1885.
	Kanarese...	28th May, 1885.
Bengal	Bengalí ..	17th, 24th and 31st March, 1885.
	Hindí ...	24th and 31st March, and 7th April, 1885.
	Uriya ...	9th, 16th and 23rd April, 1885.
North-Western Provinces and Oudh ...	Urdu ...	14th, 21st and 28th March, 1885.
Punjab	Urdu ...	23rd and 30th March, and 6th April, 1885.
Central Provinces ...	Hindí ...	4th, 11th and 18th April, 1885.
British Burma	Burmese ...	18th and 25th April, and 2nd May, 1885.
Assam	Bengali ...	4th April, 1885.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
V. N. MANDLIK.
H. ST.A. GOODRICH.
G. H. P. EVANS.
J. W. QUINTON.

The 20th January, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information:—

ACT NO. V OF 1886.

THE MIRZAPUR STONE MAHÁL ACT, 1886.

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2. Repeal.
3. Definitions.

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7. Power to make rules.
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11. Penalties for evasion of duty.
12. Burden of proof as to payment of duty.
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17. Recovery of duty.

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18. Appeal and revision.

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SECTIONS.
19. Saving of existing rates of duty.
20. Exemption of the inhabitants of the hills.

THE SCHEDULE.—LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

An Act to declare and amend the Law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces.

WHEREAS it is expedient to declare and amend the law relating to the Stone Mahál in the district of Mirzapur in the North-Western Provinces; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Mirzapur Stone Mahál Act, 1886; and

(*2*) It shall come into force on such day as the Local Government, by notification in the official Gazette, appoints.

(*3*) The power conferred by this Act on the Local Government to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect until the Act comes into force.

Repeal.

2. On and from the day on which this Act comes into force, Bengal Regulation II of 1800 (*a Regulation for laying open to public use the stone-quarries at Chunar, Gházípur* [properly called Ghásípur] *and Mirzapur, in the Province of Benares, subject to a fixed duty*) shall be repealed.

Definitions.

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

(*1*) "the district" means the whole of the area comprised in the district of Mirzapur as constituted at the time of the passing of this Act, except the lands described in the schedule to this Act:

(*2*) "Collector" means the Collector of the Mirzapur district, and includes an Assistant Collector of the first class empowered by him to perform any of the functions of the Collector under this Act:

The Mirzapur Stone Mahál Act, 1886.

(Sections 4-9.)

(3) "Commissioner" means the Commissioner of the Benares Division:

(4) "Board" means the Board of Revenue of the North-Western Provinces:

(5) "quarry" means to take from the surface as well as to extract from a quarry:

(6) "transport" means to remove from one place to another within the district:

(7) "proprietor" includes an assignee of land-revenue and any person claiming under a proprietor or exercising any of the rights of a proprietor.

Rights of the Government and the Public.

4. The Government is entitled to levy duty on all stone quarried in the district.

Right of the Government to levy duty.

5. No proprietor of any land in any part of the district is entitled to impose any prohibition or restriction, or to demand or receive any sum by way of rent, premium, duty or price, in respect of the opening of a quarry, or the quarrying of stone, in the land, or in respect of the storing of stone at the quarry or the transport of stone over the land, or, save as may be provided by rules made under this Act, to receive from any person any compensation whatever in respect of any of the matters aforesaid.

Prohibition of levy of duty by proprietors.

6. (1) Subject to the rules made under this Act, any person is entitled to open a quarry, or quarry stone, in any land in any part of the district, and to store the stone at the quarry, and to transport it over any land.

Right of the public to quarry stone.

(2) A person may, so far as the rules made under this Act permit, acquire an exclusive right to open a quarry, or quarry stone, within certain local limits in any part of the district, and may retain the right so long as those rules permit.

(3) If a dispute as to the right referred to in sub-section (1), to open a quarry, or quarry stone, in any land, or as to the existence of or mode of exercising an exclusive right referred to in sub-section (2), to open a quarry, or quarry stone, within certain local limits, arises between any persons, or if a dispute as to the right to store stone on, or transport stone over, any land arises between the person claiming to store or transport the stone and the proprietor of the land, it shall, on application for that purpose by either of the disputing parties to the Collector, be decided by him.

(4) A Civil Court shall not take cognizance of any such dispute, or in any suit or proceeding whatever make any decree or order whereby any party to the dispute may be bound with respect to the subject-matter thereof either directly or indirectly.

Rules.

7. (1) The Local Government may, from time to time, make rules consistent with this Act to regulate within the whole or any specified part of the district all or any of the following matters:—

Power to make rules.

(a) the quarrying of stone, and the places where stone may be quarried;

(b) conflicting claims to exercise the right of opening a quarry or quarrying stone;

(c) the conditions on the fulfilment of which a person is to acquire an exclusive right of opening a quarry, or quarrying stone, within certain local limits, and how that right may cease to exist;

(d) the compensation to be paid for injury caused to crops or arable land by the quarrying, storing or transport of stone, and the authority by which the compensation is to be determined;

(e) the transport of stone;

(f) the storing of stone;

(g) the classification of stones, the rate or rates of duty to be paid in respect of each class of stone to the Government or to a farmer to whom the Government has leased the duties leviable thereon, and the time when, the place where, and the persons by whom, the duty is to be paid;

(h) the exemptions from, or reductions of, duty to be allowed, the conditions to attach to those exemptions or reductions, and the consequences to ensue on the breach of any of those conditions;

(i) the custody and disposal of stone confiscated or seized under this Act; and

(j) generally for carrying out the purposes of this Act.

(2) In making a rule under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

8. (1) The Local Government shall, before making any rules under section 7, publish a draft of the proposed rules for the information of persons interested.

Procedure for making rules.

(2) The publication shall be made in such manner as in the opinion of the Local Government is sufficient.

(3) A notice shall be published with the draft specifying a date at or after which the draft will be taken into consideration.

(4) The Local Government 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.

9. Every rule made under section 7 shall be published in the official Gazette in English and in such other language or languages as the Local Government directs, and that publication shall be conclusive proof that the rule has been made as required by section 8.

Publication of rules.

The Mirzapur Stone Mahál Act, 1886.

(Sections 10-18.)

10. If a rule made under section 7, sub-section (1), clause (g), alters the rate of duty to be paid in respect of any class of stone, it shall not have effect till the expiration of one year from the date on which it is published.

Deferred operation of rules altering duty.

Offences.

11. If any person evades, or attempts to evade, or abets the evasion of, the payment of any duty payable under a rule made under section 7, sub-section (1), clause (g), he shall be punished with fine which may extend to two hundred rupees and twenty times the duty payable on the stone in respect of which the offence was committed, and the Court convicting him may further order the confiscation of the stone.

Penalties for evasion of duty.

12. The burden of proving that duty has been paid on stone in respect of which a prosecution for an offence under section 11 has been instituted shall lie on the accused person.

Burden of proof as to payment of duty.

13. A prosecution for an offence under section 11 or against a rule made under section 7 shall not be instituted after the expiration of six months from the commission of the offence.

Limitation for prosecutions.

14. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under section 11 or against a rule made under section 7, or from being liable under that other law to any other or higher punishment or penalty than that provided by section 11 or a rule made under section 7:

Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

Arrest, Seizure and Search.

15. (1) Any officer whom the Collector, with the previous sanction of the Commissioner, may empower in this behalf, may—

Powers of officers.

(a) proceed, in respect of an offence under section 11 or against a rule made under section 7 which in his presence a person commits or is accused of committing, in the same manner as a police-officer may proceed, under section 57 of the Code of Criminal Procedure, 1882, in respect of a non-cognizable offence which in his presence a person commits or is accused of committing; and

X of 1882.

(b) seize any stone in respect of which he has reason to believe that an offence under section 11 or against a rule made under section 7 has been committed, and, if the stone is being transported, use, for the removal thereof to the nearest place appointed for the custody of stone seized under this Act, any animals and conveyances used in transporting it.

(2) The powers conferred by this section may be exercised as well beyond as within the limits of the district, and if in the exercise of those powers a person is arrested or stone is seized beyond those limits, then, notwithstanding anything in this Act, the person arrested shall be liable to be dealt with, and the stone seized to be disposed of, in the same manner as if he had been arrested or it had been seized, within those limits.

16. (1) A Magistrate may issue his warrant for the search, after sunrise and before sunset, of any building, vessel or place in which he has reason to believe that stone in respect of which an offence under section 11 or against a rule made under section 7 has been committed is kept or concealed, and for the seizure of any stone found there.

Search-warrants.

(2) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as the same are applicable, apply to searches under this section.

X of 1882.

Recovery of Duty.

17. An arrear of duty payable to the Government under a rule made under section 7, sub-section (1), clause (g), and an arrear due from a farmer of duties payable on stone, may be recovered from the person primarily liable to pay the same to the Government, or from his surety (if any), as if it were an arrear of land-revenue.

Recovery of duty.

Appeal and revision.

18. (1) Decisions and orders passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or otherwise, shall be appealable to the Collector of the Mirzapur district in the manner provided by the law for the time being in force in the district respecting appeals from the orders of an Assistant Collector to the Collector in matters pertaining to land-revenue.

Appeal and revision.

(2) Decisions and orders passed by the Collector of the Mirzapur district under this Act or any rule thereunder shall be appealable to the Commissioner in the manner provided by the law aforesaid respecting appeals from the orders of the Collector to the Commissioner.

(3) The Board may revise any decision or order passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or

The Mirzapur Stone Mahál Act, 1886.

(Sections 19-20.)

otherwise, or by the Collector of the Mirzapur district, or under sub-section (2) by the Commissioner.

Miscellaneous.

19. The rates of duty actually levied at the time of the passing of this Act shall continue to be levied until the Act comes into force, and shall then be deemed to have been prescribed by a rule made under section 7, sub-section (1), clause (g).

Saving of existing rates of duty.

20. (1) Notwithstanding anything hereinbefore contained, but subject to any rules which the Local Government may from time to time make to regulate the enjoyment of the privilege hereby conferred, the inhabitants of the tract south of the Vindhya range of hills shall be exempt from the payment of duty on stones quarried by them within the limits of that tract for their own use within those limits.

Exemption of the inhabitants of the hills.

(2) The Local Government may, from time to time, by notification in the official Gazette, define the limits of the said tract for the purposes of this section.

THE SCHEDULE.

LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

(See section 3, sub-section (1).)

Pargana or tappá.	Village.	Remarks.
Kantit	Bajtha Baghaura Rajman Pálí Sumatia Barha Khurd Basaura Chak Kothara Chak Madari Dogauli Rasauli Kothara Ghunghuti Hargarh	These villages were transferred from the Allahabad district in 1840.
Upraudh	Nairi Katari Durjanipur Deohat Mahuat Maheshpur Katra Lahorya Dih Bhainsaur Mahagarhi	These villages were transferred from the Allahabad district in 1861.

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

The following Report of the Select Committee on the Bill to declare and amend the law relating to the Stone Mahal in the District of Mirzapur in the North-Western Provinces, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare and amend the Law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From Secretary to Government, North-Western Provinces and Oudh, No. $\frac{288}{XIII-26-17}$, dated 30th November, 1885, and enclosures [Papers No. 1].

2. The Local Government and the Commissioner of the Benares Division are of opinion that jurisdiction with respect to disputes as to the existence of exclusive rights should be confined to the Revenue Courts. We concur in that opinion, and have amended section 6, sub-section (3), accordingly.

3. In section 15 we have provided that the officers of the Stone Mahál may exercise their powers of arrest and seizure as well beyond as within the limits of the district as defined in the Bill. Some of the quarries are on the borders of the district, and it is considered by the local authorities that the officials of the Stone Mahál should have power to seize stone which may be removed into an adjoining district without payment of duty.

4. In section 18 we have, at the instance of the Local Government, provided that decisions and orders passed by an Assistant Collector, whether acting as Collector or otherwise, shall be appealable to the Collector of the Mirzapur District.

5. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	... 17th, 24th and 31st October, 1885.
North-Western Provinces and Oudh Government Gazette	... 24th and 31st October, and 7th November, 1885

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

The 20th January, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 6, 1886.

☞ 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 29th January, 1886, and is hereby promulgated for general information :—

ACT No. II OF 1886.

An Act for imposing a tax on income derived from sources other than agriculture.

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THE FIRST SCHEDULE.—ENACTMENTS REPEALED.

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An Act for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) Any power conferred by this Act to make rules or to issue orders 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.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Definitions.

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

(*1*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(*2*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

(*3*) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act:

(*4*) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(*5*) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(*a*) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(*b*) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof; and

(*11*) "Part" means a Part of the second schedule to this Act.

CHAPTER II.

LIABILITY TO TAX.

Incomes liable to the tax.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions.

5. (*1*) Nothing in section 4 shall render liable to the tax—

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(*c*) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (*a*), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (*b*) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building; or

(*d*) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in sea-going traffic out of Indian waters; or

(*e*) any income derived from property solely employed for religious or public charitable purposes; or

(*f*) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or,

(*g*) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(*h*) any interest on stock-notes; or

(*i*) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(*j*) any person whose income from all sources is less than five hundred rupees per annum.

(*2*) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

Power to make exemptions.

6. The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of servants and pensioners of local authorities.

8. (*1*) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(*g*) The power to deduct under this section shall be without prejudice to any other mode of recovery.

Mode of payment in case of servants and pensioners of companies and private employers.

9. (*1*) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

(*2*) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

Annual return by principal officer of company or association.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(*a*) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity, from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(*b*) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies.

Annual statement of nett profits.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12. (*1*) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(*2*) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities.

Mode of payment of tax on interest on securities.

13. (*1*) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that person does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

Collector to determine persons chargeable.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Mode of making assessment.

15. (*1*) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(*2*) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made, or within the year next before that year, the assessment shall be made according to an average of

his income for such period as the Collector, having regard to the circumstances, directs.

List of incomes under two thousand rupees.

16. (*1*) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(*2*) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

(*a*) his name, and the source or sources of the income in respect of which he is chargeable;

(*b*) the year or portion of the year for which the tax is to be paid;

(*c*) the place or places, district or districts, where the income accrues;

(*d*) the amount to be paid; and

(*e*) the place where, and the person to whom, the amount is to be paid.

(*3*) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(*4*) The list so filed shall be open to inspection at all reasonable times without any payment.

(*5*) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(*6*) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (*a*) to (*c*), both inclusive, mentioned in section 16, sub-section (*2*), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (*1*) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(*a*) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list;

(*b*) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

(*c*) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice, of his income computed in the manner described in clause (*b*) of this sub-section.

(*2*) A return delivered under rules made under clause (*b*) or clause (*c*) of sub-section (*1*) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(*3*) When a Collector authorised in that behalf by rules made under clause (*b*) or clause (*c*) of sub-section (*1*) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(*4*) Rules made under this section shall be published in the official Gazette.

Time and place of payment.

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

Trustees, Agents, Managers and Incapacitated Persons.

20. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Trustees, guardians and committees of incapacitated persons to be charged.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Non-residents to be charged in names of their agents.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

Power to retain duties charged on trustees, &c.

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

24. (*1*) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

Provision for tax on occupying owners.

(*2*) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

CHAPTER IV.

REVISION OF ASSESSMENT.

25. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

Petition to Collector against assessment under Part IV.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Hearing of petition.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (*2*), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure:

Power to summon witnesses, &c.

XIV of 1882.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

29. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Tax when payable.

30. (*1*) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Mode and time of recovery.

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (*1*) for the recovery of the tax chargeable under this Act.

(*3*) An order passed by the Collector under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, namely,—

XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(*4*) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.

(*5*) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

31. (*1*) If a company or person desires to compound for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

Agreements for composition.

(*2*) The agreement shall provide for the payment, in each year of the period comprised in the agreement, of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

Receipts.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

Receipts and their contents.

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be prescribed.

Amendment of Assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or per-

Amendment of assessment.

son or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

34. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 13, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False statement in declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (*2*), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code.

XLV of 1860.

Prosecution to be at instance of Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings.

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860.

Power to make Rules.

Power to make rules.

38. (*1*) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) In making a rule for preventing the disclosure of any particulars referred to in sub-section (*1*), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code:

XLV of 1860.

(*3*) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(*4*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

Bar of suits in Civil Court.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Exercise of powers of Collector and Commissioner.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Obligation to furnish information respecting lodgers and employés.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

(*a*) the name of every inmate or lodger resident in any house used by him as a dwelling house or let by him in lodgings;

(*b*) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(*c*) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

Trustees and agents to furnish information as to beneficiaries and principals.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees, &c., to furnish information as to income.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

Obligation to furnish other information.

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

45. A person required to furnish any information under section 41, section 42, section 43 or section 44 shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Service of notices.

46. (*1*) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice.

XIV of 1866.

(*2*) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(*3*) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(*4*) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

Power to declare principal place of business or residence.

47. (*1*) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*4*) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*5*) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

Saving in favour of payers of pándhari and capitation taxes.

48. Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pándhari-tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876.

II of 1876.

Indemnity.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (*2*), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof.

Powers exerciseable from time to time.

50. All powers conferred by, or conferable under, this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

Enactments repealed. [See section 2.]

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878.	The Northern India License Act, 1878.	So much as has not been repealed.
Act No. VI of 1880.	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878.	The Madras License Act, 1878.	So much as has not been repealed.
Act No. III of 1880.	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878.	The Bombay License Act, 1878.	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880.	The Bengal License Act, 1880.	The whole.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(See section 4.)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I. SALARIES AND PENSIONS.	
1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person. 2. Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee. (*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem,—four pies in the rupee.

THE SECOND SCHEDULE—*contd.*

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART II. PROFITS OF COMPANIES.	
Profits of a company.	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.
PART III. INTEREST ON SECURITIES.	
Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.
PART IV. OTHER SOURCES OF INCOME.	
Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but less than Rs. 750 the tax shall be Rs. 1 " " " 750 " " 1,000 " " 1 " " " 1,000 " " 1,250 " " 2 " " " 1,250 " " 1,500 " " 2 " " " 1,500 " " 1,750 " " 3 " " " 1,750 " " 2,000 " " 4 (*b*) If the annual income is assessed at Rs. 2,000 or upwards—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(See section 25.)

TO THE COLLECTOR OF

The day of 188

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April, 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees [as will appear from the documents of which a list is presented herewith.*]

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

* *These words are to be inserted if the petitioner relies on documents. The list if the petitioner so wishes, may be presented in a sealed envelope.*

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

The following Report of the Select Committee on the Bill for imposing a tax on income derived from sources other than agriculture was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill for imposing a tax on income derived from sources other than agriculture was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From the Officiating Secretary to the Government of Bengal, No. 31, dated the 7th January 1886.
Telegram from the Financial Secretary to the Government of Bombay, dated the 11th January, 1886.
Telegram from the Chief Commissioner of Assam, dated the 11th January, 1886.
Telegram from the Resident, Hyderabad, dated 9th January, 1886.
Telegram from the Secretary to the Government of the Punjab, dated the 9th January, 1886.
Telegram from the Chief Secretary to the Government of Madras, dated the 11th January, 1886.
Note by A. Smith, Esq., Commissioner, Presidency Division, Bengal.
From the Secretary to the Government of the North-Western Provinces and Oudh, No. 5—XIII-101-2, dated the 9th January, 1886.
Telegram from the Secretary to the Chief Commissioner, Central Provinces, dated the 11th January, 1886.
Letter from James L. Mackay, Esq., to the Hon'ble R. Steel, No. 17, dated the 13th January, 1886.
Letter from H. B. H. Turner, Esq., to the Hon'ble R. Steel, dated the 13th January, 1886.
Memorandum by Dosabhai Framji, Esq., C.S.I., Presidency Magistrate, Bombay.
Letter from the Secretary, Indian Jute Manufacturers' Association, dated the 13th January, 1886.
Telegram from the Chief Commissioner, Ajmer-Merwára, dated the 15th January, 1886.
From the Officiating Secretary, Board of Revenue, Lower Provinces, No. 34 B., dated the 16th January, 1886.
Letter from the Secretary to the Bengal Chamber of Commerce, dated the 16th January, 1886.
Memorial from the Managers, Agents and Secretaries of the leading Life Assurance Companies carrying on business in India, dated the 16th January, 1886.
Telegram from the Bombay Chamber of Commerce, dated 19th January, 1886.

2. We have provided in section 1 that the Act shall come into force on the first day of April next. During the time which elapses between the passing of the Bill and that date, the Government will be able to prepare and issue its rules, and Collectors to make such arrangements for the assessment of the tax as they can make without calling in aid the provisions of the Act. It is important that Collectors should know as soon as possible what incomes will be assessable, and that the Government should at once be in a position to frame the necessary rules for assessment.

3. In section 5 we have, with advertence to section 24 (section 23 of the Bill as introduced), inserted a clause (clause (*c*)) excepting from liability to the tax the whole of the annual value of buildings which landholders and agriculturists own and occupy on, or in the immediate neighbourhood of, the land they hold and cultivate, and which are necessary to them in the exercise of their vocation as landholders and agriculturists. Thus, while a landholder will be exempt from the tax in respect of the annual value of the homestead (if any) appurtenant to his land, he will be assessable in respect of any other house he may own and occupy.

4. We have inserted in the same section a further clause (clause (*g*)), based on the English law, excepting from liability to the tax any portion, not exceeding one-sixth, of his income which a person pays either to the Government or to a company in respect of life-insurance or deferred annuity.

5. Clause (*e*) of section 5 (clause (*c*) of that section in the Bill as introduced) is based on a similar clause in Act VIII of 1872. The exemption appears to us to be sufficient to cover educational endowments, and does not, as has been suggested, open a door to the evasion of the Act by colourable gifts to idols or any like device.

6. We have omitted sub-section (*2*) of the same section in the Bill as introduced. There appears to us not to be sufficient ground for making, between official salaries and other incomes, the distinction which was proposed in that sub-section.

7. By the new sub-section (*2*) appended to section 5, we have made it clear that a salaried manager of land is not exempt from the tax by reason only of the income of his employer being exempt therefrom.

8. We have ascertained that companies and some other private employers are much opposed to that provision of the Bill as introduced which imposed on them the duty of deducting the tax from the salaries of their employés. To the argument that there was such a provision in force in the years 1869-72, they reply that the provision was then a fruitful cause of misunderstanding and disagreement between them and their subordinates. Under these circumstances it appears to us that companies ought not to be compelled to collect the tax. We have therefore modified section 8 of the Bill, and empowered the Collector, by a new section (section 9), to enter into an arrangement with any private employer, on terms to be mutually agreed on, for the collection by the employer of the tax payable by his employés.

9. Section 10 of the Bill as introduced followed the Acts of 1869 and 1872 in making special provision for the taxation of shipping companies. It has been stated, and we have satisfied ourselves, that the provision was unworkable and, in practice, inoperative. It has therefore been omitted from section 11, and the second schedule, of the Bill as amended by us: and we have added to section 5 a special exception (clause (*d*)) in favour of shipping companies incorporated or registered out of British India and having their principal places of business out of India and their ships ordinarily engaged in sea-going traffic out of Indian waters.

10. To section 18 (section 17 of the Bill as introduced) we have added clauses empowering the Local Government to authorise the Collector in any specified town or place to publish general notices inviting tax-payers to make returns of their income, and in any presidency-town to serve special notices on individual tax-payers inviting them to make such returns.

11. In section 24 (section 23 of the Bill as introduced) we have provided for houses occupied by their owners being assessed at five-sixths, instead of nine-tenths, of their annual value. We have thus reverted to the principle of section 132 of Act XXXII of 1860.

12. We have so modified section 27 (section 26 of the Bill as introduced) as to require the Commissioner to call for the record in the case of a petition for the revision of any assessment of two hundred and fifty rupees or upwards.

13. In section 30 (section 29 of the Bill as introduced) we have provided for the continuance of the summary process of recovery described in section 24 of the Bengal License Act, 1880.

14. In sub-section (*5*) of the same section we have provided that no proceedings for the recovery of any sum payable under the Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable. The section as amended by us is more restrictive on the revenue-authorities than the corresponding section of the Bengal License Act, 1880, and less so than the corresponding section of the Northern India License Act, 1878.

15. In section 31 provision has been made, as in Act XXXII of 1860, for composition of the tax.

16. Seeing that provision is made in Chapter IV for revision of assessment, we think that section 32, sub-section (*1*), of the Bill as introduced should be omitted, and that section 31 of that Bill may also be omitted, as being likely, by suggesting the disturbance of settled assessments, to create irritation with which the additional revenue raised under the section would be incommensurate.

17. In section 38 of the Bill as amended by us (section 37 of the Bill as introduced) we have provided for rules being made for securing secrecy in regard to information furnished in documents relating to incomes of assessees.

18. We have deemed it desirable to specify more particularly than in section 40 of the Bill as introduced the information which may be required by a Collector for the purposes of the Act. We have, therefore, for that section substituted sections 41 to 45 of the Bill as amended.

19. We have modified section 46 (section 41 of the Bill as introduced) by providing that the delivery of a letter duly posted shall only be presumed, and we have required the letter to be registered.

20. From the first column of Part III of the second schedule to the Bill as introduced we have omitted the clause relating to stock of, or shares in, guaranteed railway companies. The clause is unnecessary, as all railway companies will be assessed on their nett earnings. We have, however, provided in new clause (*c*) of Part III for the recovery, in the manner prescribed in section 13, of the interest on debentures issued by companies.

21. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	5th, 9th and 16th January, 1886.
Fort St. George Gazette	20th January, 1886.
Bombay Government Gazette	14th January, 1886.
Calcutta Gazette	13th and 20th January, 1886.
North-Western Provinces and Oudh Government Gazette ...	16th January, 1886.
Central Provinces Gazette	16th January, 1886.

22. We do not think that the measure has been so altered as to require re-publication and we recommend that it be passed as now amended.

A. COLVIN.
C. P. ILBERT.
T. C. HOPE.
V. N. MANDLIK.*
PEARI MOHAN MUKERJI.†
J. W. QUINTON.
ROBERT STEEL.
W. W. HUNTER.

The 22nd January, 1886.

* I differ from the majority on sections 1, 5, clause (*d*), and section 24. I think the Bill should terminate in one or two years; I think clause (*d*), section 5, should be modified or left out, and section 24 should be made applicable only to houses in principal towns and cities.

V. N. MANDLIK.

† I sign this Report with reservation of opinion on the following provisions, namely, (*1*) "and in each subsequent year" in section 41 (*b*), clause (*i*) of section 3) and (*3*) section 44.

PEARI MOHAN MUKERJI.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information :—

ACT NO. III OF 1886.

An Act to amend the Northern India Ferries Act, 1878.

WHEREAS it is expedient to amend the Northern India Ferries Act, 1878; It is hereby enacted as follows :— XIVII of 1878.

Substitution of new section for section 8, and amendment of sections 12 and 15.

1. (*1*) For section 8 the following shall be substituted, namely :—

"8. The tolls of any public ferry may, from time to time, be let by public auction for a term not exceeding five years with the approval of the Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the Local Government.

"The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 or section 7A, then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

"When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction."

(*2*) For section 12, clause (*b*), the following shall be substituted, namely :—

"(*b*) for regulating the time and manner at and in which, and the terms on which, the tolls of such ferries may be let by auction, and prescribing the persons by whom auctions may be conducted.

(*3*) In the third paragraph of section 15, for the word "auction" the word "lease" shall be substituted.

Amendment of section 13, and substitution of new section for section 26.

2. (*1*) For the first paragraph of section 13 the following shall be substituted, namely :—

"Except with the sanction of the Magistrate of the district or of such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, no person shall establish, maintain or work a ferry to or from any point within a distance of two miles from the limits of a public ferry."

(*2*) In the second proviso to the said section, after the word "boats" the words "which do not ply for hire or" shall be inserted.

(*3*) For section 26 the following shall be substituted, namely :—

Penalty for maintaining private ferry within prohibited limits.

"26. Whoever establishes, maintains or works a ferry in contravention of the provisions of section 13 shall be punished with fine which may extend to five hundred rupees, and with a further fine which may extend to one hundred rupees for every day during which the ferry is maintained or worked in contravention of those provisions."

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

The following Report of the Select Committee on the Bill to amend the Northern India Ferries Act, 1878, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Northern India Ferries Act, 1878, 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, Assam, No. 1620, dated 3rd September, 1885 [Paper No. 1].
From Chief Commissioner, Ajmer-Merwára, No. 1093, dated 6th October, 1885 [Paper No. 2].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 279C., dated 31st October, 1885 [Paper No. 3].
From Secretary to Government, North-Western Provinces and Oudh, No. 1596—XII-732, dated 12th November, 1885 [Paper No. 4].
From Officiating Secretary to Government, Punjab, No. 922, dated 17th November, 1885, and enclosures [Papers No. 5].
From Officiating Secretary to Government, Punjab, No. 1080, dated 23rd December, 1885, and enclosures [Papers No, 6].

2. We have amended section 8 of the Bill so as to make it clear that, when a ferry is managed by a municipal or other public body, that body may let the ferry, subject only to the restrictions to which the District Magistrate would be subject if the ferry were under his immediate superintendence.

3. The amendment of clause (*b*) of section 12 is a consequence of the amendment of section 8.

4. We have so amended the second proviso to section 13 as to maintain the existing law with respect to boats which do not ply for hire.

5. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	15th, 22nd and 29th August, 1885.
North-Western Provinces and Oudh Government Gazette	22nd and 29th August, and 5th September, 1885.
Punjab Government Gazette	20th and 27th August, and 3rd September, 1885.
Central Provinces Gazette	22nd and 29th August, and 5th September, 1885.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

T. C. HOPE.
C. P. ILBERT.
J. W. QUINTON.
W. W. HUNTER.

The 21st January, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information :—

ACT NO. IV OF 1886.

An Act to amend section 265 of the Indian Contract Act, 1872.

IX of 1872. WHEREAS it is expedient to amend section 265 of the Indian Contract Act, 1872; It is hereby enacted as follows :—

New section substituted for section 265, Indian Contract Act.

1. For section 265 of the said Act the following shall be substituted, namely :—

Winding up by Court on dissolution or after termination.

"265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of any contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively."

Repeal of part of section 213, Act XIV, 1882.

2. In section 213 of the Code of Civil Procedure the words and figures from and including the word "applications" to the end of the section are hereby repealed. XIV of 1882.

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

The following report of the Select Committee on the Bill to amend section 265 of the Indian Contract Act, 1872, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend section 265 of the Indian Contract Act, 1872, 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 Registrar, High Court, Calcutta, No. 930, dated 20th March, 1885, and enclosure [Papers No. 1].
From Officiating Secretary to Chief Commissioner, Assam, No. 577, dated 8th April, 1885 [Paper No. 2].
From Secretary for Berar to Resident, Hyderabad, No. 131G., dated 15th April, 1885 [Paper No. 3].
From Officiating Secretary to Chief Commissioner, British Burma, No. 300—16L., dated 16th April, 1885, and enclosures [Papers No. 4].
From Chief Commissioner, Ajmer-Merwára, No. 458, dated 2nd May, 1885, and enclosure [Papers No. 5].
From Chief Secretary to Government, Madras, No. 1098, dated 27th April, 1885, and enclosures [Papers No. 6].
From Secretary to Chief Commissioner, Coorg, No. 207—26, dated 4th May, 1885 [Paper No. 7].
From Assistant Secretary to Chief Commissioner, Central Provinces, No. 1722—64, dated 8th May, 1885 [Paper No. 8].
From Acting Under-Secretary to Government, Bombay, No. 3277, dated 11th May, 1885, and enclosures [Papers No. 9].
From Secretary to Government, North-Western Provinces and Oudh, No. 477—VII-72-20, dated 7th May, 1885, and enclosures [Papers No. 10].
From Officiating Secretary to Government, Punjab, No. 509, dated 15th May, 1885, and enclosures [Papers No. 11].
From Secretary to Government, Bengal, No. 347 J. D., dated 11th May, 1885, and enclosures [Papers No. 12].
From Registrar, High Court, Calcutta, No. 2611, dated 8th September, 1885, and enclosure [Papers No. 13].

2. We have so framed the new section which it is proposed to substitute for section 265 as to make it a declaration of law consistent with the form of plaint No. 113 scheduled to the Code of Civil Procedure, and to show that a partner may apply to have the partnership wound up not only after its termination but also when he is entitled to claim a dissolution.

3. We have not overlooked the difficulties pointed out by Mr. Justice Field and others as

to the valuation and place of trial of suits under this section; but those difficulties, not being limited to suits of this class, should, we think, be considered separately and with care.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	21st and 28th February, and 7th March, 1885.
Fort Saint George Gazette	10th March, 1885.
Bombay Government Gazette	26th February, and 5th and 12th March, 1885.
Calcutta Gazette	25th February, and 4th and 11th March, 1885.
North-Western Provinces and Oudh Government Gazette	28th February, and 7th and 14th March, 1885.
Punjab Government Gazette	12th, 19th and 26th March, 1885.
Central Provinces Gazette	28th February, and 7th and 14th March, 1885.
British Burma Gazette	14th, 21st and 28th March, 1885.
Assam Gazette	14th and 28th March, 1885.
Coorg District Gazette	1st May, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Kanarese... ...	23rd June, 1885.
Bombay	Maráthí } Guzaráthí } ...	26th March, 1885.
	Kanarese... ...	28th May, 1885.
Bengal	Bengalí	17th, 24th and 31st March, 1885.
	Hindí	24th and 31st March, and 7th April, 1885.
	Uriya	9th, 16th and 23rd April, 1885.
North-Western Provinces and Oudh	Urdu	14th, 21st and 28th March, 1885.
Punjab	Urdu	23rd and 30th March, and 6th April, 1885.
Central Provinces ...	Hindí	4th, 11th and 18th April, 1885.
British Burma	Burmese	18th and 25th April, and 2nd May, 1885.
Assam	Bengali	4th April, 1885.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
V. N. MANDLIK.
H. ST.A. GOODRICH.
G. H. P. EVANS.
J. W. QUINTON.

The 20th January, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information:—

ACT NO. V OF 1886.

THE MIRZAPUR STONE MAHÁL ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.
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2. Repeal.
3. Definitions.

Rights of the Government and the Public.

4. Right of the Government to levy duty.
5. Prohibition of levy of duty by proprietors.
6. Right of the public to quarry stone.

Rules.

7. Power to make rules.
8. Procedure for making rules.
9. Publication of rules.
10. Deferred operation of rules altering duty.

Offences.

11. Penalties for evasion of duty.
12. Burden of proof as to payment of duty.
13. Limitation for prosecutions.
14. Saving of prosecutions under other laws.

Arrest, Seizure and Search.

15. Powers of officers.
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17. Recovery of duty.

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18. Appeal and revision.

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SECTIONS.
19. Saving of existing rates of duty.
20. Exemption of the inhabitants of the hills.

THE SCHEDULE.—LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

An Act to declare and amend the Law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces.

WHEREAS it is expedient to declare and amend the law relating to the Stone Mahál in the district of Mirzapur in the North-Western Provinces; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Mirzapur Stone Mahál Act, 1886; and

(*2*) It shall come into force on such day as the Local Government, by notification in the official Gazette, appoints.

(*3*) The power conferred by this Act on the Local Government to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect until the Act comes into force.

Repeal.

2. On and from the day on which this Act comes into force, Bengal Regulation II of 1800 (*a Regulation for laying open to public use the stone-quarries at Chunar, Gházípur* [properly called Ghásípur] *and Mirzapur, in the Province of Benares, subject to a fixed duty*) shall be repealed.

Definitions.

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

(*1*) "the district" means the whole of the area comprised in the district of Mirzapur as constituted at the time of the passing of this Act, except the lands described in the schedule to this Act:

(*2*) "Collector" means the Collector of the Mirzapur district, and includes an Assistant Collector of the first class empowered by him to perform any of the functions of the Collector under this Act:

The Mirzapur Stone Mahál Act, 1886.

(*Sections 4-9.*)

(3) "Commissioner" means the Commissioner of the Benares Division:

(4) "Board" means the Board of Revenue of the North-Western Provinces:

(5) "quarry" means to take from the surface as well as to extract from a quarry:

(6) "transport" means to remove from one place to another within the district:

(7) "proprietor" includes an assignee of land-revenue and any person claiming under a proprietor or exercising any of the rights of a proprietor.

Rights of the Government and the Public.

4. The Government is entitled to levy duty on all stone quarried in the district.

Right of the Government to levy duty.

5. No proprietor of any land in any part of the district is entitled to impose any prohibition or restriction, or to demand or receive any sum by way of rent, premium, duty or price, in respect of the opening of a quarry, or the quarrying of stone, in the land, or in respect of the storing of stone at the quarry or the transport of stone over the land, or, save as may be provided by rules made under this Act, to receive from any person any compensation whatever in respect of any of the matters aforesaid.

Prohibition of levy of duty by proprietors.

6. (1) Subject to the rules made under this Act, any person is entitled to open a quarry, or quarry stone, in any land in any part of the district, and to store the stone at the quarry, and to transport it over any land.

Right of the public to quarry stone.

(2) A person may, so far as the rules made under this Act permit, acquire an exclusive right to open a quarry, or quarry stone, within certain local limits in any part of the district, and may retain the right so long as those rules permit.

(3) If a dispute as to the right referred to in sub-section (1), to open a quarry, or quarry stone, in any land, or as to the existence of or mode of exercising an exclusive right referred to in sub-section (2), to open a quarry, or quarry stone, within certain local limits, arises between any persons, or if a dispute as to the right to store stone on, or transport stone over, any land arises between the person claiming to store or transport the stone and the proprietor of the land, it shall, on application for that purpose by either of the disputing parties to the Collector, be decided by him.

(4) A Civil Court shall not take cognizance of any such dispute, or in any suit or proceeding whatever make any decree or order whereby any party to the dispute may be bound with respect to the subject-matter thereof either directly or indirectly.

Rules.

7. (1) The Local Government may, from time to time, make rules consistent with this Act to regulate within the whole or any specified part of the district all or any of the following matters:—

Power to make rules.

(a) the quarrying of stone, and the places where stone may be quarried;

(b) conflicting claims to exercise the right of opening a quarry or quarrying stone;

(c) the conditions on the fulfilment of which a person is to acquire an exclusive right of opening a quarry, or quarrying stone, within certain local limits, and how that right may cease to exist;

(d) the compensation to be paid for injury caused to crops or arable land by the quarrying, storing or transport of stone, and the authority by which the compensation is to be determined;

(e) the transport of stone;

(f) the storing of stone;

(g) the classification of stones, the rate or rates of duty to be paid in respect of each class of stone to the Government or to a farmer to whom the Government has leased the duties leviable thereon, and the time when, the place where, and the persons by whom, the duty is to be paid;

(h) the exemptions from, or reductions of, duty to be allowed, the conditions to attach to those exemptions or reductions, and the consequences to ensue on the breach of any of those conditions;

(i) the custody and disposal of stone confiscated or seized under this Act; and

(j) generally for carrying out the purposes of this Act.

(2) In making a rule under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

8. (1) The Local Government shall, before making any rules under section 7, publish a draft of the proposed rules for the information of persons interested.

Procedure for making rules.

(2) The publication shall be made in such manner as in the opinion of the Local Government is sufficient.

(3) A notice shall be published with the draft specifying a date at or after which the draft will be taken into consideration.

(4) The Local Government 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.

9. Every rule made under section 7 shall be published in the official Gazette in English and in such other language or languages as the Local Government directs, and that publication shall be conclusive proof that the rule has been made as required by section 8.

Publication of rules.

The Mirzapur Stone Mahál Act, 1886.

(*Sections 10-18.*)

10. If a rule made under section 7, sub-section (1), clause (g), alters the rate of duty to be paid in respect of any class of stone, it shall not have effect till the expiration of one year from the date on which it is published.

Deferred operation of rules altering duty.

Offences.

11. If any person evades, or attempts to evade, or abets the evasion of, the payment of any duty payable under a rule made under section 7, sub-section (1), clause (g), he shall be punished with fine which may extend to two hundred rupees and twenty times the duty payable on the stone in respect of which the offence was committed, and the Court convicting him may further order the confiscation of the stone.

Penalties for evasion of duty.

12. The burden of proving that duty has been paid on stone in respect of which a prosecution for an offence under section 11 has been instituted shall lie on the accused person.

Burden of proof as to payment of duty.

13. A prosecution for an offence under section 11 or against a rule made under section 7 shall not be instituted after the expiration of six months from the commission of the offence.

Limitation for prosecutions.

14. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under section 11 or against a rule made under section 7, or from being liable under that other law to any other or higher punishment or penalty than that provided by section 11 or a rule made under section 7:

Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

Arrest, Seizure and Search.

15. (1) Any officer whom the Collector, with the previous sanction of the Commissioner, may empower in this behalf, may—

Powers of officers.

(a) proceed, in respect of an offence under section 11 or against a rule made under section 7 which in his presence a person commits or is accused of committing, in the same manner as a police-officer may proceed, under section 57 of the Code of Criminal Procedure, 1882, in respect of a non-cognizable offence which in his presence a person commits or is accused of committing; and

X of 1882.

(b) seize any stone in respect of which he has reason to believe that an offence under section 11 or against a rule made under section 7 has been committed, and, if the stone is being transported, use, for the removal thereof to the nearest place appointed for the custody of stone seized under this Act, any animals and conveyances used in transporting it.

(2) The powers conferred by this section may be exercised as well beyond as within the limits of the district, and if in the exercise of those powers a person is arrested or stone is seized beyond those limits, then, notwithstanding anything in this Act, the person arrested shall be liable to be dealt with, and the stone seized to be disposed of, in the same manner as if he had been arrested or it had been seized, within those limits.

16. (1) A Magistrate may issue his warrant for the search, after sunrise and before sunset, of any building, vessel or place in which he has reason to believe that stone in respect of which an offence under section 11 or against a rule made under section 7 has been committed is kept or concealed, and for the seizure of any stone found there.

Search-warrants.

(2) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as the same are applicable, apply to searches under this section.

X of 1882.

Recovery of Duty.

17. An arrear of duty payable to the Government under a rule made under section 7, sub-section (1), clause (g), and an arrear due from a farmer of duties payable on stone, may be recovered from the person primarily liable to pay the same to the Government, or from his surety (if any), as if it were an arrear of land-revenue.

Recovery of duty.

Appeal and revision.

18. (1) Decisions and orders passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or otherwise, shall be appealable to the Collector of the Mirzapur district in the manner provided by the law for the time being in force in the district respecting appeals from the orders of an Assistant Collector to the Collector in matters pertaining to land-revenue.

Appeal and revision.

(2) Decisions and orders passed by the Collector of the Mirzapur district under this Act or any rule thereunder shall be appealable to the Commissioner in the manner provided by the law aforesaid respecting appeals from the orders of the Collector to the Commissioner.

(3) The Board may revise any decision or order passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or

The Mirzapur Stone Mahál Act, 1886.

(Sections 19-20.)

otherwise, or by the Collector of the Mirzapur district, or under sub-section (*2*) by the Commissioner.

Miscellaneous.

19. The rates of duty actually levied at the time of the passing of this Act shall continue to be levied until the Act comes into force, and shall then be deemed to have been prescribed by a rule made under section 7, sub-section (*1*), clause (*g*).

Saving of existing rates of duty.

20. (*1*) Notwithstanding anything hereinbefore contained, but subject to any rules which the Local Government may from time to time make to regulate the enjoyment of the privilege hereby conferred, the inhabitants of the tract south of the Vindhya range of hills shall be exempt from the payment of duty on stones quarried by them within the limits of that tract for their own use within those limits.

Exemption of the inhabitants of the hills.

(*2*) The Local Government may, from time to time, by notification in the official Gazette, define the limits of the said tract for the purposes of this section.

THE SCHEDULE.

LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

(See section 3, sub-section (1).)

Pargana or tappá.	Village.	Remarks.
Kantit	Bajtha	These villages were transferred from the Allahabad district in 1840.
	Baghaura Rajman	
	Pálí	
	Sumatia	
	Barha Khurd	
	Basaura	
	Chak Kothara	
	Chak Madari	
	Dogauli	
	Rasauli	
	Kothara	
	Ghunghuti	
	Hargarh	
Upraudh	Nairi Katari	These villages were transferred from the Allahabad district in 1861.
	Durjanipur	
	Deohat	
	Mahuat	
	Maheshpur	
	Katra Lahorya Dih	
	Bhainsaur	
	Mahagarhi	

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

The following Report of the Select Committee on the Bill to declare and amend the law relating to the Stone Mahal in the District of Mirzapur in the North-Western Provinces, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

From Secretary to Government, North-Western Provinces and Oudh, No. $\frac{269}{\text{XIII-36-17}}$, dated 30th November, 1885, and enclosures [Papers No. 1].

WE, the undersigned, Members of the Select Committee to which the Bill to declare and amend the Law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

2. The Local Government and the Commissioner of the Benares Division are of opinion that jurisdiction with respect to disputes as to the existence of exclusive rights should be confined to the Revenue Courts. We concur in that opinion, and have amended section 6, sub-section (*3*), accordingly.

3. In section 15 we have provided that the officers of the Stone Mahál may exercise their powers of arrest and seizure as well beyond as within the limits of the district as defined in the Bill. Some of the quarries are on the borders of the district, and it is considered by the local authorities that the officials of the Stone Mahál should have power to seize stone which may be removed into an adjoining district without payment of duty.

4. In section 18 we have, at the instance of the Local Government, provided that decisions and orders passed by an Assistant Collector, whether acting as Collector or otherwise, shall be appealable to the Collector of the Mirzapur District.

5. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	... 17th, 24th and 31st October, 1885.
North-Western Provinces and Oudh Government Gazette	... 24th and 31st October, and 7th November, 1885

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

The 20th January, 1886.

C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 13, 1886.

☞ 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 29th January, 1886, and is hereby promulgated for general information :—

ACT NO. II OF 1886.

An Act for imposing a tax on income derived from sources other than Agriculture.

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An Act for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) it shall come into force on the first day of April, 1886.

(*3*) Any power conferred by this Act to make rules or to issue orders 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.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Definitions.

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

(*1*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(*2*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

(*3*) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act:

(*4*) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(*5*) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(*a*) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(*b*) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof; and

(*11*) "Part" means a Part of the second schedule to this Act

CHAPTER II.

LIABILITY TO TAX.

Incomes liable to the tax.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions.

5. (*1*) Nothing in section 4 shall render liable to the tax—

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(*c*) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (*a*), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (*b*) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building; or

(*d*) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in sea-going traffic out of Indian waters; or

(*e*) any income derived from property solely employed for religious or public charitable purposes; or

(*f*) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or,

(*g*) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(*h*) any interest on stock-notes; or

(*i*) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(*j*) any person whose income from all sources is less than five hundred rupees per annum.

(*2*) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

Power to make exemptions.

6. The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of servants and pensioners of local authorities.

8. (*1*) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(4) The power to deduct under this section shall be without prejudice to any other mode of recovery.

Mode of payment in case of servants and pensioners of companies and private employers.

9. (1) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

(2) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

Annual return by principal officer of company or association.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(a) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity, from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(b) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies.

Annual statement of nett profits.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India, by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12. (1) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(2) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities.

Mode of payment of tax on interest on securities.

13. (1) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(2) If that person does not deduct and pay the tax as required by sub-section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

Collector to determine persons chargeable.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Mode of making assessment.

15. (1) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(2) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made, or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, having regard to the circumstances, directs.

List of incomes under two thousand rupees.

16. (1) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(2) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

(a) his name, and the source or sources of the income in respect of which he is chargeable;

(b) the year or portion of the year for which the tax is to be paid;

(c) the place or places, district or districts, where the income accrues;

(d) the amount to be paid; and

(e) the place where, and the person to whom, the amount is to be paid.

(3) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(4) The list so filed shall be open to inspection at all reasonable times without any payment.

(5) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(6) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (a) to (e), both inclusive, mentioned in section 16, sub-section (2), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (1) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(a) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list;

(b) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

(c) authorising the Collector in any presidency-town to cause a special notice to be served on any person, chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice, of his income computed in the manner described in clause (b) of this sub-section.

(2) A return delivered under rules made under clause (b) or clause (c) of sub-section (1) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(3) When a Collector authorised in that behalf by rules made under clause (b) or clause (c) of sub-section (1) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(4) Rules made under this section shall be published in the official Gazette.

Time and place of payment.

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

Trustees, Agents, Managers and Incapacitated Persons.

Trustees, guardians and committees of incapacitated persons to be charged.

20. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Non-residents to be charged in names of their agents.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Power to retain duties charged on trustees, &c.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provision for tax on occupying owners.

24. (*1*) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(*2*) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

CHAPTER IV.

REVISION OF ASSESSMENT.

Petition to Collector against assessment under Part IV.

25. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

Hearing of petition.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (*2*), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon witnesses, &c.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure:

XIV of 1882.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

Tax when payable.

29. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Mode and time of recovery.

30. (*1*) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (*1*) for the recovery of the tax chargeable under this Act.

(*3*) An order passed by the Collector under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money, and the procedure under the said Code in respect of the following matters, namely,—

XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(*4*) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.

(*5*) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

Agreements for composition.

31. (*1*) If a company or person desires to compound for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

(*2*) The agreement shall provide for the payment, in each year of the period comprised in the agreement, of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

Receipts.

Receipts and their contents.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be prescribed.

Amendment of Assessment.

Amendment of assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade, or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or per-

son or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

34. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 13, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False statement in declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (*2*), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code. XLV of 1860.

Prosecution to be at instance of Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings.

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code. XLV of 1860.

Power to make Rules.

Power to make rules.

38. (*1*) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) In making a rule for preventing the disclosure of any particulars referred to in sub-section (*1*), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code: XLV of 1860.

(*3*) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(*4*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

Bar of suits in Civil Court.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Exercise of powers of Collector and Commissioner.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Obligation to furnish information respecting lodgers and employés.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

(*a*) the name of every inmate or lodger resident in any house used by him as a dwelling house or let by him in lodgings;

(*b*) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(*c*) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

Trustees and agents to furnish information as to beneficiaries and principals.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees, &c., to furnish information as to income.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

Obligation to furnish other information.

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

45. A person required to furnish any information under section 41, section 42, section 43 or section 44 shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Service of notices.

46. (*1*) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice. XIV of 1866.

(*2*) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(*3*) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(*4*) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

Power to declare principal place of business or residence.

47. (*1*) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*4*) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*5*) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

Saving in favour of payers of pándhari and capitation taxes.

48. Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pándhari-tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876.

Indemnity.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (*2*), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof. II of 1876.

Powers exerciseable from time to time.

50. All powers conferred by, or conferable under, this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878.	The Northern India License Act, 1878.	So much as has not been repealed.
Act No. VI of 1880.	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878.	The Madras License Act, 1878.	So much as has not been repealed.
Act No. III of 1880.	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878.	The Bombay License Act, 1878.	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880 .	The Bengal License Act, 1880.	The whole.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(See section 4.)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I.	
SALARIES AND PENSIONS.	
1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person. 2. Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee. (*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem,—four pies in the rupee.

THE SECOND SCHEDULE—*contd.*

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART II.	
PROFITS OF COMPANIES.	
Profits of a company . .	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.
PART III.	
INTEREST ON SECURITIES.	
Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.
PART IV.	
OTHER SOURCES OF INCOME.	
Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but less than Rs. 750 the tax shall be Rs. 10 " " " 750 " " 1,000 " " 15 " " " 1,000 " " 1,250 " " 20 " " " 1,250 " " 1,500 " " 25 " " " 1,500 " " 1,750 " " 35 " " " 1,750 " " 2,000 " " 42 (*b*) If the annual income is assessed at Rs. 2,000 or upwards—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(See section 25.)

TO THE COLLECTOR OF

The day of 188 .

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April, 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees ,

[as will appear from the documents of which a list is presented herewith.*]

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

* *These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.*

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

The following Report of the Select Committee on the Bill for imposing a tax on income derived from sources other than agriculture was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill for imposing a tax on income derived from sources other than agriculture was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From the Officiating Secretary to the Government of Bengal, No. 31, dated the 7th January, 1886.
Telegram from the Financial Secretary to the Government of Bombay, dated the 11th January, 1886.
Telegram from the Chief Commissioner of Assam, dated the 11th January, 1886.
Telegram from the Resident, Hyderabad, dated 9th January, 1886.
Telegram from the Secretary to the Government of the Punjab, dated the 9th January, 1886.
Telegram from the Chief Secretary to the Government of Madras, dated the 11th January, 1886.
Note by A. Smith, Esq., Commissioner, Presidency Division, Bengal.
From the Secretary to the Government of the North-Western Provinces and Oudh, No. 5—XIII-101-2, dated the 9th January, 1886.
Telegram from the Secretary to the Chief Commissioner, Central Provinces, dated the 11th January, 1886.
Letter from James L. Mackay, Esq., to the Hon'ble R. Steel, No. 17, dated the 13th January, 1886.
Letter from H. B. H. Turner, Esq., to the Hon'ble R. Steel, dated the 13th January, 1886.
Memorandum by Dosabhai Framji, Esq., C.S.I., Presidency Magistrate, Bombay.
Letter from the Secretary, Indian Jute Manufacturers' Association, dated the 13th January, 1886.
Telegram from the Chief Commissioner, Ajmer-Merwára, dated the 15th January, 1886.
From the Officiating Secretary, Board of Revenue, Lower Provinces, No. 34 B., dated the 16th January, 1886.
Letter from the Secretary to the Bengal Chamber of Commerce, dated the 16th January, 1886.
Memorial from the Managers, Agents and Secretaries of the leading Life Assurance Companies carrying on business in India, dated the 16th January, 1886.
Telegram from the Bombay Chamber of Commerce, dated 19th January, 1886.

2. We have provided in section 1 that the Act shall come into force on the first day of April next. During the time which elapses between the passing of the Bill and that date, the Government will be able to prepare and issue its rules, and Collectors to make such arrangements for the assessment of the tax as they can make without calling in aid the provisions of the Act. It is important that Collectors should know as soon as possible what incomes will be assessable, and that the Government should at once be in a position to frame the necessary rules for assessment.

3. In section 5 we have, with advertence to section 24 (section 23 of the Bill as introduced), inserted a clause (clause (*c*)) excepting from liability to the tax the whole of the annual value of buildings which landholders and agriculturists own and occupy on, or in the immediate neighbourhood of, the land they hold and cultivate, and which are necessary to them in the exercise of their vocation as landholders and agriculturists. Thus, while a landholder will be exempt from the tax in respect of the annual value of the homestead (if any) appurtenant to his land, he will be assessable in respect of any other house he may own and occupy.

4. We have inserted in the same section a further clause (clause (*g*)), based on the English law, excepting from liability to the tax any portion, not exceeding one-sixth, of his income which a person pays either to the Government or to a company in respect of life-insurance or deferred annuity.

5. Clause (*e*) of section 5 (clause (*c*) of that section in the Bill as introduced) is based on a similar clause in Act VIII of 1872. The exemption appears to us to be sufficient to cover educational endowments, and does not, as has been suggested, open a door to the evasion of the Act by colourable gifts to idols or any like device.

6. We have omitted sub-section (*2*) of the same section in the Bill as introduced. There appears to us not to be sufficient ground for making, between official salaries and other incomes, the distinction which was proposed in that sub-section.

7. By the new sub-section (*2*) appended to section 5, we have made it clear that a salaried manager of land is not exempt from the tax by reason only of the income of his employer being exempt therefrom.

8. We have ascertained that companies and some other private employers are much opposed to that provision of the Bill as introduced which imposed on them the duty of deducting the tax from the salaries of their employés. To the argument that there was such a provision in force in the years 1869-72, they reply that the provision was then a fruitful cause of misunderstanding and disagreement between them and their subordinates. Under these circumstances it appears to us that companies ought not to be compelled to collect the tax. We have therefore modified section 8 of the Bill, and empowered the Collector, by a new section (section 9), to enter into an arrangement with any private employer, on terms to be mutually agreed on, for the collection by the employer of the tax payable by his employés.

9. Section 10 of the Bill as introduced followed the Acts of 1869 and 1872 in making special provision for the taxation of shipping companies. It has been stated, and we have satisfied ourselves, that the provision was unworkable and, in practice, inoperative. It has therefore been omitted from section 11, and the second schedule, of the Bill as amended by us: and we have added to section 5 a special exception (clause (*d*)) in favour of shipping companies incorporated or registered out of British India and having their principal places of business out of India and their ships ordinarily engaged in sea-going traffic out of Indian waters.

10. To section 18 (section 17 of the Bill as introduced) we have added clauses empowering the Local Government to authorise the Collector in any specified town or place to publish general notices inviting tax-payers to make returns of their income, and in any presidency-town to serve special notices on individual tax-payers inviting them to make such returns.

11. In section 24 (section 23 of the Bill as introduced) we have provided for houses occupied by their owners being assessed at five-sixths, instead of nine-tenths, of their annual value. We have thus reverted to the principle of section 132 of Act XXXII of 1860.

12. We have so modified section 27 (section 26 of the Bill as introduced) as to require the Commissioner to call for the record in the case of a petition for the revision of any assessment of two hundred and fifty rupees or upwards.

13. In section 30 (section 29 of the Bill as introduced) we have provided for the continuance of the summary process of recovery described in section 24 of the Bengal License Act, 1880.

14. In sub-section (*5*) of the same section we have provided that no proceedings for the recovery of any sum payable under the Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable. The section as amended by us is more restrictive on the revenue-authorities than the corresponding section of the Bengal License Act, 1880, and less so than the corresponding section of the Northern India License Act, 1878.

15. In section 31 provision has been made, as in Act XXXII of 1860, for composition of the tax.

16. Seeing that provision is made in Chapter IV for revision of assessment, we think that section 32, sub-section (*1*), of the Bill as introduced should be omitted, and that section 31 of that Bill may also be omitted, as being likely, by suggesting the disturbance of settled assessments, to create irritation with which the additional revenue raised under the section would be incommensurate.

17. In section 38 of the Bill as amended by us (section 37 of the Bill as introduced) we have provided for rules being made for securing secrecy in regard to information furnished in documents relating to incomes of assessees.

18. We have deemed it desirable to specify more particularly than in section 40 of the Bill as introduced the information which may be required by a Collector for the purposes of the Act. We have, therefore, for that section substituted sections 41 to 45 of the Bill as amended.

19. We have modified section 46 (section 41 of the Bill as introduced) by providing that the delivery of a letter duly posted shall only be presumed, and we have required the letter to be registered.

20. From the first column of Part III of the second schedule to the Bill as introduced we have omitted the clause relating to stock of, or shares in, guaranteed railway companies. The clause is unnecessary, as all railway companies will be assessed on their nett earnings. We have, however, provided in new clause (*c*) of Part III for the recovery, in the manner prescribed in section 13, of the interest on debentures issued by companies.

21. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	5th, 9th and 16th January, 1886
Fort St. George Gazette	20th January, 1886.
Bombay Government Gazette	14th January, 1886.
Calcutta Gazette	13th and 20th January, 1886.
North-Western Provinces and Oudh Government Gazette ...	16th January, 1886.
Central Provinces Gazette	16th January, 1886.

22. We do not think that the measure has been so altered as to require re-publication and we recommend that it be passed as now amended.

A. COLVIN.
C. P. ILBERT.
T. C. HOPE.
V. N. MANDLIK.*
PEARI MOHAN MUKERJI.†
J. W. QUINTON.
ROBERT STEEL.
W. W. HUNTER.

The 22nd January, 1886.

* I differ from the majority on sections 1, 5, clause (*d*), and section 24. I think the Bill should terminate in one or two years; I think clause (*d*), section 5, should be modified or left out, and section 24 should be made applicable only to houses in principal towns and cities.

V. N. MANDLIK.

† I sign this Report with reservation of opinion on the following provisions, namely, (1) "and in each subsequent year" in section 4; (2) clause (*f*) of section 5; and (3) section 24.

PEARI MOHAN MUKERJI.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information:—

ACT NO. III OF 1886.

An Act to amend the Northern India Ferries Act, 1878.

WHEREAS it is expedient to amend the Northern India Ferries Act, 1878; It is hereby enacted as follows:— XVII of 1878.

Substitution of new section for section 8, and amendment of sections 12 and 15.

1. (*1*) For section 8 the following shall be substituted, namely:—

"8. The tolls of any public ferry may, from time to time, be let by public auction for a term not exceeding five years with the approval of the Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the Local Government.

"The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 or section 7A, then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

"When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction."

(*2*) For section 12, clause (*b*), the following shall be substituted, namely:—

"(*b*) for regulating the time and manner at and in which, and the terms on which, the tolls of such ferries may be let by auction, and prescribing the persons by whom auctions may be conducted.

(*3*) In the third paragraph of section 15, for the word "auction" the word "lease" shall be substituted.

Amendment of section 13, and substitution of new section for section 26.

2. (*1*) For the first paragraph of section 13 the following shall be substituted, namely:—

"Except with the sanction of the Magistrate of the district or of such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, no person shall establish, maintain or work a ferry to or from any point within a distance of two miles from the limits of a public ferry"

(*2*) In the second proviso to the said section, after the word "boats" the words "which do not ply for hire or" shall be inserted.

(*3*) For section 26 the following shall be substituted, namely:—

Penalty for maintaining private ferry within prohibited limits.

"**26.** Whoever establishes, maintains or works a ferry in contravention of the provisions of section 13 shall be punished with fine which may extend to five hundred rupees, and with a further fine which may extend to one hundred rupees for every day during which the ferry is maintained or worked in contravention of those provisions."

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

The following Report of the Select Committee on the Bill to amend the Northern India Ferries Act, 1878, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Northern India Ferries Act, 1878, 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, Assam, No. 1620, dated 3rd September, 1885 [Paper No. 1].
From Chief Commissioner, Ajmer-Merwára, No. 1093, dated 6th October, 1885 [Paper No. 2].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 279C., dated 31st October, 1885 [Paper No. 3].
From Secretary to Government, North-Western Provinces and Oudh, No. 1596—XII-739, dated 12th November, 1885 [Paper No. 4].
From Officiating Secretary to Government, Punjab, No. 922, dated 17th November, 1885, and enclosures [Papers No. 5].
From Officiating Secretary to Government, Punjab, No. 1080, dated 23rd December, 1885, and enclosures [Papers No. 6].

2. We have amended section 8 of the Bill so as to make it clear that, when a ferry is managed by a municipal or other public body, that body may let the ferry, subject only to the restrictions to which the District Magistrate would be subject if the ferry were under his immediate superintendence.

3. The amendment of clause (*b*) of section 12 is a consequence of the amendment of section 8.

4. We have so amended the second proviso to section 13 as to maintain the existing law with respect to boats which do not ply for hire.

5. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	15th, 22nd and 29th August. 1885.
North-Western Provinces and Oudh Government Gazette	22nd and 29th August, and 5th September, 1885.
Punjab Government Gazette	20th and 27th August, and 3rd September, 1885.
Central Provinces Gazette	22nd and 29th August, and 5th September, 1885.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

T. C. HOPE.
C. P. ILBERT.
J. W. QUINTON.
W. W. HUNTER.

The 21st January, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information :—

ACT NO. IV OF 1886.

An Act to amend section 265 of the Indian Contract Act, 1872.

IX of 1872.

WHEREAS it is expedient to amend section 265 of the Indian Contract Act, 1872; It is hereby enacted as follows :—

New section substituted for section 265, Indian Contract Act.

1. For section 265 of the said Act the following shall be substituted, namely :—

Winding up by Court on dissolution or after termination.

"265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of any contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively."

XIV of 1882.

Repeal of part of section 213, Act XIV, 1882.

2. In section 213 of the Code of Civil Procedure the words and figures from and including the word "applications" to the end of the section are hereby repealed.

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

The following report of the Select Committee on the Bill to amend section 265 of the Indian Contract Act, 1872, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend section 265 of the Indian Contract Act, 1872, 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 Registrar, High Court, Calcutta, No. 930, dated 20th March, 1885, and enclosure [Papers No. 1].
From Officiating Secretary to Chief Commissioner, Assam, No. 577, dated 8th April, 1885 [Paper No. 2].
From Secretary for Berar to Resident, Hyderabad, No. 131G., dated 15th April, 1885 [Paper No. 3].
From Officiating Secretary to Chief Commissioner, British Burma, No. 300—16L., dated 16th April, 1885, and enclosures [Papers No. 4].
From Chief Commissioner, Ajmer-Merwára, No. 458, dated 2nd May, 1885, and enclosure [Papers No. 5].
From Chief Secretary to Government, Madras, No. 1098, dated 27th April, 1885, and enclosures [Papers No. 6].
From Secretary to Chief Commissioner, Coorg, No. 207—26, dated 4th May, 1885 [Paper No. 7].
From Assistant Secretary to Chief Commissioner, Central Provinces, No. 1722—64, dated 8th May, 1885 [Paper No. 8].
From Acting Under-Secretary to Government, Bombay, No. 3277, dated 11th May, 1885, and enclosures [Papers No. 9].
From Secretary to Government, North-Western Provinces and Oudh, No. 477—VII-72-20, dated 7th May, 1885, and enclosures [Papers No. 10].
From Officiating Secretary to Government, Punjab, No. 509, dated 15th May, 1885, and enclosures [Papers No. 11].
From Secretary to Government, Bengal, No. 347 J. D., dated 11th May, 1885, and enclosures [Papers No. 12].
From Registrar, High Court, Calcutta, No. 2611, dated 8th September, 1885, and enclosure [Papers No. 13].

2. We have so framed the new section which it is proposed to substitute for section 265 as to make it a declaration of law consistent with the form of plaint No. 113 scheduled to the Code of Civil Procedure, and to show that a partner may apply to have the partnership wound up not only after its termination but also when he is entitled to claim a dissolution.

3. We have not overlooked the difficulties pointed out by Mr. Justice Field and others as

to the valuation and place of trial of suits under this section; but those difficulties, not being limited to suits of this class, should, we think, be considered separately and with care.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	21st and 28th February, and 7th March, 1885.
Fort Saint George Gazette	10th March, 1885.
Bombay Government Gazette	26th February, and 5th and 12th March, 1885.
Calcutta Gazette	25th February, and 4th and 11th March, 1885.
North-Western Provinces and Oudh Government Gazette	28th February, and 7th and 14th March, 1885.
Punjab Government Gazette	12th, 19th and 26th March, 1885.
Central Provinces Gazette	28th February, and 7th and 14th March, 1885.
British Burma Gazette	14th, 21st and 28th March, 1885.
Assam Gazette	14th and 28th March, 1885.
Coorg District Gazette	1st May, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Kanarese... ...	23rd June, 1885.
Bombay	Maráthí } Guzaráthí } ...	26th March, 1885.
	Kanarese... ...	28th May, 1885.
Bengal	Bengalí	17th, 24th and 31st March, 1885.
	Hindí	24th and 31st March, and 7th April, 1885.
	Uriya	9th, 16th and 23rd April; 1885.
North-Western Provinces and Oudh	Urdu	14th, 21st and 28th March, 1885.
Punjab	Urdu	23rd and 30th March, and 6th April, 1885.
Central Provinces ...	Hindí	4th, 11th and 18th April, 1885.
British Burma	Burmese	18th and 25th April, and 2nd May, 1885.
Assam	Bengalí	4th April, 1885.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
V. N. MANDLIK.
H. ST.A. GOODRICH.
G. H. P. EVANS.
J. W. QUINTON.

The 20th January, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 29th January, 1886, and is hereby promulgated for general information:—

ACT NO. V OF 1886.

THE MIRZAPUR STONE MAHÁL ACT, 1886.

CONTENTS.

Preliminary.

SECTIONS.
1. Short title and commencement.
2. Repeal.
3. Definitions.

Rights of the Government and the Public.

4. Right of the Government to levy duty.
5. Prohibition of levy of duty by proprietors.
6. Right of the public to quarry stone.

Rules.

7. Power to make rules.
8. Procedure for making rules.
9. Publication of rules.
10. Deferred operation of rules altering duty.

Offences.

11. Penalties for evasion of duty.
12. Burden of proof as to payment of duty.
13. Limitation for prosecutions.
14. Saving of prosecutions under other laws.

Arrest, Seizure and Search.

15. Powers of officers.
16. Search-warrants.

Recovery of Duty.

17. Recovery of duty.

Appeal and revision.

18. Appeal and revision.

Miscellaneous.

19. Saving of existing rates of duty.
20. Exemption of the inhabitants of the hills.

THE SCHEDULE.—LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

An Act to declare and amend the Law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces.

WHEREAS it is expedient to declare and amend the law relating to the Stone Mahál in the district of Mirzapur in the North-Western Provinces; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Mirzapur Stone Mahál Act, 1886; and

(*2*) It shall come into force on such day as the Local Government, by notification in the official Gazette, appoints.

(*3*) The power conferred by this Act on the Local Government to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect until the Act comes into force.

Repeal.

2. On and from the day on which this Act comes into force, Bengal Regulation II of 1800 (*a Regulation for laying open to public use the stone-quarries at Chunar, Gházípur* [properly called Ghásípur] *and Mirzapur, in the Province of Benares, subject to a fixed duty*) shall be repealed.

Definitions.

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

(*1*) "the district" means the whole of the area comprised in the district of Mirzapur as constituted at the time of the passing of this Act, except the lands described in the schedule to this Act:

(*2*) "Collector" means the Collector of the Mirzapur district, and includes an Assistant Collector of the first class empowered by him to perform any of the functions of the Collector under this Act:

The Mirzapur Stone Mahál Act, 1886.

(Sections 4-9.)

(3) "Commissioner" means the Commissioner of the Benares Division:

(4) "Board" means the Board of Revenue of the North-Western Provinces:

(5) "quarry" means to take from the surface as well as to extract from a quarry:

(6) "transport" means to remove from one place to another within the district:

(7) "proprietor" includes an assignee of land-revenue and any person claiming under a proprietor or exercising any of the rights of a proprietor.

Rights of the Government and the Public.

4. The Government is entitled to levy duty on all stone quarried in the district.

Right of the Government to levy duty.

5. No proprietor of any land in any part of the district is entitled to impose any prohibition or restriction, or to demand or receive any sum by way of rent, premium, duty or price, in respect of the opening of a quarry, or the quarrying of stone, in the land, or in respect of the storing of stone at the quarry or the transport of stone over the land, or, save as may be provided by rules made under this Act, to receive from any person any compensation whatever in respect of any of the matters aforesaid.

Prohibition of levy of duty by proprietors.

6. (1) Subject to the rules made under this Act, any person is entitled to open a quarry, or quarry stone, in any land in any part of the district, and to store the stone at the quarry, and to transport it over any land.

Right of the public to quarry stone.

(2) A person may, so far as the rules made under this Act permit, acquire an exclusive right to open a quarry, or quarry stone, within certain local limits in any part of the district, and may retain the right so long as those rules permit.

(3) If a dispute as to the right referred to in sub-section (1), to open a quarry, or quarry stone, in any land, or as to the existence of or mode of exercising an exclusive right referred to in sub-section (2), to open a quarry, or quarry stone, within certain local limits, arises between any persons, or if a dispute as to the right to store stone on, or transport stone over, any land arises between the person claiming to store or transport the stone and the proprietor of the land, it shall, on application for that purpose by either of the disputing parties to the Collector, be decided by him.

(4) A Civil Court shall not take cognizance of any such dispute, or in any suit or proceeding whatever make any decree or order whereby any party to the dispute may be bound with respect to the subject-matter thereof either directly or indirectly.

Rules.

7. (1) The Local Government may, from time to time, make rules consistent with this Act to regulate within the whole or any specified part of the district all or any of the following matters:—

Power to make rules.

(a) the quarrying of stone, and the places where stone may be quarried;

(b) conflicting claims to exercise the right of opening a quarry or quarrying stone;

(c) the conditions on the fulfilment of which a person is to acquire an exclusive right of opening a quarry, or quarrying stone, within certain local limits, and how that right may cease to exist;

(d) the compensation to be paid for injury caused to crops or arable land by the quarrying, storing or transport of stone, and the authority by which the compensation is to be determined;

(e) the transport of stone;

(f) the storing of stone;

(g) the classification of stones, the rate or rates of duty to be paid in respect of each class of stone to the Government or to a farmer to whom the Government has leased the duties leviable thereon, and the time when, the place where, and the persons by whom, the duty is to be paid;

(h) the exemptions from, or reductions of, duty to be allowed, the conditions to attach to those exemptions or reductions, and the consequences to ensue on the breach of any of those conditions;

(i) the custody and disposal of stone confiscated or seized under this Act; and

(j) generally for carrying out the purposes of this Act.

(2) In making a rule under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

8. (1) The Local Government shall, before making any rules under section 7, publish a draft of the proposed rules for the information of persons interested.

Procedure for making rules.

(2) The publication shall be made in such manner as in the opinion of the Local Government is sufficient.

(3) A notice shall be published with the draft specifying a date at or after which the draft will be taken into consideration.

(4) The Local Government 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.

9. Every rule made under section 7 shall be published in the official Gazette in English and in such other language or languages as the Local Government directs, and that publication shall be conclusive proof that the rule has been made as required by section 8.

Publication of rules.

The Mirzapur Stone Mahál Act, 1886.

(Sections 10-18.)

10. If a rule made under section 7, sub-section (1), clause (g), alters the rate of duty to be paid in respect of any class of stone, it shall not have effect till the expiration of one year from the date on which it is published.

Deferred operation of rules altering duty.

Offences.

11. If any person evades, or attempts to evade, or abets the evasion of, the payment of any duty payable under a rule made under section 7, sub-section (1), clause (g), he shall be punished with fine which may extend to two hundred rupees and twenty times the duty payable on the stone in respect of which the offence was committed, and the Court convicting him may further order the confiscation of the stone.

Penalties for evasion of duty.

12. The burden of proving that duty has been paid on stone in respect of which a prosecution for an offence under section 11 has been instituted shall lie on the accused person.

Burden of proof as to payment of duty.

13. A prosecution for an offence under section 11 or against a rule made under section 7 shall not be instituted after the expiration of six months from the commission of the offence.

Limitation for prosecutions.

14. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under section 11 or against a rule made under section 7, or from being liable under that other law to any other or higher punishment or penalty than that provided by section 11 or a rule made under section 7:

Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

Arrest, Seizure and Search.

15. (1) Any officer whom the Collector, with the previous sanction of the Commissioner, may empower in this behalf, may—

Powers of officers.

(a) proceed, in respect of an offence under section 11 or against a rule made under section 7 which in his presence a person commits or is accused of committing, in the same manner as a police-officer may proceed, under section 57 of the Code of Criminal Procedure, 1882, in respect of a non-cognizable offence which in his presence a person commits or is accused of committing; and

(b) seize any stone in respect of which he has reason to believe that an offence under section 11 or against a rule made under section 7 has been committed, and, if the stone is being transported, use, for the removal thereof to the nearest place appointed for the custody of stone seized under this Act, any animals and conveyances used in transporting it.

(2) The powers conferred by this section may be exercised as well beyond as within the limits of the district, and if in the exercise of those powers a person is arrested or stone is seized beyond those limits, then, notwithstanding anything in this Act, the person arrested shall be liable to be dealt with, and the stone seized to be disposed of, in the same manner as if he had been arrested or it had been seized, within those limits.

16. (1) A Magistrate may issue his warrant for the search, after sunrise and before sunset, of any building, vessel or place in which he has reason to believe that stone in respect of which an offence under section 11 or against a rule made under section 7 has been committed is kept or concealed, and for the seizure of any stone found there.

Search-warrants.

(2) The provisions of the Code of Criminal Procedure, 1882, relating to searches under that Code shall, so far as the same are applicable, apply to searches under this section. X of 1882.

Recovery of Duty.

17. An arrear of duty payable to the Government under a rule made under section 7, sub-section (1), clause (g), and an arrear due from a farmer of duties payable on stone, may be recovered from the person primarily liable to pay the same to the Government, or from his surety (if any), as if it were an arrear of land-revenue.

Recovery of duty.

Appeal and revision.

18. (1) Decisions and orders passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or otherwise, shall be appealable to the Collector of the Mirzapur district in the manner provided by the law for the time being in force in the district respecting appeals from the orders of an Assistant Collector to the Collector in matters pertaining to land-revenue.

Appeal and revision.

(2) Decisions and orders passed by the Collector of the Mirzapur district under this Act or any rule thereunder shall be appealable to the Commissioner in the manner provided by the law aforesaid respecting appeals from the orders of the Collector to the Commissioner.

(3) The Board may revise any decision or order passed under this Act or any rule thereunder by an Assistant Collector, whether as Collector or

The Mirzapur Stone Mahál Act, 1886.

(Sections 19-20.)

otherwise, or by the Collector of the Mirzapur district, or under sub-section (2) by the Commissioner.

Miscellaneous.

19. The rates of duty actually levied at the time of the passing of this Act shall continue to be levied until the Act comes into force, and shall then be deemed to have been prescribed by a rule made under section 7, sub-section (*1*), clause (*g*).

Saving of existing rates of duty.

20. (*1*) Notwithstanding anything hereinbefore contained, but subject to any rules which the Local Government may from time to time make to regulate the enjoyment of the privilege hereby conferred, the inhabitants of the tract south of the Vindhya range of hills shall be exempt from the payment of duty on stones quarried by them within the limits of that tract for their own use within those limits.

Exemption of the inhabitants of the hills.

(*2*) The Local Government may, from time to time, by notification in the official Gazette, define the limits of the said tract for the purposes of this section.

THE SCHEDULE.

LANDS EXCLUDED FROM THE AREA COMPRISED IN THE DISTRICT OF MIRZAPUR.

(See section 3, sub-section (1).)

Pargana or tappá.	Village.	Remarks.
Kantit	Bajtha	These villages were transferred from the Allahabad district in 1840.
	Baghaura Rajman	
	Pálí	
	Sunatia	
	Barha Khurd	
	Basaura	
	Chak Kothara	
	Chak Madari	
	Dogauli	
	Rasauli	
	Kothara	
	Ghunghuti	
	Hargarh	
Upraudh	Nairi Katari	These villages were transferred from the Allahabad district in 1861.
	Durjanipur	
	Deohat	
	Mahuat	
	Maheshpur	
	Katra Lahorya Dih	
	Bhainsaur	
	Mahagarhi	

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

The following Report of the Select Committee on the Bill to declare and amend the law relating to the Stone Mahal in the District of Mirzapur in the North-Western Provinces, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January, 1886:—

LEGISLATIVE DEPARTMENT.

From Secretary to Government, North-Western Provinces and Oudh, No. $\frac{288}{\text{XIII 26.17}}$, dated 30th November, 1885, and enclosures [Papers No. 1].

WE, the undersigned, Members of the Select Committee to which the Bill to declare and amend the Law relating to the Stone Mahál in the District of Mirzapur in the North-Western Provinces was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

2. The Local Government and the Commissioner of the Benares Division are of opinion that jurisdiction with respect to disputes as to the existence of exclusive rights should be confined to the Revenue Courts. We concur in that opinion, and have amended section 6, sub-section (*3*), accordingly.

3. In section 15 we have provided that the officers of the Stone Mahál may exercise their powers of arrest and seizure as well beyond as within the limits of the district as defined in the Bill. Some of the quarries are on the borders of the district, and it is considered by the local authorities that the officials of the Stone Mahál should have power to seize stone which may be removed into an adjoining district without payment of duty.

4. In section 18 we have, at the instance of the Local Government, provided that decisions and orders passed by an Assistant Collector, whether acting as Collector or otherwise, shall be appealable to the Collector of the Mirzapur District.

5. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	... 17th, 24th and 31st October, 1885.
North-Western Provinces and Oudh Government Gazette	... 24th and 31st October, and 7th November, 1885

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

The 20th January, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 13, 1886.

☞ 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 8th March, 1886, and is hereby promulgated for general information:—

ACT NO. VI OF 1886.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL, 1886.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and commencement.
2. Local extent.
3. Definitions.
4. Saving of local laws.
5. Powers exercisable from time to time.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

6. Establishment of general registry offices and appointment of Registrars General.
7. Indexes to be kept at general registry office.
8. Indexes to be open to inspection.
9. Copies of entries to be admissible in evidence.
10. Superintendence of Registrars by Registrar General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

SECTIONS.

11. Persons whose births and deaths are registrable.

B.—Registration Establishment.

12. Power for Local Government to appoint Registrars for its territories.
13. Power for Governor General in Council to appoint Registrars for Native States.
14. Registrar to be deemed a public servant.
15. Power to remove Registrars.
16. Office and attendance of Registrar.
17. Absence of Registrar or vacancy in his office.
18. Register books to be supplied and preservation of records to be provided for.

C.—Mode of Registration.

19. Duty of Registrar to register births and deaths of which notice is given.
20. Persons authorized to give notice of birth.
21. Persons authorized to give notice of death.
22. Entry of birth or death to be signed by person giving notice.
23. Grant of certificate of registration of birth or death.
24. Duty of Registrars as to sending certified copies of entries in register books to Registrar General.
25. Searches and copies of entries in register books.
26. Exceptional provision for registration of certain births and deaths.

D.—Penalty for False Information.

27. Penalty for wilfully giving false information.

E.—Correction of Errors.

28. Correction of entry in register of births or deaths.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

SECTIONS.
29. Addition of new section after section 13, Act III of 1872.
30. Amendment of the Indian Christian Marriage Act, 1872.
31. Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

32. Permission to persons having custody of certain records to send them within one year to Registrar General.
33. Appointment of Commissioners to examine registers.
34. Duties of Commissioners.
35. Searches of lists prepared by Commissioners and grant of certified copies of entries.

CHAPTER VI.

RULES.

36. Power for Governor General in Council to make rules.
37. Procedure for making and publication of rules.

An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages; XV of 1872. XV of 1865.

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, directs.

(*3*) Any power conferred by this Act to make rules or to issue orders 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.

Local extent.

2. This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

Definitions.

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

"sign" includes mark, when the person making the mark is unable to write his name:

"prescribed" means prescribed by a rule made by the Governor General in Council under this Act: and

"Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exercisable from time to time.

5. All powers conferred by this Act may be exercised from time to time as occasion requires.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry offices and appointment of Registrars General.

6. (*1*) Each Local Government—

(*a*) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (*to provide a form of marriage in certain cases*) or the Indian Christian Marriage Act, 1872, or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay, under the Parsi Marriage and Divorce Act, 1865, as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act; and XV of 1872. XV of 1865.

(*b*) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

(*2*) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his admininistration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

Indexes to be kept at general registry office.

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, or under Act III of 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, as amended by this Act, to be made and kept in his office in the prescribed form. XV of 1872. XV of 1865.

Indexes to be open to inspection.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

The Births, Deaths and Marriages Registration Act, 1886.

(Chapter III.—Registration of Births and Deaths.—Sections 9-17.)

Copies of entries to be admissible in evidence.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorised in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Superintendence of Registrars by Registrar General.

10. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

Persons whose births and deaths are registrable.

11. (*1*) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the following, namely:—

(*a*) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion; X of 1865.

(*b*) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion:

(*2*) But the Local Government, by notification in the official Gazette, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

B.—Registration Establishment.

Power for Local Government to appoint Registrars for its territories.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

Power for Governor General in Council to appoint Registrars for Native States.

13. The Governor General in Council may, by notification in the Gazette of India, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

Registrar to be deemed a public servant.

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power to remove Registrars.

15. (*1*) The Local Government or the Governor General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(*2*) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and, on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

Office and attendance of Registrar.

16. (*1*) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions, for which he is appointed.

(*2*) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Absence of Registrar or vacancy in his office.

17. (*1*) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*2*) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

The Births, Deaths and Marriages Registration Act, 1886.

(*Chapter III.—Registration of Births and Deaths.—Sections 18-24.*)

(3) The Registrar General of Births, Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

Register books to be supplied and preservation of records to be provided for.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

Duty of Registrar to register births and deaths of which notice is given.

19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:

Provided that—

(*a*) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and

(*b*) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely:—

(*a*) the father or mother of the child;

(*b*) any person present at the birth;

(*c*) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;

(*d*) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;

(*e*) any person having charge of the child.

Persons authorized to give notice of death.

21. Any of the following persons may give notice of a death, namely:—

(*a*) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;

(*b*) any person present at the death;

(*c*) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;

(*d*) any person in attendance during the last illness of the deceased;

(*e*) any person who has seen the body of the deceased after death.

Entry of birth or death to be signed by person giving notice.

22. (*1*) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(*2*) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

(*3*) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

Grant of certificate of registration of birth or death.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

24. (*1*) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

The Births, Deaths and Marriages Registration Act, 1886.

(*Chapter III.—Registration of Births and Deaths.—Sections 25-32.*)

(2) The provisions of sub-section (*1*) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the Gazette of India, appoints in this behalf.

Searches and copies of entries in register books.

25. (*1*) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(*2*) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

Exceptional provision for registration of certain births and deaths.

26. Notwithstanding anything in section 19, the Governor General in Council may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

D.—Penalty for False Information.

Penalty for wilfully giving false information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

E.—Correction of Errors.

Correction of entry in register of births or deaths.

28. (*1*) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(*2*) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

Addition of new section after section 13, Act III of 1872.

29. After section 13 of Act III of 1872 (*to provide a form of marriage in certain cases*) the following section shall be inserted, namely:—

"13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals."

Transmission of certified copies of entries in marriage-certificate book to the Registrar General of Births, Deaths and Marriages.

Amendment of the Indian Christian Marriage Act, 1872.

30. In the Indian Christian Marriage Act, 1872, the following amendments shall be made, namely:— XV of 1872.

(*a*) at the end of section 3, the words "'Registrar General of Births, Deaths and Marriages' means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886," shall be added;

(*b*) for the words "Secretary to the Local Government", wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;

(*c*) for the words "at such places as the Local Government directs" in section 62 the words "in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register book was licensed" shall be substituted; and

(*d*) in section 81, after the words "Registrar General of Births, Deaths and Marriages" the words "in England" shall be added.

Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865, the following section shall be inserted, namely:— XV of 1865.

"8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall, at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time, prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals."

Transmission of certified copies of certificates in marriage-register to Registrar General of Births, Deaths and Marriages.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

Permission to persons having custody of certain records to send them within one year to Registrar General.

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of

The Births, Deaths and Marriages Registration Act, 1886.

(Chapter V.—Special Provisions as to certain existing Registers.—Sections 33-37.)

birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (*1*), or of any register or record of marriage of any persons of the classes to which Act III of 1872 or the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within one year from the date on which this Act comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the Gazette of India, directs in this behalf.

XV of 1872.

XV of 1865.

33. (*1*) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

Appointment of Commissioners to examine registers.

(*2*) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

34. (*1*) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32;

Duties of Commissioners.

and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(*2*) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(*3*) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

35. (*1*) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

Searches of lists prepared by Commissioners and grant of certified copies of entries.

(*2*) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

36. In addition to any other power to make rules impliedly or expressly conferred by this Act, the Governor General in Council may make rules—

Power for Governor General in Council to make rules.

(*a*) to fix the fees payable under this Act;

(*b*) to prescribe the forms required for the purposes of this Act;

(*c*) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

(*d*) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them;

(*e*) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate;

(*f*) to prescribe the custody in which those registers or records are to be kept; and

(*g*) generally to carry out the purposes of this Act.

37. (*1*) The Governor General in Council shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

Procedure for making and publication of rules.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under this Act shall be published in the Gazette of India, and the publication in the Gazette of India of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made.

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

The following Report of the Select Committee on the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes, was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From Bábú Behary Lal Chandra, Krishnaghur, dated 28th January, 1885 [Paper No. 1].
From Officiating Registrar, High Court, Calcutta, No. 919, dated 19th March, 1885, and enclosure [Papers No. 2].
From Officiating Secretary to Chief Commissioner, Assam, No. 557, dated 6th April, 1885, and enclosure [Papers No. 3].
From Chief Secretary to Government, Madras, No. 944, dated 9th April, 1885, and enclosures [Papers No. 4].
From Under-Secretary to Government, Bombay, No. 1406, dated 18th April, 1885, and enclosures [Papers No. 5].
From Officiating Secretary to Government, Punjab, No. 409, dated 20th April, 1885, and enclosures [Papers No. 6].
Extract, paragraph XIV, from the Proceedings of the Meerut Association, No. 20, dated 8th March, 1885 [Paper No. 7].
From Officiating Secretary to Chief Commissioner, British Burma, No. 334—11S.S., dated 17th April, 1885, and enclosures [Papers No. 8].
From Under-Secretary to Government, Bombay, No. 1452, dated 23rd April, 1885, and enclosures [Papers No. 9].
From Secretary to Chief Commissioner, Coorg, No. 112—13I., dated 21st April, 1885 [Paper No. 10].
From Under-Secretary to Government, Bombay, No. 1575, dated 29th April, 1885, and enclosures [Papers No. 11].
From Chief Commissioner, Ajmer-Merwára, No. 442, dated 29th April, 1885, and enclosure [Papers No. 12].
From Officiating Secretary to Government, Punjab, No. 500, dated 13th May, 1885, and enclosure [Papers No. 13].
From Secretary for Berar to Resident, Hyderabad, No. 171G., dated 16th May, 1885 [Paper No. 14].
From Under-Secretary to Government, Bombay, No. 1829, dated 18th May, 1885, and enclosure [Papers No. 15].
From Secretary to Government, Bengal, No. 514, dated 16th May, 1885, and enclosures [Papers No. 16].
From Secretary to Government, North-Western Provinces and Oudh, No. 629—VII-28-18, dated 10th June, 1885, and enclosures Papers No. 17].
From Assistant Secretary to Chief Commissioner Central Provinces, No. 2445—118, dated 30th June, 1885 [Paper No. 18].

2. We have, on the advice of a leading member of the Parsi community at Bombay, proposed to extend to the scattered Parsi communities resident beyond the local limits of the ordinary original civil jurisdiction of the High Court at Bombay the same provisions for the more effectual registration of marriages as were proposed by the Bill to be conferred on the classes to whom Act III of 1872 and the Indian Christian Marriage Act, 1872, apply.

3. By section 11, sub-section (2), we propose to enable Local Governments, with the previous sanction of the Governor General in Council, to extend the operation of the chapter respecting the registration of births and deaths to any classes of the community which may be desirous of taking advantage of the provisions of that chapter.

4. By sections 12 and 13 we have proposed to enable Local Governments in British India, and the Governor General in Council in States in India in alliance with Her Majesty, to appoint Registrars of Births and Deaths for classes of persons as well as for local areas. It will thus be practicable to appoint ministers of religion to be Registrars of Births and Deaths for their own congregations only, without imposing on them duties for which they might have neither leisure nor inclination.

5. In section 14 we have provided that every Registrar of Births and Deaths shall be deemed to be a public servant. This provision appears to us to render it unnecessary to retain section 24 of the Bill as introduced.

6. By section 19 we have provided that if a Registrar of Births and Deaths has reason to believe any notice given to him to be in any respect false he may refuse to register the birth or death until he receives an order from the District Court directing him to make the entry and prescribing the manner in which the entry is to be made.

In the same section and in section 22, sub-section (3), we have reproduced the provisions of section 7 of the Statute 37 & 38 Vic., cap. 88.

7. In sections 20 and 21 we have classified, in a modified form, the persons authorised to give notices of births and deaths.

8. We have provided in section 24 that clergymen who may become Registrars of Births and Deaths shall send certified copies of the entries in their registers direct to the Registrar General unless they are required by their ecclesiastical superiors to transmit the copies through them.

9. By section 26 we have proposed to empower the Governor General in Council to make rules authorising Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they have been appointed. Events occurring in the course of journeys, or in places for which Registrars of Births and Deaths have not been appointed, may by those rules be made registrable.

10. We have made fine an alternative punishment for the offence made punishable under section 27.

11. To section 36 we have added a clause enabling the Governor General in Council to make rules as to the custody of registers and records sent to the Registrar General under section 32.

12. The other amendments of the Bill are unimportant and do not call for special remark.

13. In regard to the argument which has been urged in some of the papers before us that the existing registers of certain religious bodies are admissible in evidence, we are informed that the legal value of those registers has been questioned by high authority, on the ground that they are not maintained under any special injunction of law, or in the ordinary course of business, within the meaning of the Indian Evidence Act, 1872.

14. As regards the working of the proposed Act we understand that existing machinery will, so far as possible, be utilised, and that expenses will be defrayed from fees payable under the Act.

15. Other objections taken to the Bill are (*a*) that some Registrars may object to the provisions of section 16, sub-section (2), and (*b*) that difficulties may result from the requirement of section 22, sub-section (1), that the person giving notice of a birth or death must sign the entry in the register in the presence of the Registrar. As regards the first of these objections we observe that section 16, sub-section (2), will not apply to all Registrars, but only to those to whom the Local Government applies the sub-section. As regards the second objection the risk of difficulties arising may be diminished, if not removed, by provision being made, in the rules under clause (*c*) of section 36, for an enlargement under certain circumstances of the time within which notices may be given of births and deaths.

16. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazettte of India	17th, 24th and 31st January, 1885.
Fort Saint George Gazette	10th February, 1885.
Bombay Government Gazette	22nd and 29th January, and 5th February, 1885.
Calcutta Gazette	21st and 28th January, and 4th February, 1885.
North-Western Provinces and Oudh Government Gazette	20th and 31st January, and 7th February, 1885.
Punjab Government Gazette	29th January, and 5th and 12th February, 1885.
Central Provinces Gazette	24th and 31st January, and 7th February, 1885.
British Burma Gazette	7th, 14th and 21st February, 1885.
Assam Gazette	7th, 14th and 21st February, 1885.
Coorg District Gazette	2nd March, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Telugu	31st March, 1885.
	Kanarese	8th April, 1885.
	Tamil	5th May, 1885.
	Hindustaní	12th May, 1885.
	Malayalam	2nd June, 1885.
Bombay	Maráthí, Gujaráthí	23rd April, 1885.
	Kanarese	30th May, 1885.
Bengal	Bengalí	3rd, 10th and 17th February, 1885.
	Hindí	17th and 24th February, and 3rd March, 1885.
	Uriya	12th, 19th and 26th February, 1885.
Punjab	Urdu	2nd, 9th and 16th March, 1885.
Central Provinces ...	Maráthí	2nd, 9th and 16th May, 1885.
British Burma ...	Burmese	21st and 28th March, and 4th April, 1885.
Assam	Bengalí	21st February, 1885.

17. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
PEARI MOHAN MUKERJI.
H. ST.A. GOODRICH.
ROBERT STEEL.
W. W. HUNTER.

The 5th February, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 8th March, 1886, and is hereby promulgated for general information:—

No. VII OF 1886.

An Act to amend the Indian Registration Act, 1877.

IN of 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Registration Act, 1886; and

(*2*) It shall come into force at once.

III of 1877.

Addition to section 17 of Act III of 1877.

2. After clause (*f*) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

"(*ff*) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or".

Addition to sections 17 and 89, and amendment of section 58, of same Act.

3. (*1*) After clause (*l*) of section 17 of the same Act the following clause shall be added, that is to say:—

XII of 1884.

"(*m*) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act."

(*2*) In section 58 of the same Act, for the words "or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered," or, where the Land Improvement Loans Act, 1883, is in force, for the words "or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered," there shall be substituted the following words, namely:—

XXVI of 1871.

XIX of 1883.

XIX of 1883.

"or a copy sent to a registering officer under section 89".

(*3*) After the second paragraph of section 89 of the same Act the following paragraph shall be added, that is to say:—

"Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1." XII of 1884.

Further addition to section 17 of same Act.

4. After clause (*m*) of section 17 of the same Act as amended by this Act the following clause shall be added, that is to say:—

"(*n*) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage."

Amendment of section 50 of same Act.

5. In the second paragraph of section 50 of the same Act, "(*ff*)" shall be inserted between "(*f*)" and "(*g*)", and for the word and letter "and (*l*)" the letters and word "(*l*), (*m*) and (*n*)" shall be substituted.

Addition to section 90, and amendment of section 91, of same Act.

6. (*1*) After clause (*d*) of section 90 of the same Act the following clause shall be inserted, that is to say:—

"(*e*) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land". Bom. Act V of 1879.

(*2*) In section 91, for the word and letter "and (*c*)" the letters and word "(*c*) and (*e*)" shall be substituted.

(*3*) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

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

The following Report of the Select Committee on the Bill to amend the Indian Registration Act, 1877, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Registration Act, 1877, was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, Assam, No. 1223, dated 22nd July, 1885 [Paper No. 1].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 3004—140, dated 8th August, 1885, and enclosure [Papers No. 2].
From Registrar, High Court, Calcutta, No. 2344, dated 13th August, 1885 [Paper No. 3].
From Secretary to Chief Commissioner, Coorg, No. 896—123, dated 13th August, 1885 [Paper No. 4].
From Chief Secretary to Government, Madras, No. 2049, dated 7th August, 1885, and enclosures [Papers No. 5].
From Secretary for Berar to Resident, Hyderabad, No. 6—B.-C., dated 19th August, 1885 [Paper No. 6].
From Secretary to Government, North-Western Provinces and Oudh, No. 848—VII-144-13, dated 1st September, 1885 [Paper No. 7].
From Chief Secretary to Government, Bengal, No. 966 P. D., dated 29th August, 1885, and enclosures [Papers No. 8].
Endorsement by Chief Secretary to Government, Madras, No. 2184, dated 21st August, 1885, and enclosure [Papers No. 9].
From Under-Secretary to Government, Bombay, No. 7268, dated 8th September, 1885 [Paper No. 10].
From Registrar, High Court, Calcutta, No. 2705, dated 18th September, 1885, and enclosure [Papers No. 11].
From Officiating Secretary to Government, Punjab, No. 1430 S., dated 21st September, 1885, and enclosures [Papers No. 12].
From Officiating Secretary to Chief Commissioner, British Burma, No. 131—25 L., dated 8th October, 1885, and enclosure [Papers No. 13].
From Mr. P. V. Krishnaswami Ayer, First Grade Pleader, Trichinopoly, No. 389, dated 29th November, 1885 [Paper No. 14].
Circular from Secretary to Government of India, Legislative Department, Nos. 1581—86, dated 13th October, 1885, with replies [Papers No. 15].
From Chief Secretary to Government, Bengal, No. 273 P., dated 23rd January, 1886, and enclosures [Papers No. 16].

2. The Bill as introduced has been approved by the authorities to whose criticism it was submitted. Some suggestions for the further amendment of the Act have been made; but, as the revision of the law relating to registration is understood to be under the consideration of the Government of India, we have deemed it advisable not to deal with them generally in this Bill. On one suggestion, however, we have deemed it necessary to act at once. It was that the law should declare receipts for payments of mortgage-money to be optionally, and not compulsorily, registrable. In connection with this suggestion we have considered the case reported at I. L. R. 6 All. 335, and the cases there cited, and the replies of Local Governments and High Courts to a letter addressed to them by the Government of India on the subject of those cases. The authorities to whom the letter was addressed are almost unanimously of opinion that, on grounds of convenience, receipts for payment of mortgage-money ought not to be compulsorily registrable. We concur in that opinion, and have added to the Bill a clause (section 4) excepting from the operation of clauses (*b*) and (*c*) of section 17 of the Act (i) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, whether the endorsement does or does not purport to extinguish the mortgage, and (ii) any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage. In so framing the clause we have, as regards endorsements, followed the course recommended by the High Court at Bombay, and, as regards other receipts, the general tenor of the opinions expressed by the authorities whom the Government of India has consulted.

3. The amendments which the Bill renders it necessary to make in section 50 of the Act have been made in a separate clause (section 5).

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	13th, 20th and 27th June, 1885.
Fort Saint George Gazette	30th June, 1885.
Bombay Government Gazette	18th and 25th June, and 2nd July, 1885.
Calcutta Gazette	24th June, and 1st and 8th July, 1885.
North-Western Provinces and Oudh Government Gazette	20th and 27th June, and 4th July, 1885.
Punjab Government Gazette	18th and 25th June, and 2nd July, 1885.
Central Provinces Gazette	20th and 27th June, and 4th July, 1885.
British Burma Gazette	4th, 11th and 18th July, 1885.
Assam Gazette	4th, 11th and 18th July, 1885.
Coorg District Gazette	1st August, 1885.
Sindh Official Gazette	2nd July, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Tamil	31st July, 1885.
	Telugu	Ditto.
	Hindustani	Ditto.
	Kanarese	7th August, 1885.
	Malayalam	Ditto.
Bombay	Maráthi	16th July, 1885.
	Gujaráthi	Ditto.
	Kanarese	Ditto.
	Sindhi	16th July, 1885.

Province.	*Language.*	*Date.*
Bengal	Bengali	14th, 21st and 28th July, 1885.
	Hindi	11th, 18th and 25th August, 1885.
Punjab	Urdu	27th July, and 3rd and 10th August, 1885.
Central Provinces ...	Maráthi	8th, 15th and 22nd August, 1885.
British Burma	Burmese	18th and 25th July, and 1st August, 1885.
Coorg	Kanarese	1st September, 1885.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P ILBERT.
S. C. BAYLEY.
V. N. MANDLIK.
G. H. P. EVANS.
ROBERT STEEL.
W. W. HUNTER.

The 5th February, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 8th March, 1886, and is hereby promulgated for general information :—

ACT NO. VIII OF 1886.

An Act to amend sections 12 and 13 of the Bengal Tenancy Act, 1885.

VIII of 1885. WHEREAS it is expedient to amend sections 12 and 13 of the Bengal Tenancy Act, 1885, in manner hereinafter appearing; It is hereby enacted as follows :—

1. In section 12, sub-section (*2*), before the word "mortgage" the word "usufructuary" shall be inserted.

2. (*1*) In section 13, sub-section (*1*), before the words "the Court" the words "or when a mortgage of a permanent tenure, other than an usufructuary mortgage thereof, is foreclosed," shall be inserted.

(*2*) In the same sub-section, before the word "require" the words "or making a decree or order absolute for the foreclosure," shall be inserted.

(*3*) In the same sub-section, before the words "to pay into Court" the words "or mortgagee" shall be inserted.

(*4*) In the same sub-section, before the words "on the landlord" the words "or final foreclosure" shall be inserted.

(*5*) In section 13, sub-section (*2*), before the words "the Court" the words "or the decree or order absolute for the foreclosure has been made," shall be inserted.

(*6*) In the same sub-section, before the words "in the prescribed form," the words "or final foreclosure" shall be inserted.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 March, 1886, and is hereby promulgated for general information:—

ACT NO. IX OF 1886.

An Act to apply the Chutia Nagpur Encumbered Estates Act, 1876, to the Deo Estate in the Gaya District.

WHEREAS Rájá Bhikam Narayan Singh Bahadur, of Deo in the district of Gaya, is subject to, and his immoveable property is charged with, debts and liabilities other than debts due, and liabilities incurred, to the Government;

And whereas the said Rájá has requested that the provisions of the Chutia Nagpur Encumbered Estates Act, 1876, be applied to his case;

VI of 1876.

And whereas the persons to whom the debts are due and the liabilities have been incurred have assented to the application of the Chutia Nagpur Encumbered Estates Act, 1876, to the case, on the condition that their title to receive the principal and interest due to them be in no way impaired thereby;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Deo Estate Act, 1886; and

(2) It shall come into force at once.

Application of Act VI of 1876 to the Deo Estate.

VI of 1876.

2. The provisions of the Chutia Nagpur Encumbered Estates Act, 1876, as amended by Act V of 1884, may be applied to the case of the said Rájá Bhikam Narayan Singh Bahadur, subject to the following modifications, namely:—

(1) The expressions "Commissioner", "Deputy Commissioner" and "holder", where used in the said Act, shall be construed as referring to the Commissioner of the Patna division, the Collector of the Gaya district and the said Rájá, respectively.

(2) Notwithstanding anything in section 2 of the said Act, the Commissioner may, without any further application from the said Rájá and without any further notification of the consent of the Lieutenant-Governor of Bengal, publish an order under that section appointing a manager and vesting in him the management of the whole of the immoveable property of or to which the said Rájá is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir during the continuance of the management.

(3) Section 4 of the said Act shall be read as if after the words "and their families" the words "and persons entitled to receive maintenance from the property" were added.

(4) Notwithstanding anything in section 8—

the sums mentioned in column 2 and column 4 of the schedule to this Act, as principal and as balance due from the said Rájá on the thirty-first day of December, 1885, respectively,

and the rate of interest mentioned in column 3 of that schedule,

shall, save in so far as any error with respect thereto may be proved to the satisfaction of the Commissioner, be deemed to be justly due to the several persons mentioned in column 1 of the schedule.

(5) The scheme prepared and approved under section 11 of the said Act shall provide that out of the residue applicable under section 4 of that Act, after discharge of costs of management, to the settlement of debts and liabilities, interest at the rate of six per cent. per annum in respect of so much of the principal sum of six hundred and fifty thousand rupees as is for the time being due to the Maháráját of Darbhangá shall be paid to the Maháráját before any sum is paid thereout to any other creditor.

(6) The second clause of section 12 of the said Act shall be read as if for the words "at any time before a scheme has been approved by him under section 11" the words "at any time before the occurrence of either of the events mentioned in the first and third clauses of this section" were substituted.

(7) The power conferred on the manager by the second clause of section 16 of the said Act, to apply for the removal of a mortgagee or conditional vendee in possession, shall not be exercised.

(8) The exercise of the power of sale conferred by section 18 of the said Act shall be subject to the following conditions, namely :—

(a) that one month's notice shall be given to the Mahárájá of Darbhangá of the manager's intention to sell any property of which the said Mahárájá is mortgagee;

(b) that until the debt due to the said Mahárájá has been reduced to the sum of six hundred and fifty thousand rupees no portion of the proceeds of the sale of any of that property shall, without the previous consent of the Mahárájá, be paid to any other creditor; and

(c) that, except with the previous consent of the said Mahárájá, so much of that property shall be left unsold as will yield a yearly income sufficient, after compliance with the rest of the scheme prepared and approved under section 11 of the said Act, to meet the yearly interest for the time being payable to the Mahárájá.

(9) Section 23 of the said Act shall be read as if for the words "the Courts in Chutia Nagpur" the words "any Court" were substituted, and as if the following words were added to the section, namely :—"and a suit relating to a claim of maintenance from the property shall not be entertained by any such Court without the previous consent of the Commissioner".

Saving of priority of Crown debts.

3. Nothing contained in this Act shall be construed as affecting the priority of any debt due, or liability incurred, to the Government.

SCHEDULE.

(See section 2, clause (4)).

Name of Creditor.	Principal.	Annual rate of interest per centum.	Balance due on the 31st December, 1885.
1	2	3	4
	Rs. A. P.		Rs. A. P.
Mahárájá Lachhmeshar Singh Bahadur of Darbhangá.	6,50,000 0 0	6	8,18,141 4 0
Bábú Kameshwar Prasad.	2,89,751 12 2	6	2,85,340 2 7
Ditto . .	21,000 0 0	12	21,000 0 0
Ditto . .	9,000 0 0	12	9,000 0 0
Sayyid Lutf Ali Khan Bahadur.	12,045 4 0	6	13,460 8 8
Nurjahan Begum .	9,405 0 0	6	10,577 10 1
Gosain Dalmirpuri .	5,000 0 0	6	6,535 0 0
Gosain Dalmirpuri and Bhakhi Singh.	5,400 0 0	6	4,850 0 0
Bábú Ramgopal Singh and Bábú Ram Kirpal Singh.	4,000 0 0	12	4,000 0 0
Ditto . .	3,500 0 0	12	3,500 0 0
Ditto . .	14,484 8 9	6	15,377 12 2
Sayyid-un-nissa Bibi .	29,660 0 0	18	53,725 1 0
Bábú Baijnath Singh .	13,503 13 9	12	17,996 1 10
Ditto . .	777 8 5	*Nil*	777 8 5
Shaikh Imáman and Ramdhan Barai.	10,000 0 0	9	10,000 0 0
Bihari Lal Barik .	3,300 0 0	72	6,006 0 0
Ditto . .	1,750 0 0	72	3,094 0 0
Lachhman Dás and Mathura Dás.	4,998 2 6	6	4,215 14 7
Ramkishn Dás . .	1,195 10 0	12	1,267 5 0
Narayan Sahu, Sheo Sahu, Bhichuk Sahu and Sheocharan Sahu.	3,500 0 0	12	3,052 12 0
Madho Singh . .	7,702 0 6	6	7,070 6 11
Raghubar Singh .	3,000 0 0	12	2,824 2 4
Bishn Saran Lal .	389 0 0	12	389 0 0
Maháráni Baliráj Kunwar.	80,000 0 0	4½	80,000 0 0

S. HARVEY JAMES,
Offg. 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 12th March, 1886, and is hereby promulgated for general information :—

ACT NO. X OF 1886.

An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and certain other Acts; X of 1882.
It is hereby enacted as follows :—

Code of Criminal Procedure, 1882.

Amendment of section 31 of the Code of Criminal Procedure.

1. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years, and any sentence of transportation," shall be substituted. X of 1882.

Substitution of new section for section 34.

2. For section 34 of the same Code the following shall be substituted, namely :—

Higher powers of certain District Magistrates.

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge."

Addition to section 55 and section 56.

3. After section 55 of the same Code, and after section 56 thereof, the following shall be added, namely :—

"This section applies to the police in the towns of Calcutta and Bombay."

Amendment of sections 88 and 514.

4. In sections 88 and 514 of the same Code, after the words "District Magistrate" the words "or Chief Presidency Magistrate" shall be inserted.

Amendment of section 110.

5. In section 110 of the same Code, for the words "Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government" the words "or Sub-divisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government" shall be substituted.

Amendment of section 162.

6. In section 162 of the same Code the word "shall" shall be inserted before the words "be used".

Amendment of section 173.

7. In section 173 of the same Code, the following shall be substituted for the second paragraph, namely :—

"Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation."

Amendment of section 266.

8. In section 266 of the same Code, for the word and figures "section 307" the words and figures "sections 276 and 307" shall be substituted.

Amendment of section 269.

9. For the second paragraph of section 269 of the same Code the following shall be substituted, namely :—

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

Substitution of new section for section 398.

10. For section 398 of the same Code the following shall be substituted, namely :—

Provisions supplemental to sections 35, 396 and 397.

"398. (1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

Amendment of section 401.

11. (1) For the third paragraph of section 401 of the same Code the following shall be substituted, namely :—

"If any condition on which a sentence has been suspended or remitted is, in the opinion of

the Governor General in Council or of the Local Government, as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence."

(2) After the third paragraph of the same section the following shall be inserted, namely :—

"The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will."

12. After section 475 of the same Code the following sections shall be inserted, namely :—

New sections to follow section 475.

"475A. The Governor General in Council may direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India.

Power of Governor General in Council to order criminal lunatics confined by order of Local Government to be removed from one province to another.

"475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474."

Power of Local Government to relieve Inspector General of certain functions.

13. (1) For the first sentence of section 495 of the same Code the following shall be substituted, namely :—

Amendment of section 495.

"Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council."

(2) After the last sentence of the same section the following shall be added, namely :—

"An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted."

14. In section 510 of the same Code, for the word "the" before the words "Chemical Examiner" where those words first occur, the word "any" shall be substituted.

Amendment of section 510.

15. After section 541 of the same Code the following shall be inserted, namely :—

New section to follow section 541.

"541A. (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or commitment may direct that the person be removed to a criminal jail.

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

"(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

"(a) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure; or

"(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure." XIV of 1882.

16. After section 558 of the same Code the following section shall be added, namely :— XIV of 1882.

Addition of new section after section 558.

"559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property."

Officers concerned in sales not to purchase or bid for property.

17. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code the following shall be inserted, namely :— XLV of 1860.

Correction of omission in Schedule II.

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"If offence charged be punishable with imprisonment for seven years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class."

18. In the same Schedule, for section 225A and the line of entries against that section the following shall be substituted, namely :—

Further amendment of Schedule II.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"225A	Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for—						
	(a) in case of intentional omission or sufferance.	Shall not arrest without warrant.	Ditto.	Bailable	Ditto.	Imprisonment of either description for three years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	(b) in case of negligent omission or sufferance.	Ditto.	Summons.	Ditto.	Ditto.	Simple imprisonment for two years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
"225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Ditto.	Ditto.	Imprisonment of either description for six months, or fine, or both.	Ditto."

19. In the part of Schedule III of the same Code entitled "*IV.—Ordinary Powers of a Sub-divisional Magistrate*," the following shall be inserted after the second article, namely :—

Correction of omission in Schedule III.

"(2A) Power to require security for good behaviour, section 110."

Bombay District Police Act, 1867.

20. The last nine words of section 23 of the Bombay District Police Act, 1867, are hereby repealed.

Bom. VII of 1867.

Amendment of Bombay District Police Act.

Indian Penal Code.

21. (1) In the second clause of section 40 of the Indian Penal Code, between the figures "66" and "71" the figures "67" shall be inserted.

XLV of 1860.

Amendment of sections 40 and 64 of the Indian Penal Code.

(2) In the second clause of section 64 of the same Code, after the word "punishable" the words "with imprisonment or fine, or" shall be inserted.

22. In section 75 of the same Code, for the words "or to double the amount of punishment" to the end of the section, the following shall be substituted, namely :—

Amendment of section 75 of the Indian Penal Code.

"or to imprisonment of either description for a term which may extend to ten years."

23. After the first paragraph of section 216 of the same Code the following shall be inserted, namely :—

Addition to section 216 of the Indian Penal Code.

"'Offence' in this section includes also any act or omission of which a person is alleged to have been guilty out of British India which, if he had been guilty of it in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

44 & 45 Vic., cap. 69.

24. (1) For section 225A of the same Code the following sections shall be substituted, namely :—

Substitution of new sections for section 225A of the Indian Penal Code, and repeal of section 651 of the Code of Civil Procedure.

"225A. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for.

"(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

"(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

"225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.

(2) Section 651 of the Code of Civil Procedure is hereby repealed. XIV of 1882.

Prisoners' Act, 1871.

25. For sections 30, 31 and 32 of the Prisoners' Act, 1871, the following shall be substituted, namely :— V of 1871.

Substitution of new sections for sections 30, 31 and 32 of the Prisoners' Act.

"30. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

Removal from one jail to another in territories under same Local Government.

X of 1882.

"31. (1) Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, that Government, by a warrant setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

Removal of lunatic prisoners.

"(2) When it appears to the Local Government that the prisoner has become of sound mind, that Government, by a warrant directed to the person having charge of the prisoner, shall, if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the territories subject to the same Local Government, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

"(3) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

"(4) In any case in which a Local Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

Removal of prisoners from territories under one Local Government to territories under another.

"32. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment in British India." X of 1882.

S. HARVEY JAMES,
Offg. Secy. to the Government of India.

The following Report of the Select Committee on the Bill to amend the Code of Criminal Procedure, 1882, the Bombay District Police Act, 1867, the Indian Penal Code and the Prisoners' Act, 1871, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Code of Criminal Procedure, 1882, the Bombay District Police Act, 1867, the Indian Penal Code and the Prisoners' Act, 1871, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Mr. P. R. Desai, Pleader, District Court, Satára, dated 27th August, 1885 [Paper No. 1].
From Mr. Nowrojee Ardeser, Pleader, District Court, Broach, dated 31st August, 1885 [Paper No. 2].
From Mr. Sorábshá Dádábhái Munsiffá, No. 383, dated 5th September, 1885 [Paper No. 3].
From Secretary for Berar to Resident, Hyderabad, No. 357G., dated 16th September, 1885 [Paper No. 4].
From Secretary to Chief Commissioner, Coorg, No. 1103—142, dated 19th September, 1885 [Paper No. 5].
From Chief Commissioner, Ajmer-Merwára, No. 1033, dated 22nd September, 1885 [Paper No. 6].
From Officiating Secretary to Chief Commissioner, Assam, No. 1717, dated 21st September, 1885 [Paper No. 7].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 3684—179, dated 22nd September, 1885 [Paper No. 8].
From Chief Secretary to Government, Madras, No. 2429, dated 14th September, 1885, and enclosures [Papers No. 9].
From Secretary to Government, North-Western Provinces and Oudh, No. 1861—VI-395-21, dated 10th October, 1885, and enclosures [Papers No. 10].
From Chief Secretary to Government, Madras, No. 2647, dated 30th September, 1885, and enclosures [Papers No. 11].
Supplementary Memorandum of Suggestions by Mr P. R. Desai, Pleader, District Court, Satára, dated 24th October, 1885 [Paper No. 12].
From Mr. P. V. Krishnaswami Ayer, First Grade Pleader, Trichinopoly, No. 388, dated 29th November, 1885 [Paper No. 13].
From Officiating Secretary to Chief Commissioner, British Burma, No 137—30L., dated 8th October, 1885, and enclosure [Papers No. 14].
From Under-Secretary to Government, Bombay, No. 8050, dated 20th November, 1885, and enclosures [Papers No. 15].
Suggestions by Mr. M. Subba Rao, First Grade Pleader, Mangalore, dated 5th December, 1885 [Paper No. 16].
From Officiating Secretary to Government, Punjab, No. 1061, dated 18th December, 1885, and enclosures [Papers No. 17].
From Registrar, High Court, Calcutta, No. 2414, dated 29th December, 1885, and enclosure [Papers No. 18].
From Chief Secretary to Government, Bengal, No. 142J., dated 8th January, 1886, and enclosures [Papers No. 19].
From Registrar, High Court, Calcutta, No. 274, dated 6th February, 1886 [Paper No. 20].

2. The object of the Bill was, as remarked in the Statement of Objects and Reasons, to correct certain minor defects of the criminal law which had been brought to the notice of the Government of India since the passing of the Code of Criminal Procedure, 1882. The papers laid before us contain numerous suggestions for other amendments in the Code. We have given our careful attention to these suggestions, but have come to the conclusion that, subject to a very few exceptions, it would not be expedient to act upon them without giving further notice to the public, and, for this reason, we have abstained from dealing with them in the present Bill. Among the sections to which our attention has been thus directed, and the propriety of amending which should, we think, be considered by the legislature on the next suitable opportunity, are section 107 (with advertence to the cases reported at I. L. R. 6 All. 26 and 11 Cal. 737), section 110 (with respect to habitual protectors or harbourers of thieves and habitual aiders in the concealment or disposal of stolen property), section 145 (with advertence to the case reported at I. L. R. 11 Cal. 413), section 9 or section 193 (with respect to the powers of Additional or Joint Sessions Judges), section 239 (with respect to the meaning of the words "in the same transaction"), section 318 (for applying the procedure of section 349 to habitual offenders forwarded to the Court of Session), and section 437 (for the purpose of reconciling the conflicting rulings as to the meaning of the words "further inquiry").

3. We will now notice in consecutive order such sections of the Bill as appear to us to call for remark.

4. *Sections 1 and 2.*—There are sections of the Indian Penal Code under which transportation for shorter terms than seven years may be awarded, but we are of opinion that any sentence of transportation passed by an Assistant Sessions Judge or District Magistrate should be subject to confirmation by the Sessions Judge.

5. *Section 3.*—We have added this section at the instance of the Government of Bengal. It appears to us that sections 55 and 56 of the Code should apply to the police in the towns of Calcutta and Bombay as they do to the police in the town of Madras and in the rest of British India.

6. *Section 4.*—The Chief Presidency Magistrate of Madras has pointed out that there is the same defect in section 514 as in section 88.

7. *Section 7.*—The practice of submitting final police reports through a superior officer of police depends on circumstances varying from season to season and from province to province and even from district to district, and should, in our opinion, be left to be regulated by the Local Government.

8. *Section 9.*—We have, on the recommendation of the Madras Government and High Court, amended section 269 of the Code so that, where an accused person is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury.

9. *Section 10.*—The object of the amendment made by this section is to secure uniformity of practice with respect to the time when imprisonment in default of payment of fine is to be undergone where there are other substantive sentences of imprisonment to be undergone after the execution of the sentence to which the award of imprisonment in default of payment of fine was annexed.

10. *Section 11.*—There has been some misunderstanding in regard to the proposed amendment of section 401. It was originally proposed to meet a technical difficulty arising out of the case of a prisoner who had become insane after his discharge, and it appears to us that in the case of political offenders it may be useful as enabling the Government to set them at large on the understanding that, if any movement with which they were connected revives, they will, in the interests of the public safety, be re-arrested and detained until either the movement again subsides or they complete their sentences, whichever event may first occur.

11. *Section 12.*—We have, on the recommendation of the Bombay Government, authorised Local Governments to empower officers in charge of jails to discharge certain functions of the Inspector General of Prisons. It is often impossible for the Inspector General punctually to discharge the functions personally.

12. *Section 13.*—Difficulty has been caused by the specification in the Code of the rank of the police-officer who may be permitted to conduct a prosecution. Inspectors are officers of different rank in different parts of the country. We have, therefore, left it to Local Governments to prescribe the rank with the previous sanction of the Governor General in Council, but we have provided that an officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

13. *Section 16.*—A case which has recently occurred in the Bombay Presidency has suggested the introduction into the Code of Criminal Procedure of a section on the lines of section 292 of the Code of Civil Procedure.

14. *Section 17.*—This section in the Bill has been misunderstood. In Schedule II to the Code of Criminal Procedure as it now stands, the punishment for making a false charge of an offence punishable with imprisonment for a term of seven years appears as imprisonment for two years only, whereas the punishment may under the Indian Penal Code be imprisonment extending to seven years.

15. *Section 21.*—The object of this section is to make the provisions of section 67 of the Indian Penal Code applicable to all fines imposed under any law, and to make it clear that section 64 applies to offences punishable with imprisonment *or* fine as well as to offences punishable with both imprisonment *and* fine.

16. *Section 22.*—We agree with the Government of the North-Western Provinces and Oudh, the High Court at Madras and the other authorities who have directed attention to section 75 of the Indian Penal Code, in considering that the alternative penalties prescribed by the section must often be either inadequate or excessive, and that a wider discretion should be given to the Courts. We have provided therefore that on repeated conviction of an offence

punishable under Chapter XII or Chapter XVII of the Indian Penal Code the offender shall be subject to transportation for life or, in the discretion of the Court, to imprisonment for any term not exceeding ten years.

17. *Section 23.*—At present there is no provision of law for the punishment of a person who, knowing that a warrant has been issued by a Magistrate for the apprehension of a foreign subject under the Foreign Jurisdiction and Extradition Act, 1879, harbours that subject. The inconvenience resulting from the absence of such a provision has been pointed out by the Government of the North-Western Provinces and Oudh, and ought in our opinion to be removed.

18. *Section 24.*—We have added a section suggested by the case reported at I. L. R. 12 Cal. 190.

19. *Section 25.*—We have proposed to re-enact in an amended form the whole of the three sections of the Prisoners' Act, 1871, relating to the removal of prisoners, instead of merely patching the existing sections.

20. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	25th July, and 1st and 8th August, 1885.
Fort Saint George Gazette	14th August, 1885.
Bombay Government Gazette	30th July, and 6th and 13th August, 1885.
Calcutta Gazette	5th, 12th and 19th August, 1885.
North-Western Provinces and Oudh Government Gazette...	1st, 8th and 15th August, 1885.
Punjab Government Gazette	30th July, and 6th and 13th August, 1885.
Central Provinces Gazette	1st, 8th and 15th August, 1885.
British Burma Gazette	15th, 22nd and 29th August, 1885.
Assam Gazette	15th, 22nd and 29th August, 1885.
Coorg District Gazette	1st September, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Tamil	23rd October, 1885.
	Telegu	25th September, 1885.
	Hindustani ...	3rd October, 1885.
Bombay	Maráthi... ...	27th August, 1885.
	Gujaráthi ...	27th August, 1885.
	Kanarese ...	27th August, 1885.
Bengal	Bengali	22nd and 29th September, and 6th October, 1885.
	Hindi	13th, 20th and 27th October, 1885.
	Uriya	15th, 22nd and 29th October, 1885.
North-Western Provinces and Oudh...	Urdu	29th August, and 5th and 12th September, 1885.
Punjab	Urdu	27th August, 1885.
Central Provinces	Hindi	5th, 12th and 19th September, 1885.
	Maráthi... ...	12th, 19th and 26th September, 1885.
British Burma	Burmese ...	12th, 19th and 26th September, 1885.

21. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
W. W. HUNTER.
G. H. P. EVANS.*
PEÁRI MOHAN MUKERJI.
H. ST.A. GOODRICH.
J. W. QUINTON.
V. N. MANDLIK.

The 5th March, 1886.

* I much doubt the advisability of amending section 107 in the direction suggested.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 12th March, 1886, and is hereby promulgated for general information:—

ACT NO. XI OF 1886.

THE INDIAN TRAMWAYS ACT, 1886.

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SECTIONS.
1. Short title and commencement.
2. Local extent.
3. Definitions.

Orders authorising the Construction of Tramways.

4. Application for and consent necessary to making of order.
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7. Contents of order.
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9. Power to authorise joint work by local authorities.
10. Cessation of powers given by an order.

Construction and Maintenance of Tramways.

11. Mode of formation of tramway.
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13. Agreement between road-authority and promoter as to repair of roadway.

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14. Rights of promoters and the public over tramways.
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Discontinuance of Tramways.

SECTIONS.
19. Cessation of powers of promoter and lessee on discontinuance of tramway.
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22. Future purchase of undertaking by local authority.

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39. Promoter to have right of user only.
40. Saving of power over roads traversed by tramways.
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(*Orders authorising the Construction of Tramways.—Section 1-4.*)

Supplemental Provisions.

SECTIONS.
42. Promoters, lessees and licensees to be responsible for all injuries.
43. Want of funds not a sufficient reason for default.
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45. Application by local authorities of local funds to tramways.
46. Extension of Act to existing tramways.
47. Prohibition of construction of tramways except under this Act.
48. Transfer of control on exclusion of local area from circle of local authority.
49. Explanation and amendment of section 54 of Railway Act.
50. Powers of Local Government exerciseable from time to time.

An Act to facilitate the construction and to regulate the working of Tramways.

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Indian Tramways Act, 1886; and

(*2*) It shall come into force at once.

Local extent.

2. (*1*) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort Saint George in Council, the Governor of Bombay in Council and the Lieutenant-Governor of Bengal.

(*2*) But the Governor of Fort Saint George in Council, the Governor of Bombay in Council or the Lieutenant-Governor of Bengal may, by notification in the official Gazette, extend this Act to the whole or any part of the territories under his administration.

Definitions.

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

(*1*) "local authority" means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(*2*) "road" means the way of a road, street, thoroughfare, passage or place along or across which a tramway authorised under this Act is, or is intended to be, laid, and includes the surface-soil and sub-soil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road:

(*3*) "road-authority", in relation to a road, means—

(*a*) if a local authority maintains and repairs the road, then that authority;

(*b*) if a local authority does not maintain and repair the road, and the road is neither vested in Her Majesty nor maintained and repaired by the Government, then the person in whom the road is vested; and

(*c*) if a local authority does not maintain and repair the road, and the road is vested in Her Majesty or maintained and repaired by the Government, then the Local Government:

(*4*) "circle", in relation to a local authority or road-authority, means the area within the control of that authority:

(*5*) "tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway:

(*6*) "order" means an order authorising the construction of a tramway under this Act, and includes a further order substituted for, or amending, extending or varying, that order:

(*7*) "promoter" means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act as to the construction, maintenance and use of the tramway, have devolved:

(*8*) "undertaking" includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway:

(*9*) "carriage", in the case of a tramway on which steam-power or any other mechanical power is used, includes an engine worked on the tramway for the purpose of producing that power:

(*10*) "toll" includes any charge leviable in respect of the use of a tramway:

(*11*) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorised tolls:

(*12*) "District Magistrate" includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act:

(*13*) "District Court" means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction:

(*14*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act: and

(*15*) "prescribed" means prescribed by rules made by the Local Government under this Act.

Orders authorising the Construction of Tramways.

Application for and consent necessary to making of order.

4. (*1*) The Local Government may make an order authorising the construction of a tramway in a circle on application made—

(*a*) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority; or

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(*Orders authorising the Construction of Tramways.—Sections 5-7.*)

(*b*) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority:

Provided that, if any part of the proposed tramway is to traverse land which is not included within the limits of a municipality or of a cantonment, the Local Government shall not make the order without the previous sanction of the Governor General in Council.

(*2*) A local authority shall not make an application for an order, or be deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

Consent of local or road authority not necessary in certain cases.

5. When it is proposed to lay a tramway in two or more circles, and a local authority or road-authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the Local Government may, nevertheless, make an order authorising the construction of the tramway in the circle, or by the order impose on the promoter any conditions which it deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, it is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

Procedure for making order.

6. (*1*) The Local Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft of a proposed order authorising the construction of the tramway.

(*2*) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Local Government on or before a date to be specified in the notice, be received and considered.

(*3*) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Local Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.

(*4*) Every order authorising the construction of a tramway shall be published in the official Gazette in English, and in the other prescribed language or languages, if any; and that publication shall be conclusive proof that the order has been made as required by this section.

Contents of order.

7. (*1*) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(*2*) The order may also provide, in manner consistent with this Act, for all or any of the following, among other matters, that is to say:—

(*a*) a period before the expiration of which the tramway shall not be commenced, and the conditions subject to which the local authority, when it is not itself the promoter, may, within that period, elect to be substituted in the place of the promoter in respect of the undertaking or of so much thereof as is within its circle; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle;

(*b*) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes;

(*c*) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the re-instating of the roads, and the approval of the method and materials by the Local Government or the road-authority before the commencement of the work;

(*d*) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriageway over the bridge is to form part of the tramway or when the tramway is to cross a railway or another tramway on the level;

(*e*) the space which shall ordinarily intervene between the outside of the carriageway on either side of a road whereon the tramway is to be constructed and the nearest rail of the tramway, and the conditions on which a smaller space may be permitted;

(*f*) the gauge of the tramway; the rails to be used, and the mode in which

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(Orders authorising the Construction of Tramways.—Section 7.)

and the level at which, they shall be laid and maintained; and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the sub-structure upon which they rest, as the Local Government may from time to time require;

(*g*) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter; the maintenance by the promoter to the satisfaction of the Local Government or the road-authority, or both, of that portion of the road or roads; and the liability of the promoter, on the requisition of the Local Government, from time to time to adopt and apply such improvements in the tramway as the Local Government may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads;

(*h*) the application of material excavated by the promoter in the construction or maintenance of the tramway;

(*i*) the provision of such crossings, passing-places, sidings, junctions and other works, in addition to those specified in or authorised by the order, as may from time to time be necessary or convenient to the efficient working of the tramway;

(*j*) the powers which may from time to time be exercised by the Local Government, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway; the notice (if any) to be given of the intended exercise of those powers; the manner in which the powers shall be exercised; and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof;

(*k*) the conditions subject to which the promoter may from time to time interfere with, or alter or require the alteration of the position of, drains (not being sewers or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid;

(*l*) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause;

(*m*) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power may be used;

(*n*) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the Local Government or the local authority, and the liability of the promoter or lessee, on the requisition of the Local Government, from time to time, to adopt and apply such improvements in the carriages, and in the fittings, appliances and apparatus, as the Local Government may consider necessary or desirable for the safety or convenience of the public;

(*o*) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the Local Government; and the regulation of the traffic and of the levy of the tolls;

(*p*) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings and other works as may be necessary for communication between its premises and the tramway;

(*q*) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise; and the conditions subject to which the local authority may be the transferee;

(*r*) the performance by the Local Government or by the local authority or road-authority of any work required by the Act or the order to be done by the promoter; and

(*s*) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.

(*3*) The Local Government may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Land Acquisition Act, 1870, in the same manner and on the same conditions as it might be acquired for the purposes of the tramway if a company were the promoter. X of 1870.

(*4*) The order shall imply the condition—

(*a*) in the case of a tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Act provided; and

(*b*) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user

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(Orders authorising the Construction of Tramways.—Construction and Maintenance of Tramways.—Traffic on Tramways.—Sections 8-14.)

and of demanding and taking the authorised tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.

Further order.

8. (*1*) The Local Government may, on the application of the promoter, revoke, amend, extend or vary the order by a further order.

(*2*) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.

(*3*) The Local Government may, in its discretion, either grant or reject the application.

(*4*) If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.

Power to authorise joint work by local authorities.

9. (*1*) Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof.

(*2*) All the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

Cessation of powers given by an order.

10. (*1*) If a promoter authorised by an order to construct a tramway—

(*a*) does not within the time specified in the order substantially commence the construction of the tramway, or

(*b*) having commenced the construction, suspends it without a reason sufficient in the opinion of the Local Government to warrant the suspension, or

(*c*) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue:—

(i) the powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the Local Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed;

(ii) as to so much of the tramway as is then completed, the Local Government may either permit, or refuse to permit, the powers given by the order to continue;

(iii) if the Local Government refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Act relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the Local Government.

(*2*) A notification published by the Local Government in the official Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a tramway had been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

Construction and Maintenance of Tramways.

Mode of formation of tramway.

11. A tramway shall be constructed and maintained in the manner provided by the order.

Inspection of tramway before opening.

12. A tramway, or portion or extension of, or addition to, a tramway, shall not be opened for public traffic until an engineer appointed in this behalf by the Local Government has inspected it and certified it to be fit for such traffic.

Agreement between road-authority and promoter as to repair of roadway.

13. Subject to the provisions of any order for the time being in force with respect to the matters mentioned in section 7, sub-section (*2*), clause (*g*), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway, and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

Traffic on Tramways.

Rights of promoters and the public over tramways.

14. (*1*) The promoter of a tramway shall, subject to the provisions of sub-section (*2*) and to the other provisions of this Act and of the order, have the exclusive use of the tramway for carriages with flange-wheels or other wheels suitable to run on the rail described in the order as the rail to be used on the tramway:

Provided that nothing in this Act or in the order or any rule made under this Act shall affect the right of any person authorised to use a tramway or railway to pass across a tramway constructed under this Act with carriages having wheels suitable to run on the rail thereof.

The Indian Tramways Act, 1886.

(*Traffic on Tramways.—Licenses to use Tramways.—Secs. 15-18.*)

(2) The public shall have a right to pass along or across any part of a road along or across which a tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway: Provided—

(*a*) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter; and

(*b*) that the Local Government may by an order authorise the construction of a tramway on any part of a road with rails raised above the surface of the road, if it is satisfied that the convenience of the public will not be injuriously affected thereby.

Tolls leviable by promoter or lessee.

15. (*1*) The promoter or lessee may demand and take, in respect of the tramway, tolls not exceeding the limits specified in or determinable under the order, or, if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the Local Government.

(2) A list of all the tolls authorised to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

Carriage of dangerous or offensive goods.

16. (*1*) A person shall not be entitled to carry or to require to be carried, on a tramway constructed under this Act, any goods of a dangerous or offensive nature.

(2) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

(3) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee with whom he leaves them for the purpose of their being sent by the tramway.

(4) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(5) Where a servant of the promoter or lessee refuses under sub-section (4) to carry a parcel which has been received for the purpose of being carried upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

Licenses to use Tramways.

Grant to third parties of licenses to use tramway in certain events.

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic in a circle, the local authority of the circle represents in writing to the Local Government that the public is deprived of the full benefit of the tramway or of the part thereof, the Local Government may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, grant a license to any person to use the tramway conformably to this Act and to the order and the rules made under this Act, subject to the following provisions, namely:—

(*a*) the license shall be for a period not less than one year or more than three years from the date of the license, but the Local Government may in its discretion renew it;

(*b*) the license shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the Local Government, having regard to the cause for granting the license, thinks fit;

(*c*) the license shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages;

(*d*) the licensee and his officers and servants shall permit one person, duly authorised for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey;

(*e*) any provision of this Act, or of the order or rules made under this Act, relating to the functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee; and

(*f*) the Local Government may revoke, alter or modify the license for any cause sufficient in its opinion to warrant the revocation, alteration or modification thereof.

Licensee to give to promoter or lessee an account of traffic.

18. A licensee shall, on demand, give to an officer or servant authorised in that behalf by the promoter or lessee an exact account in writing, signed by the licensee, of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

The Indian Tramways Act, 1886.

(*Discontinuance of Tramways.—Insolvency of Promoter.—Sections 19-21*) (*Purchase of Tramways.—Section 22.*)

Discontinuance of Tramways.

Cessation of powers of promoter and lessee on discontinuance of tramway.

19. If it is proved to the satisfaction of the Local Government, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued, for the space of three months, without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance, the Local Government, if it thinks fit, may, by notification in the official Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end; and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in manner by this Act provided.

Powers of road-authority on cessation of powers of promoter.

20. (*1*) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in re-instating the road.

(2) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in re-instating the road.

(3) The cost shall be certified by an officer of the road-authority, and his certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(4) If the promoter does not pay the amount so certified within one month after the delivery to him of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in re-instating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the proceeds of the sale, pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and shall pay over the residue (if any) of the proceeds of the sale to the promoter.

Insolvency of Promoter.

Proceedings in case of insolvency of promoter.

21. (*1*) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road-authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the Local Government, the Local Government may, if after considering any statement which the promoter may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, declare, by notification in the official Gazette, that the powers of the promoter shall, at the expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Act provided.

(2) Where a notification has been published under sub-section (*1*), the road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

Purchase of Tramways.

Future purchase of undertaking by local authority.

22. (*1*) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the Local Government, may—

(*a*) within such limits of time as may be specified in this behalf in the order, or

(*b*) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(*c*) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21,

by notice in writing, require the promoter to sell to the local authority his undertaking or the part thereof which is within the circle of the local authority; and thereupon the promoter shall sell the same upon the terms specified in the order, or, if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever.

(2) A requisition shall not be made under sub-section (*1*) unless the making thereof has been approved by the local authority in manner prescribed.

(3) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part

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(Working of Tramways owned by Local Authorities.—Rules.—Sections 23-24.)

thereof sold, or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Act.

(4) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

Working of Tramways owned by Local Authorities.

Lease of, or working of, tramway by local authority.

23. (1) When a local authority has under the authority of an order completed a tramway, or has under the provisions of this Act or of an order acquired possession of a tramway, it may, by a lease to be approved by the Local Government, let to any person the right of user of the tramway and of demanding and taking the authorised tolls.

(2) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the Local Government may approve.

(3) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the Local Government that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance.

(4) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(5) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the Local Government and for such term as the Local Government directs, place and run carriages upon the tramway, and demand and take the authorised tolls in respect of the use of the carriages.

Rules.

Power to make rules.

24. (1) In addition to any other power to make rules expressly or by implication conferred by this Act, the Local Government may make rules consistent with this Act—

(a) as to the form in which an application for an order shall be made;

(b) as to the costs to be paid by an applicant in respect of an order, and the time when, and the place where, those costs shall be paid;

(c) as to the payment of money or lodgment of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (4), or a further order is made under section 8; the investment of money so paid; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter; and the forfeiture, repayment or return of the money or securities;

(d) as to the plans and sections of any works to be deposited by applicants for orders or by promoters;

(e) for regulating the use of steam-power or any other mechanical power on a tramway;

(f) as to any matter specified in section 7, sub-section (2), clauses (c), (d), (e), (j) and (k), as a matter which may be provided for in an order, when that matter has not been so provided for, or has not, in the opinion of the Local Government, been effectually so provided for;

(g) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the Local Government or as that Government directs, and as to the forms in which those accounts are to be submitted;

(h) as to the accidents of which report is to be made to the Local Government or as that Government directs;

(i) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee; and,

(j) generally, as to any other matter or thing in respect of which it may seem to the Local Government to be expedient to make rules for carrying out the purposes of this Act.

(2) A local authority may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made by the Local Government under this Act for regulating—

(a) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority;

(b) the use of animal power on the tramway

(c) the distances at which carriages using the tramway are to be allowed to follow one after the other;

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(Rules.—Sections 25-26.—Offences.—Sections 27-29.)

(d) the stopping of carriages using the tramway, and the notice to be given to the public of their approach;

(e) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted;

(f) the traffic on roads along or across which the tramway is laid;

(g) the number of passengers which may be carried in any carriage;

(h) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee; and,

(i) generally, the mode of use of the tramway.

(3) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made under this Act—

(a) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to him; and

(b) for regulating the travelling in any carriage belonging to him.

(4) The Local Government may cancel any rule made by a local authority or by a promoter or lessee under this section.

Power to impose penalty by rule.

25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend—

(a) if the authority making the rule is the Local Government, to two hundred rupees, and

(b) if that authority is a local authority or a promoter or lessee, to twenty rupees;

and when the breach is a continuing breach, with a further fine which may extend—

(c) if the authority making the rule is the Local Government, to fifty rupees, and

(d) if that authority is a local authority or a promoter or lessee, to five rupees,

for every day after the first during which the breach continues.

Procedure for making, and publication of, rules.

26. (1) Every authority having power to make rules under any section of this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made, in the case of rules made by the Local Government, in such manner as may in its opinion be sufficient for giving information to persons interested, and, in the case of rules made by a local authority or by a promoter or lessee, in manner prescribed.

(3) There shall be published with the draft a notice specifying a date, not earlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.

(4) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) The publication in the official Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

Offences.

Penalty for failure of promoter, lessee or licensee to comply with Act or order.

27. If a promoter—

(a) constructs or maintains a tramway otherwise than in accordance with the order, or

(b) opens the tramway for traffic, or permits it to be so opened, before it has been inspected and certified in manner required by section 12, or

(c) fails to observe any requirement or condition of the order for neglect or breach whereof no penalty has been expressly provided in the order,

or if a promoter, lessee or licensee runs a carriage on a tramway otherwise than in accordance with the order,

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the order, or to any other remedy which may be obtained against him in a Court of Civil Judicature), on complaint made by the Local Government or by the local authority or road-authority or by the District Magistrate or, with the previous sanction of the District Magistrate, by any person injuriously affected by the act or omission, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for every day after the first during which the offence continues to be committed.

Penalty for obstructing promoter in exercise of his powers.

28. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing or maintaining a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

29. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely:—

(a) interferes with, removes or alters any part of a tramway constructed under

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(*Offences.—Sections 30-34—Settlement of Differences.—Sections 3-35.*)

this Act, or of the works connected therewith, or

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing, or

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway, or

(*d*) abets within the meaning of the Indian Penal Code the doing of, or attempts to do, anything mentioned in clause (*a*), clause (*b*) or clause (*c*),

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he shall (without prejudice to any other remedy which may be obtained against him in a Court of Civil Judicature) be punished with fine which may extend to one hundred rupees.

Penalty for using tramway with carriage having flange-wheels.

30. If any person, except under a lease from, or by agreement with, the promoter, or under license from the Local Government granted under this Act, uses on a tramway, otherwise than as permitted by section 14, a carriage having flange-wheels or other wheels suitable to run on the rail of the tramway, he shall be punished with fine which may extend to two hundred rupees.

Penalty for evading payment of proper toll.

31. (*1*) If any person travelling or having travelled in a carriage of the promoter or lessee or of a licensee evades or attempts to evade payment of toll, or if any person having paid toll for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional toll for the additional distance or attempts to evade payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid toll to quit the carriage, he shall be punished with fine which may extend to ten rupees.

(*2*) When a person commits an offence under this section and refuses on demand of a servant of the promoter, lessee or licensee to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call to his aid.

(*3*) When the person is taken to the police-station he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Penalty for taking or sending dangerous or offensive goods without giving notice.

32. If any person takes or sends by a tramway any goods of a dangerous or offensive nature without giving the notice required by section 16, he shall be punished with fine which may extend to fifty rupees.

Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.

33. (*1*) If a licensee fails on demand to give the account mentioned in section 18, or, with intent to evade the payment of tolls, gives a false account when he is called upon to give an account under that section, he shall be punished with fine which may extend to fifty rupees.

(*2*) The fine shall be in addition to any tolls payable by the licensee to the promoter or lessee in respect of the passengers or goods conveyed by the carriage or carriages used by the licensee on the tramway.

Saving of prosecutions under other laws.

34. Nothing in this Act shall prevent a person from being prosecuted under any other law for an 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.

Settlement of Differences.

Differences between promoters or lessees and authorities.

35. (*1*) If any difference arises between the promoter or lessee on the one hand and the Local Government, or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the Local Government or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee.

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(*2*) Where the difference is—

(*a*) between the promoter or lessee on the one hand and the Local Government, either as such or as the road-authority, on the other, or

(*b*) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

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(*Recovery of Tolls.—Sections 36-38—Savings.—Sections 39-41.*)

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(*5*) In other cases the referee shall be appointed by the Local Government.

(*4*) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.

(*5*) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court.

(*6*) In the case of every other difference the award of the referee shall be final.

Recovery of Tolls.

Recovery of moneys due from promoters and, in certain cases, from lessees.

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or lessee under an award of a referee, the cost of the performance under this Act by the Local Government or by a local authority or road-authority of any work required by this Act or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and re-instating a road under this Act, may, without prejudice to any other remedy that the authority to which the money is due may have by suit or otherwise, be recovered by that authority, on application made in this behalf to the Collector, as if the sum due were an arrear of land-revenue due by the promoter or lessee or his surety (if any) :

Provided that nothing in this section shall authorise the arrest of the promoter or lessee or his surety in execution of any process issued by the Collector.

Recovery of tolls from licensees.

37. (*1*) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee if possible and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or other moveable property of the licensee which may be found on the tramway or on premises connected therewith.

(*2*) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other moveable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(*3*) When application is made to a Magistrate under sub-section (*1*), he may make an interim order of distraint pending his final decision.

Recovery of tolls from passengers.

38. Any toll due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress and sale of any moveable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

Savings.

Promoter to have right of user only.

39. (*1*) Notwithstanding anything contained in this Act, or in an order or any rule made under this Act, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway, nor shall anything contained in this Act, or in an order or any rule made under this Act, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

(*2* The Local Government may, if it thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

Saving of power over roads traversed by tramways.

40. (*1*) Nothing in this Act, or in an order or any rule made under this Act, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

(*2*) The road-authority, local authority or other person executing any work referred to in sub-section (*1*) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.

Saving of power of local authority and police to regulate traffic on roads.

41. Nothing in this Act, or in an order or any rule made under this Act, shall affect the powers of a local authority or of a Magistrate or police-officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic

The Indian Tramways Act, 1886.

(Supplemental Provisions.—Sections 42-50.)

of a promoter, lessee or licensee as to the traffic of other persons.

Supplemental Provisions.

Promoters, lessees and licensees to be responsible for all injuries.

42. A promoter, lessee or licensee shall be answerable for all injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

Want of funds not a sufficient reason for default.

43. For the purposes of this Act want of funds shall not be deemed to be a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway by a promoter or lessee.

Power to exempt from municipal taxation.

44. When a tramway is constructed under this Act within the limits of a municipality, the Local Government may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

Application by local authorities of local funds to tramways.

45. (*1*) The fund to or with the control or management of which the local authority of a municipality, cantonment or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Local Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under this Act.

(*2*) The fund shall also be applicable, with the previous sanction of the Local Government, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (*1*).

Extension of Act to existing tramways.

46. The Local Government may, with the consent of the local authority and road-authority and of the promoter and his lessee (if any), extend any part of this Act, or any rules made under this Act, either with or without modification, to the whole or any part of a tramway constructed, or authorised by the Local Government to be constructed, before the passing of this Act, and may withdraw any part of the Act or any rules so extended.

Prohibition of construction of tramways except under this Act.

47. (*1*) A tramway of which the construction has not been authorised by the Local Government before the passing of this Act shall not, after the passing of this Act, be constructed for public traffic in any place to which this Act extends, except in pursuance of an order made under this Act.

(*2*) A person constructing a tramway in contravention of sub-section (*1*) of this section,

or after the passing of this Act maintaining or using for public traffic, otherwise than in pursuance of an order made under this Act, a tramway which was not constructed, or authorised by the Local Government to be constructed, before the passing of this Act,

shall be liable, on the complaint of the Local Government or local authority, to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

Transfer of control on exclusion of local area from circle of local authority.

48. If at any time a local area comprising a tramway to which this Act or any part thereof or any rule thereunder applies ceases to be included in the circle of a local authority, the functions of that authority under this Act or the part thereof or the rule thereunder, and under the order (if any), shall, in respect of that local area, devolve on the Local Government or, if that Government so directs, on the local authority of the circle in which the tramway has been included.

Explanation and amendment of section 54 of Railway Act.

49. (*1*) In section 54 of the Indian Railway Act, 1879, the word "tramway" shall have the meaning assigned to it by section 3 of this Act. IV of 1879.

(*2*) In the same section of that Act, after the words "by steam" the words "or other mechanical power" shall be added.

Powers of Local Government exercisable from time to time.

50. All powers conferred by this Act on a Local Government may be exercised from time to time as occasion requires.

S. HARVEY JAMES,

Offg. Secy. to the Govt. of India.

The following Report of the Select Committee on the Bill to facilitate the construction and to regulate the working of Tramways was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to facilitate the construction and to regulate the working of Tramways 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. 1573—466, dated 12th December, 1885 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 582 G., dated 14th December, 1885 [Paper No. 2].
From Chief Commissioner, Ajmer-Merwára, No. 215 C., dated 17th December, 1885 [Paper No. 3].
From Registrar, High Court, Calcutta, No. 3303, dated 23rd December, 1885 [Paper No. 4].
From Secretary to Government, North-Western Provinces and Oudh, No. 1097—XI-176-16, dated 31st December, 1885, and enclosure [Papers No. 5].
From Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 62—214, dated 7th January, 1886 [Paper No. 6].
From Under-Secretary to Government, Bombay, No. 62, dated 9th January, 1886, and enclosures [Papers No. 7].
From Secretary to Chief Commissioner, Assam, No. 6 T., dated 9th January, 1886 [Paper No. 8].
From Acting Chief Secretary to Government, Madras, No. 77, dated 11th January, 1886, and enclosures [Papers No. 9].
Memorandum by J. Kincaid, Esq., M.C.I.E. [Paper No. 10].
From Under-Secretary to Government, Bombay, No. 321, dated 26th January, 1886 [Paper No. 11].
From Officiating Secretary to Government, Punjab, No. 143, dated 6th February, 1886, and enclosures [Papers No. 12].
From Officiating Secretary to Chief Commissioner, British Burma, No. 388—6L., dated 12th February, 1886, and enclosures [Papers No. 13].
From Officiating Under-Secretary to Government, Bengal, No. 805, dated 20th February, 1886, and enclosures [Papers No. 14].

2. The object of the proviso to section 4, sub-section (*1*), of the Bill does not appear to have been understood. In the case of lines extending beyond municipal limits, it is often difficult to say whether the line ought to be treated as a tramway or as a light railway, and the object of the proviso is to give the Government of India an opportunity of determining, with reference to particular cases or classes of cases, to which of the two categories such lines ought to be treated as belonging.

3. By section 5 we have empowered the Local Government to modify conditions sought to be imposed by a local authority with respect to the construction within its circle of part of a tramway which is to be laid in two or more circles.

4. In sections 17 and 21 we have provided for an opportunity being given to the promoter to state his case before the Local Government either grants licenses under the former section or determines the powers of the promoter under the latter section.

5. By clauses (*g*) and (*k*) of sub-section (*1*) of section 24 we have enabled the Local Government to make rules as to the periodical submission of statistics relating to tramways, and as to the accidents of which report is to be made.

6. By clause (*e*) of sub-section (*2*) of the same section we have empowered local authorities to make rules as to the manner in which carriages using the tramway after sunset and before sunrise are to be lighted.

7. By section 27 we have made the previous sanction of the District Magistrate a condition precedent to the institution by a private person of criminal proceedings against a promoter, lessee or licensee for breach of any provision of the Act or of any direction of an order authorizing the construction of a tramway.

8. By section 35 we have provided that, except where the parties to a difference elect to proceed under section 523 of the Code of Civil Procedure, the matter in difference between them shall be settled, on the application of either party, by a referee, and that, where the difference is between the promoter on the one hand and the local authority on the other with respect to the sum to be paid by the local authority for an undertaking which that authority has required the promoter to sell under section 22, the referee shall be the District Court. We have also provided that, in that case, an appeal shall lie to the High Court from the award of the District Court.

9. To section 45 we have added a sub-section supplementary to Act XV of 1885 (*an Act to amend the Local Authorities Loan Act, 1879*).

10. By section 47 of the Bill we have proposed that, in places to which the Act extends, tramways of which the construction has not been authorised before the passing of the Act shall not be constructed, after the passing of the Act, otherwise than in pursuance of an order made under the Act.

11. By section 48 we have made provision for cases in which a local area comprising a tramway is excluded from the circle of one local authority and included in that of another.

12. By section 49 we have proposed so to amend section 54 of the Indian Railway Act, 1879, as to enable the Governor General in Council to apply that Act or any portion thereof to a tramway worked by any mechanical power.

13. The other amendments of the Bill are few and unimportant, and do not call for special notice.

14. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	31st October, and 7th and 14th November, 1885.
Fort Saint George Gazette	18th November, 1885.
Bombay Government Gazette	5th, 12th and 19th November, 1885.
Calcutta Gazette	11th, 18th and 25th November, 1885.
North-Western Provinces and Oudh Government Gazette ...	7th, 14th and 21st November, 1885.
Punjab Government Gazette	5th, 12th and 19th November, 1885.
Central Provinces Gazette	7th, 14th and 21st November, 1885.
British Burma Gazette	21st and 28th November, and 5th December, 1885.
Assam Gazette	21st November, 1885.
Coorg District Gazette	1st December, 1885.
Sindh Official Gazette	10th December, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bombay	Maráthi ... Gujaráthi ... Kanarese ... Sindhi ...	17th December, 1885.
North-Western Provinces and Oudh ...	Urdu ..	23rd and 30th January, and 6th February, 1886.

15. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
T. C. HOPE.
H. ST.A. GOODRICH.
ROBERT STEEL.
V. N. MANDLIK.

The 5th March, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 12th March, 1886, and is hereby promulgated for general information :—

ACT NO. XII OF 1886.

THE PETROLEUM ACT, 1886.

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Preliminary.

SECTIONS.
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2. Repeal.
3. Definitions.
4. Matters supplemental to the definitions.

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5. Dangerous petroleum in quantities exceeding forty gallons.
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Petroleum generally.

8. Power for Local Government to make rules as to importation and refining of petroleum.
9. Procedure after petroleum has been discharged or landed.
10. Possession and transport of petroleum.
11. Power to make rules as to possession and transport.
12. Power to inspect and require dealer to sell samples.
13. Notice to be given when officer proposes to test samples.
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15. Penalty for illegal importation, possession or transport of petroleum.
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19. Jurisdiction.

Test-apparatus.

20. Model test-apparatus.
21. Verification of test-apparatus.

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22. Power to Local Government to exempt petroleum from operation of this Act.
23. Power to apply this Act to other fluids.
24. Power to limit operation of enactments relating to municipalities.
25. Power to revoke or vary notifications.
26. Procedure for making and publication of rules.

THE SCHEDULE.

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature ; It is hereby enacted as follows :—

Preliminary.

Short title, commencement and local extent.

1. (*1*) This Act may be called the Petroleum Act, 1886 ; and

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, appoints.

(*3*) The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may from time to time, by notification in the official Gazette, direct.

(*4*) Any power conferred by this Act to make rules or issue orders 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. **2.** (*1*) On and from the day on which this Act comes into force, the Petroleum Act, 1881, shall be repealed : VIII of 1881.

(*2*) But all notifications issued, rules made, licenses granted, powers conferred and certificates given under that Act shall, so far as may be, be deemed to have been issued, made, granted, conferred and given under this Act.

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

(*1*) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum ; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer :

(*2*) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees

The Petroleum Act, 1886.

(*Dangerous Petroleum.—Sections 4-8.*)

of Fahrenheit's thermometer: Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of those samples has its flashing point below seventy degrees of that thermometer:

(3) "import" means to bring into British India by sea or land,

and "importation" means the bringing into British India as aforesaid:

(4) "transport" means to remove from one place to another within British India: and

(5) "ship" includes anything made for the conveyance by water of human beings or property.

Matters supplemental to the definitions.

4. (1) The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing have been made.

(2) Notwithstanding anything in the definitions of "import", "importation" and "transport", the Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the official Gazette, declare—

(*a*) that petroleum imported into its territories from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(*b*) that petroleum transported into its territories from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act, and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding forty gallons.

5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

(2) Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of the petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that the petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for that purpose.

(3) If the Local Government sees reason to believe that the petroleum will be used for that purpose, and that no petroleum other than dangerous petroleum can be used for the purpose, it may grant the license for the importation, transport or possession (as the case may be) of the petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding forty gallons.

6. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

7. Dangerous petroleum—

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels having attached thereto a label in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition—

(*d*) in the case of a vessel kept, of the name and address of the consignee or owner;

(*e*) in the case of a vessel transported, of the name and address of the sender; and

(*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

Power for Local Government to make rules as to importation and refining of petroleum.

8. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act to regulate the importation of petroleum, and in particular—

(*a*) to determine the ports at which only petroleum may be imported;

(*b*) to ascertain the quantity and description of any petroleum on board any ship;

(*c*) to determine the places at which, and the conditions on and subject to which petroleum may be discharged into boats, landed, transhipped or stored;

(*d*) to provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed;

(*e*) to provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples;

(*f*) to provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples;

(*g*) to fix fees for the sampling and testing of petroleum; and

(*h*) to fix fees for the storage of petroleum unless a body of port commissioners or other like body is empowered in that behalf.

The Petroleum Act, 1886.

(*Petroleum generally.—Sections 9-14.*)

(2) The Local Government, with the previous sanction of the Governor General in Council, may, with respect to any petroleum produced within its territories, make rules—

(*a*) to define the limits of the places where the petroleum is to be refined;

(*b*) to provide for the testing of the petroleum at or near those places; and

(*c*) to prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum which has not satisfied the tests prescribed by the rules.

Procedure after petroleum has been discharged or landed.

9. (1) Petroleum discharged into boats or landed in accordance with rules made under section 8, sub-section (*f*), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf in the manner described in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act, and until the officer has given a certificate that the petroleum is not dangerous petroleum.

(2) If the officer after testing the samples refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

(*a*) to rectify the petroleum,

(*b*) to apply for a license to import the petroleum as dangerous petroleum, or

(*c*) to re-export the petroleum.

(3) If the consignee does not within the time fixed under sub-section (2) avail himself of the permission granted under that sub section, the petroleum may be disposed of as the Local Government directs.

(4) Notwithstanding anything in the foregoing portions of this section, the Local Government in its discretion may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorise its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

10. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

Power to make rules as to possession and transport.

11. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

(2) The rules may provide for the following among other matters, that is to say:—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of the premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum is to be packed, the mode and time of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*i*) the time during which it is to continue in force; and

(*j*) the renewal of the license.

(3) The Governor General in Council may make rules consistent with this Act as to the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases where such licenses are by law required; and those rules may provide, among other matters, for those mentioned in sub-section (2) as matters for which rules made by a Local Government with respect to licenses to transport petroleum may provide.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample or cause it to be tested with the apparatus and in the manner described in the schedule to this Act, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Certificate as to result of testing.

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of the certificate shall be given free of charge to the dealer at his request.

The Petroleum Act, 1886.

(Test-apparatus.—Sections 18-21.) & (Miscellaneous.—Sections 22-26.)

Penalties.

15. Any person who, in contravention of this Act or of any rules made under this Act, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted under this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, possession or transport of petroleum.

16. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not labelled as prescribed by section 7, shall be punished with fine which may extend to five hundred rupees.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 7.

17. Any dealer in petroleum who refuses or neglects to show to any Officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples, shall be punished with fine which may extend to two hundred rupees.

Penalty for refusing to comply with section 12.

18. In any case in which an offence under section 15 or section 16 has been committed, the convicting Magistrate may direct that—

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

19. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Test-apparatus.

20. A model of the apparatus for testing petroleum under this Act, constructed in accordance with the description contained in the schedule to this Act, shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

Model test-apparatus.

21. (*1*) The Chemical Examiner shall, on payment of such fee (if any) as the Governor General in Council may, from time to time, by notification in the Gazette of India, prescribe, compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

Verification of test-apparatus.

(*2*) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (*1*), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number, and with the date of the verification, and shall further give a certificate in writing under his hand, in a form to be prescribed by the Governor General in Council, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(*3*) A certificate granted under this section shall, until the contrary is proved, be conclusive proof of the matters stated therein.

(*4*) The Chemical Examiner shall keep a register, in a form to be prescribed by the Governor General in Council, of the certificates granted under this section.

(*5*) Subject to the payment of such fees as the Governor General in Council may, by notification in the Gazette of India, prescribe in this behalf, the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

22. The Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

Power to Local Government to exempt petroleum from operation of this Act.

23. The Governor General in Council may, from time to time, by notification in the Gazette of India, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 10, the quantities of the fluid to which those sections shall apply.

Power to apply this Act to other fluids.

24. The Governor General in Council may, from time to time, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

Power to limit operation of enactments relating to municipalities.

25. A notification made under this Act may be revoked or varied by the authority making it by a notification published in the same manner as the notification so revoked or varied.

Power to revoke or vary notifications.

26. (*1*) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making and publication of rules.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes.

The Petroleum Act, 1886.

(The Schedule.)

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken in consideration.

(*4*) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect if it is made by the Governor General in Council until it has been published in the Gazette of India, and if it is made by the Local Government until it has been published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts :—

(*1*) the oil-cup ;

(*2*) the cover, with slide, test-lamp, and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame ;

(*3*) the water-bath or heating vessel ;

(*4*) the tripod stand, with jacket and spirit-lamp for heating the water-bath ;

(*5*) the thermometer for indicating the temperature of the oil in the oil-cup ;

(*6*) the thermometer for indicating the temperature of the water in the water-bath ;

(*7*) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup ;

(*8*) the dropping bottle or *pipette* for replenishing the test-lamp ; and

(*9*) a barometer standardised at the Meteorological Office of the province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel, made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two ; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for Testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about 40 fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home,

The Petroleum Act, 1886.

(*The Schedule.*)

cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and when the temperature has reached 56° Fahrenheit the clockwork is set in motion by pressing the trigger.

If no flash takes place the clockwork is at once re-wound, and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit the temperature at which it occurs is to be recorded. The fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, each result is to be corrected for atmospheric pressure, as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, the series of tests is to be rejected and a fresh series, of three, similarly obtained, and so on until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

No flash which takes place within eight degrees of the temperature at which the testing is commenced shall be accepted as the true flashing point of the sample tested. In the event of a flash occurring at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° degrees, or is oil to which a notification of the Local Government exempting it from the operation of the Act will be

The Petroleum Act, 1886.

(*The Schedule.*)

applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule, giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·6 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

Table for correction of Flashing Points indicated by the Test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in Inches.	Flashing Point in Degrees Fahrenheit.																	
27	60·2	61·2	62·2	63·2	64·2	65·2	66·2	67·2	68·2	69·2	70·2	71·2	72·2	73·2	74·2	75·2		
27·2	60·5	61·5	62·5	63·5	64·5	65·5	66·5	67·5	68·5	69·5	70·5	71·5	72·5	73·5	74·5	75·5		
27·4	60·8	61·8	62·8	63·8	64·8	65·8	66·8	67·8	68·8	69·8	70·8	71·8	72·8	73·8	74·8	75·8		
27·6	61·2	62·2	63·2	64·2	65·2	66·2	67·2	68·2	69·2	70·2	71·2	72·2	73·2	74·2	75·2	76·2		
27·8	61·5	62·5	63·5	64·5	65·5	66·5	67·5	68·5	69·5	70·5	71·5	72·5	73·5	74·5	75·5	76·5		
28	61·8	62·8	63·8	64·8	65·8	66·8	67·8	68·8	69·8	70·8	71·8	72·8	73·8	74·8	75·8	76·8		
28·2	62·1	63·1	64·1	65·1	66·1	67·1	68·1	69·1	70·1	71·1	72·1	73·1	74·1	75·1	76·1	77·1		
28·4	62·4	63·4	64·4	65·4	66·4	67·4	68·4	69·4	70·4	71·4	72·4	73·4	74·4	75·4	76·4	77·4		
28·6	62·8	63·8	64·8	65·8	66·8	67·8	68·8	69·8	70·8	71·8	72·8	73·8	74·8	75·8	76·8	77·8		
28·8	63·1	64·1	65·1	66·1	67·1	68·1	69·1	70·1	71·1	72·1	73·1	74·1	75·1	76·1	77·1	78·1		
29	63·4	64·4	65·4	66·4	67·4	68·4	69·4	70·4	71·4	72·4	73·4	74·4	75·4	76·4	77·4	78·4		
29·2	63·7	64·7	65·7	66·7	67·7	68·7	69·7	70·7	71·7	72·7	73·7	74·7	75·7	76·7	77·7	78·7		
29·4	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79		
29·6	64·4	65·4	66·4	67·4	68·4	69·4	70·4	71·4	72·4	73·4	74·4	75·4	76·4	77·4	78·4	79·4		
29·8	64·7	65·7	66·7	67·7	68·7	69·7	70·7	71·7	72·7	73·7	74·7	75·7	76·7	77·7	78·7	79·7		
30	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80		
30·2	65·3	66·3	67·3	68·3	69·3	70·3	71·3	72·3	73·3	74·3	75·3	76·3	77·3	78·3	79·3	80·5		
30·4	65·6	66·6	67·6	68·6	69·6	70·6	71·6	72·6	73·6	74·6	75·6	76·6	77·6	78·6	79·6	80·6		
30·6	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81		
30·8	66·3	67·3	68·3	69·3	70·3	71·3	72·3	73·3	74·3	75·3	76·3	77·3	78·3	79·3	80·3	81·3		
31	66·6	67·6	68·6	69·6	70·6	71·6	72·6	73·6	74·6	75·6	76·6	77·6	78·6	79·6	80·6	81·6		

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

The following Report of the Select Committee on the Bill to amend the Petroleum Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Petroleum Act, 1881, 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, Assam, No. 599, dated 14th April, 1885 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 176G., dated 18th May, 1885 [Paper No. 2].
From Chief Commissioner, Ajmer-Merwára, No. 644, dated 17th June, 1885 [Paper No. 3].
From Secretary to Chief Commissioner, British Burma, No. 388—2M., dated 16th June, 1885, and enclosures [Papers No. 4].
From Registrar, High Court, Calcutta, No. 1885, dated 23rd June, 1885 [Paper No. 5].
From Chief Secretary to Government, Madras, No. 1606, dated 17th June, 1885, and enclosures [Papers No. 6].
From Secretary to Chief Commissioner, Coorg, No. 543—63, dated 26th June, 1885 [Paper No. 7].
From Secretary to Government, North-Western Provinces and Oudh, No. 1148—VI-190-15, dated 29th June, 1885 [Paper No. 8].
From Officiating Secretary to Government, Punjab, No. 610S., dated 8th July, 1885, and enclosures [Papers No. 9].
From Under-Secretary to Government, Bombay, No. 2501, dated 6th July, 1885, and enclosures [Papers No. 10].
From Her Majesty's Secretary of State for India, No. 65, dated 18th June, 1885, and enclosure [Papers No. 11].
From Officiating Secretary to Government, Bengal, No. 827T.—M., dated 2nd July, 1885, and enclosures [Papers No. 12].
From Assistant Secretary to Chief Commissioner, Central Provinces, No. 2653—83, dated 11th July, 1885 [Paper No. 13].
From Secretary to Government, North-Western Provinces and Oudh, No. 1541—VI-190-22, dated 27th August, 1885, and enclosure [Papers No. 14].

2. On the general question of standards and the definition of dangerous petroleum, we adhere to the scheme laid down in section 3 of the Bill. But Dr. Warden and Mr. Pedler suggest that the lowest standard for lubricating oils (the attainment of which would exempt them from the operation of the Act) should be fixed at 200° instead of 250° as in the present Act. It is, they explain, practically impossible with the Abel apparatus to test up to 250°. They consider the limit of 150°, which is proposed in some of the papers, too low for this country, and believe 200° would meet all reasonable requirements. In this view we concur. We are also of opinion that Local Governments should be empowered to exempt from the operation of the Act and rules oil certified to be over 120° when imported as ordinary cargo and in limited quantities.

3. We consider that section 4 of the Bill should be omitted. Messrs. Warden and Pedler point out that the drawback of the fragility of glass for carriage is frequently more than counterbalanced by its impermeability. It is very difficult in this country to get tin or metal vessels made which shall be thoroughly impervious to highly volatile oil.

4. It is suggested by the Bombay Government and other authorities that it should be made clear that conveyance by sea from one part of British India to another is "transport" and not "import" within the meaning of the Act. We are of opinion that some discretion in the matter should be left to the Local Governments. It would be unsafe, for instance, at present to admit freely to Calcutta oil brought up from Burma. Experience has shown that in Burma refining is not yet thoroughly understood, and the local testing is not at present very trustworthy. The Local Governments in India should have power to treat such oil as foreign oil until its quality generally improves. On the other hand, there is no reason why foreign oil once properly tested should be re-tested on arrival at a second port. We have taken power for the Local Governments of territories, such as Burma and Assam, in which oil is or is likely to be produced, to appoint testing officers at or near refineries, and to prevent the removal from the refineries of oil which does not satisfy the tests otherwise than under the regulations for the control of dangeous petroleum.

5. Turning now to the question of the method of sampling cargoes, we concur with the Bombay Government and other authorities in thinking that it should be open to the Local Government by rule to provide for sampling either before or after landing; to prescribe the number of samples to be taken from a cargo or consignment or any part thereof; to provide, when the first test is unsatisfactory, or when doubt is felt as to the uniformity of quality in the cargo, for the landing and sorting of the cargo in lots, or its delivery into boats, each of a certain capacity; and for the sampling of each lot or boat-load, and its ultimate treatment in accordance with the results of the test in each case.

When a doubtful cargo has to be landed and stacked, substantial fees should be levied, as much additional work is thrown upon Government officers.

6. With reference to the objections taken by some Bombay officers to the provisions of the schedule requiring that the sample tin should be tapped in presence of the testing officer, we observe that Messrs. Warden and Pedler both attach importance to this, as all manipulation and airing of the oil tends to raise its flashing point, and the drawing of oil for testing purposes should in any case be under the control of a responsible officer of the testing department. They consider that in most cases the selection of *one* case from a cargo of oil certified before arrival to be ordinary petroleum is sufficient, if care is taken to get the sample from below, and thus to defeat any attempt at "facing" the cargo. The number of samples taken at Bombay appears to be unduly large, and has given rise to the objection that to convey them to the Chemical Examiner's laboratory would be an arduous task. We have so amended the Schedule, Part II, paragraph 1, as to provide that the testing officer or some person duly authorized by him shall superintend the drawing of the sample.

7. In revising the Bill we have had regard to the practice which obtains in Bombay of allowing delivery into cargo-boats pending the result of testing, and to the suggestion of the Bengal Government that the Local Government should have the power in special cases to order further tests in such manner as it may deem expedient.

8. As regards the suggestion of the Bombay Government that a second standard apparatus should be maintained at Bombay, it appears to us to be highly important to secure uniformity in the tests throughout India. To this end there should be but one absolute and ultimate standard, and this can most conveniently be maintained in Calcutta.

9. We are of opinion that the Chemical Examiner should stamp any apparatus sent to him not only with a special number but also with the date of his verification of the apparatus, and further that he should give a certificate in writing under his hand, in a form to be laid down by the Governor General in Council, to the effect that the apparatus has been compared and verified by him on a given date and been found to be correct, or correct subject to certain specified corrections to be applied to the results of tests.

10. The Chemical Examiner should also keep a register of verifications.

11. Messrs. Warden and Pedler suggest that in the Schedule, Part I, provision be made for "a barometer standardised at the Meteorological Office of the province, or at any other place appointed by the Local Government." We have accepted the suggestion.

12. With respect to the changes in the Schedule, Part III, proposed by Dr. Lyon, Messrs. Warden and Pedler are inclined to hold that Sir F. Abel has in a paper before us sufficiently met Dr. Lyon's difficulty, and they believe that in practice no difficulty is likely to arise of the kind Dr. Lyon puts forward. They have, however, suggested, and we have acted on the suggestion, that all possible objection would be removed if it were provided that no flashing point obtained should be accepted unless it be at least 8° above the temperature at which the testing commenced.

13. Messrs. Warden and Pedler are of opinion that it is unnecessary in the case of ordinary petroleum to continue the tests when no flash has been obtained up to 95° Fahrenheit. It is only in the case of petroleum for which exemption from the Act is claimed that the test need be continued in the manner laid down in the fourth paragraph of the rules for "application of the test". We have modified that paragraph accordingly.

14. In the Schedule, Part III, paragraph 5, we have pointed out that the height of the barometer must be determined at the time of making the test for the flashing point.

15. We are advised not to accept the suggestion made from Burma to adopt Hewmann's apparatus in preference to Abel's.

16. We have had regard to the remarks of the Bombay Government with reference to the repeal of the municipal laws affecting petroleum, and to giving power to Port Trusts to regulate their own fees for the storage of petroleum.

17. Having thus amended the Bill we have deemed it advisable to consolidate it and the Petroleum Act of 1881, and, in doing so, have taken the opportunity (*a*) to enhance the penalty for keeping, transporting, selling or exposing for sale dangerous petroleum in contravention of the Act, and (*b*) to empower the Governor General in Council to make rules as to the transport of petroleum from any part of British India to any other part.

18. The other alterations we have made in consolidating the Bill and the Act are few and unimportant and do not call for notice.

19. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	14th, 21st and 28th March, 1885.
Fort Saint George Gazette	8th April, 1885.
Bombay Government Gazette	26th March, and 2nd and 9th April, 1885.
Calcutta Gazette	1st and 8th April, 1885.
North-Western Provinces and Oudh Government Gazette	28th March, and 4th and 11th April, 1885.
Punjab Government Gazette	9th, 16th and 23rd April, 1885.
Central Provinces Gazette	4th, 11th and 18th April, 1885.
British Burma Gazette	11th, 18th and 25th April, 1885.
Assam Gazette	4th, 11th and 18th April, 1885.
Coorg District Gazette	1st May, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Kanarese	16th June, 1885.
	Telugu } ...	23rd June, 1885.
	Malayalam }	
	Tamil	30th June, 1885.
	Hindustani	17th July, 1885.
Bombay	Gujaráthi	4th June, 1885.
	Maráthi } ..	11th June, 1885.
	Kanarese }	
Bengal	Bengali	28th April, 1885.
	Uriya	21st May, 1885.
	Hindi	9th June, 1885.
Punjab	Urdu	18th and 25th May, and 1st June, 1885.
Central Provinces ...	Maráthi	20th and 27th June, and 4th July, 1885.

20. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended and consolidated with the Act of 1881.

C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.
H. ST.A. GOODRICH.
ROBERT STEEL.

The 5th March, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 27, 1886.

☞ **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 8th March, 1886, and is hereby promulgated for general information:—

ACT NO. VI OF 1886.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

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33. Appointment of Commissioners to examine registers.
34. Duties of Commissioners.
35. Searches of lists prepared by Commissioners and grant of certified copies of entries.

CHAPTER VI.

RULES.

36. Power for Governor General in Council to make rules.
37. Procedure for making and publication of rules.

An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages; XV of 1872. XV of 1865.

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, directs.

(*3*) Any power conferred by this Act to make rules or to issue orders 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.

Local extent.

2. This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

Definitions.

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

"sign" includes mark, when the person making the mark is unable to write his name:

"prescribed" means prescribed by a rule made by the Governor General in Council under this Act: and

"Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exercisable from time to time.

5. All powers conferred by this Act may be exercised from time to time as occasion requires.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry offices and appointment of Registrars General.

6. (*1*) Each Local Government—

(*a*) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (*to provide a form of marriage in certain cases*) or the Indian Christian Marriage Act, 1872, or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay, under the Parsi Marriage and Divorce Act, 1865, as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act; and XV of 1872. XV of 1865.

(*b*) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

(*2*) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

Indexes to be kept at general registry office.

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, or under Act III of 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, as amended by this Act, to be made and kept in his office in the prescribed form. XV of 1872. XV of 1865.

Indexes to be open to inspection.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

The Births, Deaths and Marriages Registration Act, 1886.

(Chapter III.—Registration of Births and Deaths.—Sections 9-17.)

Copies of entries to be admissible in evidence.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorised in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Superintendence of Registrars by Registrar General.

10. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

Persons whose births and deaths are registrable.

11. (*1*) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the following, namely:—

(*a*) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion; X of 1865.

(*b*) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion:

(*2*) But the Local Government, by notification in the official Gazette, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

B.—Registration Establishment.

Power for Local Government to appoint Registrars for its territories.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

Power for Governor General in Council to appoint Registrars for Native States.

13. The Governor General in Council may, by notification in the Gazette of India, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

Registrar to be deemed a public servant.

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power to remove Registrars.

15. (*1*) The Local Government or the Governor General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(*2*) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and, on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

Office and attendance of Registrar.

16. (*1*) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions, for which he is appointed.

(*2*) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Absence of Registrar or vacancy in his office.

17. (*1*) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*2*) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

The Births, Deaths and Marriages Registration Act, 1886.

(Chapter III.—Registration of Births and Deaths.—Sections 18-24.)

(*3*) The Registrar General of Births, Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

Register books to be supplied and preservation of records to be provided for.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

Duty of Registrar to register births and deaths of which notice is given.

19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:

Provided that—

(*a*) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and

(*b*) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely:—

(*a*) the father or mother of the child;

(*b*) any person present at the birth;

(*c*) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;

(*d*) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;

(*e*) any person having charge of the child.

Persons authorized to give notice of death.

21. Any of the following persons may give notice of a death, namely:—

(*a*) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;

(*b*) any person present at the death;

(*c*) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;

(*d*) any person in attendance during the last illness of the deceased;

(*e*) any person who has seen the body of the deceased after death.

Entry of birth or death to be signed by person giving notice.

22. (*1*) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(*2*) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

(*3*) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

Grant of certificate of registration of birth or death.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

24. (*1*) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

The Births, Deaths and Marriages Registration Act, 1886.

(Chapter III.—Registration of Births and Deaths.—Sections 25-32.)

(*2*) The provisions of sub-section (*1*) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the Gazette of India, appoints in this behalf.

Searches and copies of entries in register books.

25. (*1*) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(*2*) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

Exceptional provision for registration of certain births and deaths.

26. Notwithstanding anything in section 19, the Governor General in Council may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

D.—Penalty for False Information.

Penalty for wilfully giving false information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

E.—Correction of Errors.

Correction of entry in register of births or deaths.

28. (*1*) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(*2*) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

Addition of new section after section 13, Act III of 1872.

29. After section 13 of Act III of 1872 (*to provide a form of marriage in certain cases*) the following section shall be inserted, namely:—

"13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals."

Transmission of certified copies of entries in marriage-certificate book to the Registrar General of Births, Deaths and Marriages.

Amendment of the Indian Christian Marriage Act, 1872.

30. In the Indian Christian Marriage Act, 1872, the following amendments shall be made, namely:— XV of 1872.

(*a*) at the end of section 3, the words "'Registrar General of Births, Deaths and Marriages' means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886," shall be added;

(*b*) for the words "Secretary to the Local Government", wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;

(*c*) for the words "at such places as the Local Government directs" in section 62 the words "in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register book was licensed" shall be substituted; and

(*d*) in section 81, after the words "Registrar General of Births, Deaths and Marriages" the words "in England" shall be added.

Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865, the following section shall be inserted, namely:— XV of 1865.

"8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall, at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time, prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals."

Transmission of certified copies of certificates in marriage-register to Registrar General of Births, Deaths and Marriages.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

Permission to persons having custody of certain records to send them within one year to Registrar General.

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of

The Births, Deaths and Marriages Registration Act, 1886.

(Chapter V.—Special Provisions as to certain existing Registers.—Sections 33-37.)

birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (*1*), or of any register or record of marriage of any persons of the classes to which Act III of 1872 or the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within one year from the date on which this Act comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the Gazette of India, directs in this behalf.

XV of 1872.

XV of 1865.

33. (*1*) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

Appointment of Commissioners to examine registers.

(*2*) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

34. (*1*) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32;

Duties of Commissioners.

and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(*2*) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(*3*) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

35. (*1*) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

Searches of lists prepared by Commissioners and grant of certified copies of entries.

(*2*) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

36. In addition to any other power to make rules impliedly or expressly conferred by this Act, the Governor General in Council may make rules—

Power for Governor General in Council to make rules.

(*a*) to fix the fees payable under this Act;

(*b*) to prescribe the forms required for the purposes of this Act;

(*c*) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

(*d*) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them;

(*e*) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate;

(*f*) to prescribe the custody in which those registers or records are to be kept; and

(*g*) generally to carry out the purposes of this Act.

37. (*1*) The Governor General in Council shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

Procedure for making and publication of rules.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under this Act shall be published in the Gazette of India, and the publication in the Gazette of India of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made.

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

The following Report of the Select Committee on the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes, was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From Bábú Behary Lal Chandra, Krishnaghur, dated 28th January, 1885 [Paper No. 1].
From Officiating Registrar, High Court, Calcutta, No. 919, dated 19th March, 1885, and enclosure [Papers No. 2].
From Officiating Secretary to Chief Commissioner, Assam, No. 557, dated 6th April, 1885, and enclosure [Papers No. 3].
From Chief Secretary to Government, Madras, No. 944, dated 9th April, 1885, and enclosures [Papers No. 4].
From Under-Secretary to Government, Bombay, No. 1406, dated 18th April, 1885, and enclosures [Papers No. 5].
From Officiating Secretary to Government, Punjab, No. 409, dated 20th April, 1885, and enclosures [Papers No. 6].
Extract, paragraph XIV, from the Proceedings of the Meerut Association, No. 20, dated 8th March, 1885 [Paper No. 7].
From Officiating Secretary to Chief Commissioner, British Burma, No. 334—11S.S., dated 17th April, 1885, and enclosures [Papers No. 8].
From Under-Secretary to Government, Bombay, No. 1452, dated 23rd April, 1885, and enclosures [Papers No 9].
From Secretary to Chief Commissioner, Coorg, No. 112—13I., dated 21st April, 1885 [Paper No. 10].
From Under-Secretary to Government, Bombay, No. 1575, dated 29th April, 1885, and enclosures [Papers No. 11].
From Chief Commissioner, Ajmer-Merwára, No. 442, dated 29th April, 1885, and enclosure [Papers No. 12].
From Officiating Secretary to Government, Punjab, No. 500, dated 13th May, 1885, and enclosure [Papers No. 13].
From Secretary for Berar to Resident, Hyderabad, No. 171G., dated 16th May, 1885 [Paper No. 14].
From Under-Secretary to Government, Bombay, No. 1829, dated 18th May, 1885, and enclosure [Papers No. 15].
From Secretary to Government, Bengal, No. 514, dated 16th May, 1885, and enclosures [Papers No. 16].
From Secretary to Government, North-Western Provinces and Oudh, No. 629—VII-28-18, dated 10th June, 1885, and enclosures [Papers No. 17].
From Assistant Secretary to Chief Commissioner Central Provinces, No. 2445—118, dated 30th June, 1885 [Paper No. 18].

2. We have, on the advice of a leading member of the Parsi community at Bombay, proposed to extend to the scattered Parsi communities resident beyond the local limits of the ordinary original civil jurisdiction of the High Court at Bombay the same provisions for the more effectual registration of marriages as were proposed by the Bill to be conferred on the classes to whom Act III of 1872 and the Indian Christian Marriage Act, 1872, apply.

3. By section 11, sub-section (2), we propose to enable Local Governments, with the previous sanction of the Governor General in Council, to extend the operation of the chapter respecting the registration of births and deaths to any classes of the community which may be desirous of taking advantage of the provisions of that chapter.

4. By sections 12 and 13 we have proposed to enable Local Governments in British India, and the Governor General in Council in States in India in alliance with Her Majesty, to appoint Registrars of Births and Deaths for classes of persons as well as for local areas. It will thus be practicable to appoint ministers of religion to be Registrars of Births and Deaths for their own congregations only, without imposing on them duties for which they might have neither leisure nor inclination.

5. In section 14 we have provided that every Registrar of Births and Deaths shall be deemed to be a public servant. This provision appears to us to render it unnecessary to retain section 24 of the Bill as introduced.

6. By section 19 we have provided that if a Registrar of Births and Deaths has reason to believe any notice given to him to be in any respect false he may refuse to register the birth or death until he receives an order from the District Court directing him to make the entry and prescribing the manner in which the entry is to be made.

In the same section and in section 22, sub-section (3), we have reproduced the provisions of section 7 of the Statute 37 & 38 Vic., cap. 88.

7. In sections 20 and 21 we have classified, in a modified form, the persons authorised to give notices of births and deaths.

8. We have provided in section 24 that clergymen who may become Registrars of Births and Deaths shall send certified copies of the entries in their registers direct to the Registrar General unless they are required by their ecclesiastical superiors to transmit the copies through them.

9. By section 26 we have proposed to empower the Governor General in Council to make rules authorising Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they have been appointed. Events occurring in the course of journeys or in places for which Registrars of Births and Deaths have not been appointed, may by those rules be made registrable.

10. We have made fine an alternative punishment for the offence made punishable under section 27.

11. To section 36 we have added a clause enabling the Governor General in Council to make rules as to the custody of registers and records sent to the Registrar General under section 32.

12. The other amendments of the Bill are unimportant and do not call for special remark.

13. In regard to the argument which has been urged in some of the papers before us that the existing registers of certain religious bodies are admissible in evidence, we are informed that the legal value of those registers has been questioned by high authority, on the ground that they are not maintained under any special injunction of law, or in the ordinary course of business, within the meaning of the Indian Evidence Act, 1872.

14. As regards the working of the proposed Act we understand that existing machinery will, so far as possible, be utilised, and that expenses will be defrayed from fees payable under the Act.

15. Other objections taken to the Bill are (*a*) that some Registrars may object to the provisions of section 16, sub-section (2), and (*b*) that difficulties may result from the requirement of section 22, sub-section (1), that the person giving notice of a birth or death must sign the entry in the register in the presence of the Registrar. As regards the first of these objections we observe that section 16, sub-section (2), will not apply to all Registrars, but only to those to whom the Local Government applies the sub-section. As regards the second objection the risk of difficulties arising may be diminished, if not removed, by provision being made, in the rules under clause (*c*) of section 36, for an enlargement under certain circumstances of the time within which notices may be given of births and deaths.

16. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazettte of India	17th, 24th and 31st January, 1885.
Fort Saint George Gazette	10th February, 1885.
Bombay Government Gazette	22nd and 29th January, and 5th February, 1885.
Calcutta Gazette	21st and 28th January, and 4th February, 1885.
North-Western Provinces and Oudh Government Gazette	20th and 31st January, and 7th February, 1885.
Punjab Government Gazette	29th January, and 5th and 12th February, 1885.
Central Provinces Gazette	24th and 31st January, and 7th February, 1885.
British Burma Gazette	7th, 14th and 21st February, 1885.
Assam Gazette	7th, 14th and 21st February, 1885.
Coorg District Gazette	2nd March, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Telugu	31st March, 1885.
	Kanarese	8th April, 1885.
	Tamil	5th May, 1885.
	Hindustaní	12th May, 1885.
	Malayalam	2nd June, 1885.
Bombay	Maráthí, Gujaráthí	23rd April, 1885.
	Kanarese	30th May, 1885.
Bengal	Bengalí	3rd, 10th and 17th February, 1885.
	Hindí	17th and 24th February, and 3rd March, 1885.
	Uriya	12th, 19th and 26th February, 1885.
Punjab	Urdu	2nd, 9th and 16th March, 1885.
Central Provinces ...	Maráthí	2nd, 9th and 16th May, 1885.
British Burma ...	Burmese	21st and 28th March, and 4th April, 1885.
Assam	Bengalí	21st February, 1885.

17. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
PEARI MOHAN MUKERJI.
H. ST.A. GOODRICH.
ROBERT STEEL.
W. W. HUNTER.

The 5th February, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 8th March, 1886, and is hereby promulgated for general information:—

No. VII OF 1886.

An Act to amend the Indian Registration Act, 1877.

II of 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Registration Act, 1886; and

(*2*) It shall come into force at once.

III of 1877.

Addition to section 17 of Act III of 1877.

2. After clause (*f*) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

"(*ff*) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or".

Addition to sections 17 and 89, and amendment of section 58, of same Act.

3. (*1*) After clause (*l*) of section 17 of the same Act the following clause shall be added, that is to say:—

XII of 1884.

"(*m*) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act."

(*2*) In section 58 of the same Act, for the words "or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered," or, where the Land Improvement Loans Act, 1883, is in force, for the words "or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered," there shall be substituted the following words, namely:—

XXVI of 1871.

XIX of 1883.

XIX of 1883.

"or a copy sent to a registering officer under section 89".

(*3*) After the second paragraph of section 89 of the same Act the following paragraph shall be added, that is to say:—

"Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1."

XII of 1884.

Further addition to section 17 of same Act.

4. After clause (*m*) of section 17 of the same Act as amended by this Act the following clause shall be added, that is to say:—

"(*n*) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage."

Amendment of section 50 of same Act.

5. In the second paragraph of section 50 of the same Act, "(*ff*)" shall be inserted between "(*f*)" and "(*g*)", and for the word and letter "and (*l*)" the letters and word "(*l*), (*m*) and (*n*)" shall be substituted.

Addition to section 90, and amendment of section 91, of same Act.

6. (*1*) After clause (*d*) of section 90 of the same Act the following clause shall be inserted, that is to say:—

"(*e*) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land".

Bom. Act V of 1879.

(*2*) In section 91, for the word and letter "and (*c*)" the letters and word "(*c*) and (*e*)" shall be substituted.

(*3*) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

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

The following Report of the Select Committee on the Bill to amend the Indian Registration Act, 1877, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Registration Act, 1877, was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, Assam, No. 1223, dated 22nd July, 1885 [Paper No. 1].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 3004—140, dated 8th August, 1885, and enclosure [Papers No. 2].
From Registrar, High Court, Calcutta, No. 2344, dated 13th August, 1885 [Paper No. 3].
From Secretary to Chief Commissioner, Coorg, No. 896—123, dated 13th August, 1885 [Paper No. 4].
From Chief Secretary to Government, Madras, No. 2049, dated 7th August, 1885, and enclosures [Papers No. 5].
From Secretary for Berar to Resident, Hyderabad, No. 6—B.-C., dated 19th August, 1885 [Paper No. 6].
From Secretary to Government, North-Western Provinces and Oudh, No. 848—VII-144-13, dated 1st September, 1885 [Paper No. 7].
From Chief Secretary to Government, Bengal, No. 966 P. D., dated 29th August, 1885, and enclosures [Papers No. 8].
Endorsement by Chief Secretary to Government, Madras, No. 2184, dated 21st August, 1885, and enclosure [Papers No. 9].
From Under-Secretary to Government, Bombay, No. 7268, dated 8th September, 1885 [Paper No. 10].
From Registrar, High Court, Calcutta, No. 2705, dated 18th September, 1885, and enclosure [Papers No. 11].
From Officiating Secretary to Government, Punjab, No. 1430 S., dated 21st September, 1885, and enclosures [Papers No. 12].
From Officiating Secretary to Chief Commissioner, British Burma, No. 131—25 L., dated 8th October, 1885, and enclosure [Papers No. 13].
From Mr. P. V. Krishnaswami Ayer, First Grade Pleader, Trichinopoly, No. 389, dated 29th November, 1885 [Paper No. 14].
Circular from Secretary to Government of India, Legislative Department, Nos. 1581—86, dated 13th October, 1885, with replies [Papers No. 15].
From Chief Secretary to Government, Bengal, No. 273 P., dated 23rd January, 1886, and enclosures [Papers No. 16].

2. The Bill as introduced has been approved by the authorities to whose criticism it was submitted. Some suggestions for the further amendment of the Act have been made; but, as the revision of the law relating to registration is understood to be under the consideration of the Government of India, we have deemed it advisable not to deal with them generally in this Bill. On one suggestion, however, we have deemed it necessary to act at once. It was that the law should declare receipts for payments of mortgage-money to be optionally, and not compulsorily, registrable. In connection with this suggestion we have considered the case reported at I. L. R. 6 All. 335, and the cases there cited, and the replies of Local Governments and High Courts to a letter addressed to them by the Government of India on the subject of those cases. The authorities to whom the letter was addressed are almost unanimously of opinion that, on grounds of convenience, receipts for payment of mortgage-money ought not to be compulsorily registrable. We concur in that opinion, and have added to the Bill a clause (section 4) excepting from the operation of clauses (*b*) and (*c*) of section 17 of the Act (i) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, whether the endorsement does or does not purport to extinguish the mortgage, and (ii) any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage. In so framing the clause we have, as regards endorsements, followed the course recommended by the High Court at Bombay, and, as regards other receipts, the general tenor of the opinions expressed by the authorities whom the Government of India has consulted.

3. The amendments which the Bill renders it necessary to make in section 50 of the Act have been made in a separate clause (section 5).

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	13th, 20th and 27th June, 1885.
Fort Saint George Gazette	30th June, 1885.
Bombay Government Gazette	18th and 25th June, and 2nd July, 1885.
Calcutta Gazette	24th June, and 1st and 8th July, 1885.
North-Western Provinces and Oudh Government Gazette	20th and 27th June, and 4th July, 1885.
Punjab Government Gazette	18th and 25th June, and 2nd July, 1885.
Central Provinces Gazette	20th and 27th June, and 4th July, 1885.
British Burma Gazette	4th, 11th and 18th July, 1885.
Assam Gazette	4th, 11th and 18th July, 1885.
Coorg District Gazette	1st August, 1885.
Sindh Official Gazette	2nd July, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Tamil	31st July, 1885.
	Telugu	Ditto.
	Hindustani	Ditto.
	Kanarese	7th August, 1885.
	Malayalam	Ditto.
Bombay	Maráthi	16th July, 1885.
	Gujaráthi	Ditto.
	Kanarese	Ditto.
	Sindhi	16th July, 1885.

Province.	*Language.*	*Date.*
Bengal	Bengali	14th, 21st and 28th July, 1885.
	Hindi	11th, 18th and 25th August, 1885.
Punjab	Urdu	27th July, and 3rd and 10th August, 1885.
Central Provinces ...	Maráthi	8th, 15th and 22nd August, 1885.
British Burma	Burmese	18th and 25th July, and 1st August, 1885.
Coorg	Kanarese	1st September, 1885.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P ILBERT.
S. C. BAYLEY.
V. N. MANDLIK.
G. H. P. EVANS.
ROBERT STEEL.
W. W. HUNTER.

The 5th February, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 8th March, 1886, and is hereby promulgated for general information :—

ACT NO. VIII OF 1886.

An Act to amend sections 12 and 13 of the Bengal Tenancy Act, 1885.

VIII of 1885. WHEREAS it is expedient to amend sections 12 and 13 of the Bengal Tenancy Act, 1885, in manner hereinafter appearing ; It is hereby enacted as follows :—

1. In section 12, sub-section (*2*), before the word "mortgage" the word "usufructuary" shall be inserted.

2. (*1*) In section 13, sub-section (*1*), before the words "the Court" the words "or when a mortgage of a permanent tenure, other than an usufructuary mortgage thereof, is foreclosed," shall be inserted.

(*2*) In the same sub-section, before the word "require" the words "or making a decree or order absolute for the foreclosure," shall be inserted.

(*3*) In the same sub-section, before the words "to pay into Court" the words "or mortgagee" shall be inserted.

(*4*) In the same sub-section, before the words "on the landlord" the words "or final foreclosure" shall be inserted.

(*5*) In section 13, sub-section (*2*), before the words "the Court" the words "or the decree or order absolute for the foreclosure has been made," shall be inserted.

(*6*) In the same sub-section, before the words "in the prescribed form," the words "or final foreclosure" shall be inserted.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 March, 1886, and is hereby promulgated for general information:—

ACT NO. IX OF 1886.

An Act to apply the Chutia Nagpur Encumbered Estates Act, 1876, to the Deo Estate in the Gaya District.

WHEREAS Rájá Bhikam Narayan Singh Bahadur, of Deo in the district of Gaya, is subject to, and his immoveable property is charged with, debts and liabilities other than debts due, and liabilities incurred, to the Government;

And whereas the said Rájá has requested that the provisions of the Chutia Nagpur Encumbered Estates Act, 1876, be applied to his case;

VI of 1876.

And whereas the persons to whom the debts are due and the liabilities have been incurred have assented to the application of the Chutia Nagpur Encumbered Estates Act, 1876, to the case, on the condition that their title to receive the principal and interest due to them be in no way impaired thereby;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Deo Estate Act, 1886; and

(2) It shall come into force at once.

VI of 1876.

Application of Act VI of 1876 to the Deo Estate.

2. The provisions of the Chutia Nagpur Encumbered Estates Act, 1876, as amended by Act V of 1884, may be applied to the case of the said Rájá Bhikam Narayan Singh Bahadur, subject to the following modifications, namely:—

(1) The expressions "Commissioner", "Deputy Commissioner" and "holder", where used in the said Act, shall be construed as referring to the Commissioner of the Patna division, the Collector of the Gaya district and the said Rájá, respectively.

(2) Notwithstanding anything in section 2 of the said Act, the Commissioner may, without any further application from the said Rájá and without any further notification of the consent of the Lieutenant-Governor of Bengal, publish an order under that section appointing a manager and vesting in him the management of the whole of the immoveable property of or to which the said Rájá is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir during the continuance of the management.

(3) Section 4 of the said Act shall be read as if after the words "and their families" the words "and persons entitled to receive maintenance from the property" were added.

(4) Notwithstanding anything in section 8—

the sums mentioned in column 2 and column 4 of the schedule to this Act, as principal and as balance due from the said Rájá on the thirty-first day of December, 1885, respectively,

and the rate of interest mentioned in column 3 of that schedule,

shall, save in so far as any error with respect thereto may be proved to the satisfaction of the Commissioner, be deemed to be justly due to the several persons mentioned in column 1 of the schedule.

(5) The scheme prepared and approved under section 11 of the said Act shall provide that out of the residue applicable under section 4 of that Act, after discharge of costs of management, to the settlement of debts and liabilities, interest at the rate of six per cent. per annum in respect of so much of the principal sum of six hundred and fifty thousand rupees as is for the time being due to the Maháráját of Darbhangá shall be paid to the Maháráját before any sum is paid thereout to any other creditor.

(6) The second clause of section 12 of the said Act shall be read as if for the words "at any time before a scheme has been approved by him under section 11" the words "at any time before the occurrence of either of the events mentioned in the first and third clauses of this section" were substituted.

(7) The power conferred on the manager by the second clause of section 16 of the said Act, to apply for the removal of a mortgagee or conditional vendee in possession, shall not be exercised.

(8) The exercise of the power of sale conferred by section 18 of the said Act shall be subject to the following conditions, namely :—

(*a*) that one month's notice shall be given to the Mahárájá of Darbhangá of the manager's intention to sell any property of which the said Mahárájá is mortgagee;

(*b*) that until the debt due to the said Mahárájá has been reduced to the sum of six hundred and fifty thousand rupees no portion of the proceeds of the sale of any of that property shall, without the previous consent of the Mahárájá, be paid to any other creditor; and

(*c*) that, except with the previous consent of the said Mahárájá, so much of that property shall be left unsold as will yield a yearly income sufficient, after compliance with the rest of the scheme prepared and approved under section 11 of the said Act, to meet the yearly interest for the time being payable to the Mahárájá.

(9) Section 23 of the said Act shall be read as if for the words "the Courts in Chutia Nagpur" the words "any Court" were substituted, and as if the following words were added to the section, namely :—"and a suit relating to a claim of maintenance from the property shall not be entertained by any such Court without the previous consent of the Commissioner".

3. Nothing contained in this Act shall be construed as affecting the priority of any debt due, or liability incurred, to the Government.

Saving of priority of Crown debts.

SCHEDULE.

(*See section 2, clause (4)*).

Name of Creditor.	Principal.	Annual rate of interest per centum.	Balance due on the 31st December, 1885.
1	2	3	4
	Rs. A. P.		Rs. A. P.
Mahárájá Lachhmeshar Singh Bahadur of Darbhangá.	6,50,000 0 0	6	8,18,141 4 0
Bábú Kameshwar Prasad.	2,89,751 12 2	6	2,85,340 2 7
Ditto . .	21,000 0 0	12	21,000 0 0
Ditto . .	9,000 0 0	12	9,000 0 0
Sayyid Lutf Ali Khan Bahadur.	12,045 4 0	6	13,460 8 8
Nurjahan Begum .	9,405 0 0	6	10,577 10 1
Gosain Dalmirpuri .	5,000 0 0	6	6,535 0 0
Gosain Dalmirpuri and Bhakhi Singh.	5,400 0 0	6	4,850 0 0
Bábú Ramgopal Singh and Bábú Ram Kirpal Singh.	4,000 0 0	12	4,000 0 0
Ditto . .	3,500 0 0	12	3,500 0 0
Ditto . .	14,484 8 9	6	15,377 12 2
Sayyid-un-nissa Bibi .	29,660 0 0	18	53,725 1 0
Bábú Baijnath Singh .	13,503 13 9	12	17,996 1 10
Ditto . .	777 8 5	*Nil*	777 8 5
Shaikh Imáman and Ramdhan Barai.	10,000 0 0	9	10,000 0 0
Bihari Lal Barik .	3,300 0 0	72	6,006 0 0
Ditto . .	1,750 0 0	72	3,094 0 0
Lachhman Dás and Mathura Dás.	4,998 2 6	6	4,215 14 7
Ramkishn Dás . .	1,195 10 0	12	1,267 5 0
Narayan Sahu, Sheo Sahu, Bhichuk Sahu and Sheocharan Sahu.	3,500 0 0	12	3,052 12 0
Madho Singh . .	7,702 0 6	6	7,070 6 11
Raghubar Singh .	3,000 0 0	12	2,824 2 4
Bishn Saran Lal .	389 0 0	12	389 0 0
Maháráni Baliráj Kunwar.	80,000 0 0	4½	80,000 0 0

S. HARVEY JAMES,
Offg. 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 12th March, 1886, and is hereby promulgated for general information :—

ACT No. X OF 1886.

An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and certain other Acts; It is hereby enacted as follows :—

Code of Criminal Procedure, 1882.

1. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years, and any sentence of transportation," shall be substituted.

Amendment of section 31 of the Code of Criminal Procedure.

2. For section 34 of the same Code the following shall be substituted, namely :—

Substitution of new section for section 34.

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge."

Higher powers of certain District Magistrates.

3. After section 55 of the same Code, and after section 56 thereof, the following shall be added, namely :—

Addition to section 55 and section 56.

"This section applies to the police in the towns of Calcutta and Bombay."

4. In sections 88 and 514 of the same Code, after the words "District Magistrate" the words "or Chief Presidency Magistrate" shall be inserted.

Amendment of sections 88 and 514.

5. In section 110 of the same Code, for the words "Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government" the words "or Sub-divisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government" shall be substituted.

Amendment of section 110.

6. In section 162 of the same Code the word "shall" shall be inserted before the words "be used".

Amendment of section 162.

7. In section 173 of the same Code, the following shall be substituted for the second paragraph, namely :—

Amendment of section 173.

"Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation."

8. In section 266 of the same Code, for the word and figures "section 307" the words and figures "sections 276 and 307" shall be substituted.

Amendment of section 266.

9. For the second paragraph of section 269 of the same Code the following shall be substituted, namely :—

Amendment of section 269.

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

10. For section 398 of the same Code the following shall be substituted, namely :—

Substitution of new section for section 398.

"398. (*1*) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Provisions supplemental to sections 35, 396 and 397.

(*2*) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

11. (*1*) For the third paragraph of section 401 of the same Code the following shall be substituted, namely :—

Amendment of section 401.

"If any condition on which a sentence has been suspended or remitted is, in the opinion of

the Governor General in Council or of the Local Government, as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence."

(2) After the third paragraph of the same section the following shall be inserted, namely :—

"The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will."

12. After section 475 of the same Code the following sections shall be inserted, namely :—

New sections to follow section 475.

"475A. The Governor General in Council may direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India.

Power of Governor General in Council to order criminal lunatics confined by order of Local Government to be removed from one province to another.

"475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474."

Power of Local Government to relieve Inspector General of certain functions.

13. (1) For the first sentence of section 495 of the same Code the following shall be substituted, namely :—

Amendment of section 495.

"Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council."

(2) After the last sentence of the same section the following shall be added, namely :—

"An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted."

14. In section 510 of the same Code, for the word "the" before the words "Chemical Examiner" where those words first occur, the word "any" shall be substituted.

Amendment of section 510.

15. After section 541 of the same Code the following shall be inserted, namely :—

New section to follow section 541.

"541A. (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

"(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

"(a) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure; or

"(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure." XIV of 1882.

16. After section 558 of the same Code the following section shall be added, namely :— XIV of 1882.

Addition of new section after section 558.

"559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property."

Officers concerned in sales not to purchase or bid for property.

17. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code the following shall be inserted, namely :— XLV of 1860.

Correction of omission in Schedule II.

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"If offence charged be punishable with imprisonment for seven years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class."

18. In the same Schedule, for section 225A and the line of entries against that section the following shall be substituted, namely :—

Further amendment of Schedule II.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"225A	Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for—						
	(a) in case of intentional omission or sufferance.	Shall not arrest without warrant.	Ditto.	Bailable	Ditto.	Imprisonment of either description for three years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	(b) in case of negligent omission or sufferance.	Ditto.	Summons.	Ditto.	Ditto.	Simple imprisonment for two years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
"225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Ditto.	Ditto.	Imprisonment of either description for six months, or fine, or both.	Ditto."

19. In the part of Schedule III of the same Code entitled "*IV.—Ordinary Powers of a Sub-divisional Magistrate*," the following shall be inserted after the second article, namely :—

Correction of omission in Schedule III.

"(2A) Power to require security for good behaviour, section 110."

Bombay District Police Act, 1867.

20. The last nine words of section 23 of the Bombay District Police Act, 1867, are hereby repealed.

Bom. VII of 1867.

Amendment of Bombay District Police Act.

Indian Penal Code.

21. (1) In the second clause of section 40 of the Indian Penal Code, between the figures "66" and "71" the figures "67" shall be inserted.

XLV of 1860.

Amendment of sections 40 and 64 of the Indian Penal Code.

(2) In the second clause of section 64 of the same Code, after the word "punishable" the words "with imprisonment or fine, or" shall be inserted.

22. In section 75 of the same Code, for the words "or to double the amount of punishment" to the end of the section, the following shall be substituted, namely :—

Amendment of section 75 of the Indian Penal Code.

"or to imprisonment of either description for a term which may extend to ten years."

23. After the first paragraph of section 216 of the same Code the following shall be inserted, namely :—

Addition to section 216 of the Indian Penal Code.

"'Offence' in this section includes also any act or omission of which a person is alleged to have been guilty out of British India which, if he had been guilty of it in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

44 & 45 Vic., cap. 69.

24. (1) For section 225A of the same Code the following sections shall be substituted, namely :—

Substitution of new sections for section 225A of the Indian Penal Code, and repeal of section 651 of the Code of Civil Procedure.

"225A. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for.

"(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

"(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

"225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.

(2) Section 651 of the Code of Civil Procedure is hereby repealed. XIV of 1882.

Prisoners' Act, 1871.

25. For sections 30, 31 and 32 of the Prisoners' Act, 1871, the following shall be substituted, namely :— V of 1871.

Substitution of new sections for sections 30, 31 and 32 of the Prisoners' Act.

"30. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government. X of 1882.

Removal from one jail to another in territories under same Local Government.

"31. (1) Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, that Government, by a warrant setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

Removal of lunatic prisoners.

"(2) When it appears to the Local Government that the prisoner has become of sound mind, that Government, by a warrant directed to the person having charge of the prisoner, shall, if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the territories subject to the same Local Government, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

"(3) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

"(4) In any case in which a Local Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

Removal of prisoners from territories under one Local Government to territories under another.

"32. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment in British India." X of 1882.

S. HARVEY JAMES,
Offg. Secy. to the Government of India.

The following Report of the Select Committee on the Bill to amend the Code of Criminal Procedure, 1882, the Bombay District Police Act, 1867, the Indian Penal Code and the Prisoners' Act, 1871, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Code of Criminal Procedure, 1882, the Bombay District Police Act, 1867, the Indian Penal Code and the Prisoners' Act, 1871, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Mr. P. R. Desai, Pleader, District Court, Satára, dated 27th August, 1885 [Paper No. 1].
From Mr. Nowrojee Ardeser, Pleader, District Court, Broach, dated 31st August, 1885 [Paper No. 2].
From Mr. Sorábshá Dádábhái Munsiffá, No. 383, dated 5th September, 1885 [Paper No. 3].
From Secretary for Berar to Resident, Hyderabad, No. 357G., dated 16th September, 1885 [Paper No. 4].
From Secretary to Chief Commissioner, Coorg, No. 1103—142, dated 19th September, 1885 [Paper No. 5].
From Chief Commissioner, Ajmer-Merwára, No. 1033, dated 22nd September, 1885 [Paper No. 6].
From Officiating Secretary to Chief Commissioner, Assam, No. 1717, dated 21st September, 1885 [Paper No. 7].
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 3684—179, dated 22nd September, 1885 [Paper No. 8].
From Chief Secretary to Government, Madras, No. 2429, dated 14th September, 1885, and enclosures [Papers No. 9].
From Secretary to Government, North-Western Provinces and Oudh, No. 1861—VI-395-21, dated 10th October, 1885, and enclosures [Papers No. 10].
From Chief Secretary to Government, Madras, No. 2647, dated 30th September, 1885, and enclosures [Papers No. 11].
Supplementary Memorandum of Suggestions by Mr P. R. Desai, Pleader, District Court, Satára, dated 24th October, 1885 [Paper No. 12].
From Mr. P. V. Krishnaswami Ayer, First Grade Pleader, Trichinopoly, No. 388, dated 29th November, 1885 [Paper No. 13].
From Officiating Secretary to Chief Commissioner, British Burma, No. 137—30L., dated 8th October, 1885, and enclosure [Papers No. 14].
From Under-Secretary to Government, Bombay, No. 8050, dated 20th November, 1885, and enclosures [Papers No. 15].
Suggestions by Mr. M. Subba Rao, First Grade Pleader, Mangalore, dated 5th December, 1885 [Paper No. 16].
From Officiating Secretary to Government, Punjab, No. 1061, dated 18th December, 1885, and enclosures [Papers No. 17].
From Registrar, High Court, Calcutta, No. 2414, dated 29th December, 1885, and enclosure [Papers No. 18].
From Chief Secretary to Government, Bengal, No. 142J., dated 8th January, 1886, and enclosures [Papers No. 19].
From Registrar, High Court, Calcutta, No. 274, dated 6th February, 1886 [Paper No. 20].

2. The object of the Bill was, as remarked in the Statement of Objects and Reasons, to correct certain minor defects of the criminal law which had been brought to the notice of the Government of India since the passing of the Code of Criminal Procedure, 1882. The papers laid before us contain numerous suggestions for other amendments in the Code. We have given our careful attention to these suggestions, but have come to the conclusion that, subject to a very few exceptions, it would not be expedient to act upon them without giving further notice to the public, and, for this reason, we have abstained from dealing with them in the present Bill. Among the sections to which our attention has been thus directed, and the propriety of amending which should, we think, be considered by the legislature on the next suitable opportunity, are section 107 (with advertence to the cases reported at I. L. R. 6 All. 26 and 11 Cal. 737), section 110 (with respect to habitual protectors or harbourers of thieves and habitual aiders in the concealment or disposal of stolen property), section 145 (with advertence to the case reported at I. L. R. 11 Cal. 413), section 9 or section 193 (with respect to the powers of Additional or Joint Sessions Judges), section 239 (with respect to the meaning of the words "in the same transaction"), section 348 (for applying the procedure of section 349 to habitual offenders forwarded to the Court of Session), and section 437 (for the purpose of reconciling the conflicting rulings as to the meaning of the words "further inquiry").

3. We will now notice in consecutive order such sections of the Bill as appear to us to call for remark.

4. *Sections 1 and 2.*—There are sections of the Indian Penal Code under which transportation for shorter terms than seven years may be awarded, but we are of opinion that any sentence of transportation passed by an Assistant Sessions Judge or District Magistrate should be subject to confirmation by the Sessions Judge.

5. *Section 3.*—We have added this section at the instance of the Government of Bengal. It appears to us that sections 55 and 56 of the Code should apply to the police in the towns of Calcutta and Bombay as they do to the police in the town of Madras and in the rest of British India.

6. *Section 4.*—The Chief Presidency Magistrate of Madras has pointed out that there is the same defect in section 514 as in section 88.

7. *Section 7.*—The practice of submitting final police reports through a superior officer of police depends on circumstances varying from season to season and from province to province and even from district to district, and should, in our opinion, be left to be regulated by the Local Government.

8. *Section 9.*—We have, on the recommendation of the Madras Government and High Court, amended section 269 of the Code so that, where an accused person is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury.

9. *Section 10.*—The object of the amendment made by this section is to secure uniformity of practice with respect to the time when imprisonment in default of payment of fine is to be undergone where there are other substantive sentences of imprisonment to be undergone after the execution of the sentence to which the award of imprisonment in default of payment of fine was annexed.

10. *Section 11.*—There has been some misunderstanding in regard to the proposed amendment of section 401. It was originally proposed to meet a technical difficulty arising out of the case of a prisoner who had become insane after his discharge, and it appears to us that in the case of political offenders it may be useful as enabling the Government to set them at large on the understanding that, if any movement with which they were connected revives, they will, in the interests of the public safety, be re-arrested and detained until either the movement again subsides or they complete their sentences, whichever event may first occur.

11. *Section 12.*—We have, on the recommendation of the Bombay Government, authorised Local Governments to empower officers in charge of jails to discharge certain functions of the Inspector General of Prisons. It is often impossible for the Inspector General punctually to discharge the functions personally.

12. *Section 13.*—Difficulty has been caused by the specification in the Code of the rank of the police-officer who may be permitted to conduct a prosecution. Inspectors are officers of different rank in different parts of the country. We have, therefore, left it to Local Governments to prescribe the rank with the previous sanction of the Governor General in Council, but we have provided that an officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

13. *Section 16.*—A case which has recently occurred in the Bombay Presidency has suggested the introduction into the Code of Criminal Procedure of a section on the lines of section 292 of the Code of Civil Procedure.

14. *Section 17.*—This section in the Bill has been misunderstood. In Schedule II to the Code of Criminal Procedure as it now stands, the punishment for making a false charge of an offence punishable with imprisonment for a term of seven years appears as imprisonment for two years only, whereas the punishment may under the Indian Penal Code be imprisonment extending to seven years.

15. *Section 21.*—The object of this section is to make the provisions of section 67 of the Indian Penal Code applicable to all fines imposed under any law, and to make it clear that section 64 applies to offences punishable with imprisonment *or* fine as well as to offences punishable with both imprisonment *and* fine.

16. *Section 22.*—We agree with the Government of the North-Western Provinces and Oudh, the High Court at Madras and the other authorities who have directed attention to section 75 of the Indian Penal Code, in considering that the alternative penalties prescribed by the section must often be either inadequate or excessive, and that a wider discretion should be given to the Courts. We have provided therefore that on repeated conviction of an offence

punishable under Chapter XII or Chapter XVII of the Indian Penal Code the offender shall be subject to transportation for life or, in the discretion of the Court, to imprisonment for any term not exceeding ten years.

17. *Section 23.*—At present there is no provision of law for the punishment of a person who, knowing that a warrant has been issued by a Magistrate for the apprehension of a foreign subject under the Foreign Jurisdiction and Extradition Act, 1879, harbours that subject. The inconvenience resulting from the absence of such a provision has been pointed out by the Government of the North-Western Provinces and Oudh, and ought in our opinion to be removed.

18. *Section 24.*—We have added a section suggested by the case reported at I. L. R. 12 Cal. 190.

19. *Section 25.*—We have proposed to re-enact in an amended form the whole of the three sections of the Prisoners' Act, 1871, relating to the removal of prisoners, instead of merely patching the existing sections.

20. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	25th July, and 1st and 8th August, 1885.
Fort Saint George Gazette	14th August, 1885.
Bombay Government Gazette	30th July, and 6th and 13th August, 1885.
Calcutta Gazette	5th, 12th and 19th August, 1885.
North-Western Provinces and Oudh Government Gazette...	1st, 8th and 15th August, 1885.
Punjab Government Gazette	30th July, and 6th and 13th August, 1885.
Central Provinces Gazette	1st, 8th and 15th August, 1885.
British Burma Gazette	15th, 22nd and 29th August, 1885.
Assam Gazette	15th, 22nd and 29th August, 1885.
Coorg District Gazette	1st September, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Tamil	23rd October, 1885.
	Telegu	25th September, 1885.
	Hindustani	3rd October, 1885.
Bombay	Marathi...	27th August, 1885.
	Gujarathi	
	Kanarese	
Bengal	Bengali	22nd and 29th September, and 6th October, 1885.
	Hindi	13th, 20th and 27th October, 1885.
	Uriya	15th, 22nd and 29th October, 1885.
North-Western Provinces and Oudh...	Urdu	29th August, and 5th and 12th September, 1885.
Punjab	Urdu	27th August, 1885.
Central Provinces	Hindi	5th, 12th and 19th September, 1885.
	Marathi...	12th, 19th and 26th September, 1885.
British Burma	Burmese	12th, 19th and 26th September, 1885.

21. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
W. W. HUNTER.
G. H. P. EVANS.*
PEÁRI MOHAN MUKERJI.
H. ST.A. GOODRICH.
J. W. QUINTON.
V. N. MANDLIK.

The 5th March, 1886.

* I much doubt the advisability of amending section 107 in the direction suggested.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 12th March, 1886, and is hereby promulgated for general information:—

ACT NO. XI OF 1886.

THE INDIAN TRAMWAYS ACT, 1886.

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2. Local extent.
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7. Contents of order.
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9. Power to authorise joint work by local authorities.
10. Cessation of powers given by an order.

Construction and Maintenance of Tramways.

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13. Agreement between road-authority and promoter as to repair of roadway.

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SECTIONS.

19. Cessation of powers of promoter and lessee on discontinuance of tramway.
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21. Proceedings in case of insolvency of promoter.

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SECTIONS.
42. Promoters, lessees and licensees to be responsible for all injuries.
43. Want of funds not a sufficient reason for default.
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45. Application by local authorities of local funds to tramways.
46. Extension of Act to existing tramways.
47. Prohibition of construction of tramways except under this Act.
48. Transfer of control on exclusion of local area from circle of local authority.
49. Explanation and amendment of section 54 of Railway Act.
50. Powers of Local Government exerciseable from time to time.

An Act to facilitate the construction and to regulate the working of Tramways.

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Indian Tramways Act, 1886; and

(*2*) It shall come into force at once.

Local extent.

2. (*1*) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort Saint George in Council, the Governor of Bombay in Council and the Lieutenant-Governor of Bengal.

(*2*) But the Governor of Fort Saint George in Council, the Governor of Bombay in Council or the Lieutenant-Governor of Bengal may, by notification in the official Gazette, extend this Act to the whole or any part of the territories under his administration.

Definitions.

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

(*1*) "local authority" means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(*2*) "road" means the way of a road, street, thoroughfare, passage or place along or across which a tramway authorised under this Act is, or is intended to be, laid, and includes the surface-soil and sub-soil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road:

(*3*) "road-authority", in relation to a road, means—

(*a*) if a local authority maintains and repairs the road, then that authority;

(*b*) if a local authority does not maintain and repair the road, and the road is neither vested in Her Majesty nor maintained and repaired by the Government, then the person in whom the road is vested; and

(*c*) if a local authority does not maintain and repair the road, and the road is vested in Her Majesty or maintained and repaired by the Government, then the Local Government:

(*4*) "circle", in relation to a local authority or road-authority, means the area within the control of that authority:

(*5*) "tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway:

(*6*) "order" means an order authorising the construction of a tramway under this Act, and includes a further order substituted for, or amending, extending or varying, that order:

(*7*) "promoter" means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act as to the construction, maintenance and use of the tramway, have devolved:

(*8*) "undertaking" includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway:

(*9*) "carriage", in the case of a tramway on which steam-power or any other mechanical power is used, includes an engine worked on the tramway for the purpose of producing that power:

(*10*) "toll" includes any charge leviable in respect of the use of a tramway:

(*11*) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorised tolls:

(*12*) "District Magistrate" includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act:

(*13*) "District Court" means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction:

(*14*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act: and

(*15*) "prescribed" means prescribed by rules made by the Local Government under this Act.

Orders authorising the Construction of Tramways.

Application for and consent necessary to making of order.

4. (*1*) The Local Government may make an order authorising the construction of a tramway in a circle on application made—

(*a*) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority; or

The Indian Tramways Act, 1886.

(Orders authorising the Construction of Tramways.—Sections 5-7.)

(*b*) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority:

Provided that, if any part of the proposed tramway is to traverse land which is not included within the limits of a municipality or of a cantonment, the Local Government shall not make the order without the previous sanction of the Governor General in Council.

(*2*) A local authority shall not make an application for an order, or be deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

Consent of local or road-authority not necessary in certain cases.

5. When it is proposed to lay a tramway in two or more circles, and a local authority or road-authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the Local Government may, nevertheless, make an order authorising the construction of the tramway in the circle, or by the order impose on the promoter any conditions which it deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, it is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

Procedure for making order.

6. (*1*) The Local Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft of a proposed order authorising the construction of the tramway.

(*2*) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Local Government on or before a date to be specified in the notice, be received and considered.

(*3*) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Local Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.

(*4*) Every order authorising the construction of a tramway shall be published in the official Gazette in English, and in the other prescribed language or languages, if any; and that publication shall be conclusive proof that the order has been made as required by this section.

Contents of order.

7. (*1*) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(*2*) The order may also provide, in manner consistent with this Act, for all or any of the following, among other matters, that is to say:—

(*a*) a period before the expiration of which the tramway shall not be commenced, and the conditions subject to which the local authority, when it is not itself the promoter, may, within that period, elect to be substituted in the place of the promoter in respect of the undertaking or of so much thereof as is within its circle; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle;

(*b*) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes;

(*c*) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the re-instating of the roads, and the approval of the method and materials by the Local Government or the road-authority before the commencement of the work;

(*d*) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriageway over the bridge is to form part of the tramway or when the tramway is to cross a railway or another tramway on the level;

(*e*) the space which shall ordinarily intervene between the outside of the carriageway on either side of a road whereon the tramway is to be constructed and the nearest rail of the tramway, and the conditions on which a smaller space may be permitted;

(*f*) the gauge of the tramway; the rails to be used, and the mode in which

The Indian Tramways Act, 1886.

(Orders authorising the Construction of Tramways.—Section 7.)

and the level at which, they shall be laid and maintained; and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the sub-structure upon which they rest, as the Local Government may from time to time require;

(*g*) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter; the maintenance by the promoter to the satisfaction of the Local Government or the road-authority, or both, of that portion of the road or roads; and the liability of the promoter, on the requisition of the Local Government, from time to time to adopt and apply such improvements in the tramway as the Local Government may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads;

(*h*) the application of material excavated by the promoter in the construction or maintenance of the tramway;

(*i*) the provision of such crossings, passing-places, sidings, junctions and other works, in addition to those specified in or authorised by the order, as may from time to time be necessary or convenient to the efficient working of the tramway;

(*j*) the powers which may from time to time be exercised by the Local Government, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway; the notice (if any) to be given of the intended exercise of those powers; the manner in which the powers shall be exercised; and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof;

(*k*) the conditions subject to which the promoter may from time to time interfere with, or alter or require the alteration of the position of, drains (not being sewers or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid;

(*l*) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause;

(*m*) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power may be used;

(*n*) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the Local Government or the local authority, and the liability of the promoter or lessee, on the requisition of the Local Government, from time to time, to adopt and apply such improvements in the carriages, and in the fittings, appliances and apparatus, as the Local Government may consider necessary or desirable for the safety or convenience of the public;

(*o*) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the Local Government; and the regulation of the traffic and of the levy of the tolls;

(*p*) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings and other works as may be necessary for communication between its premises and the tramway;

(*q*) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise; and the conditions subject to which the local authority may be the transferee

(*r*) the performance by the Local Government or by the local authority or road-authority of any work required by the Act or the order to be done by the promoter; and

(*s*) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.

(*3*) The Local Government may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Land Acquisition Act, 1870, in the same manner and on the same conditions as it might be acquired for the purposes of the tramway if a company were the promoter. X of 1870.

(*4*) The order shall imply the condition—

(*a*) in the case of a tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Act provided; and

(*b*) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user

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(Orders authorising the Construction of Tramways.—Construction and Maintenance of Tramways.—Traffic on Tramways.—Sections 8-14.)

and of demanding and taking the authorised tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.

Further order.

8. (*1*) The Local Government may, on the application of the promoter, revoke, amend, extend or vary the order by a further order.

(*2*) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.

(*3*) The Local Government may, in its discretion, either grant or reject the application.

(*4*) If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.

Power to authorise joint work by local authorities.

9. (*1*) Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof.

(*2*) All the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

Cessation of powers given by an order.

10. (*1*) If a promoter authorised by an order to construct a tramway—

(*a*) does not within the time specified in the order substantially commence the construction of the tramway, or

(*b*) having commenced the construction, suspends it without a reason sufficient in the opinion of the Local Government to warrant the suspension, or

(*c*) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue:—

(i) the powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the Local Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed;

(ii) as to so much of the tramway as is then completed, the Local Government may either permit, or refuse to permit, the powers given by the order to continue;

(iii) if the Local Government refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Act relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the Local Government.

(*2*) A notification published by the Local Government in the official Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a tramway had been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

Construction and Maintenance of Tramways.

Mode of formation of tramway.

11. A tramway shall be constructed and maintained in the manner provided by the order.

Inspection of tramway before opening.

12. A tramway, or portion or extension of, or addition to, a tramway, shall not be opened for public traffic until an engineer appointed in this behalf by the Local Government has inspected it and certified it to be fit for such traffic.

Agreement between road-authority and promoter as to repair of roadway.

13. Subject to the provisions of any order for the time being in force with respect to the matters mentioned in section 7, sub-section (*2*), clause (*g*), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway, and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

Traffic on Tramways.

Rights of promoters and the public over tramways.

14. (*1*) The promoter of a tramway shall, subject to the provisions of sub-section (*2*) and to the other provisions of this Act and of the order, have the exclusive use of the tramway for carriages with flange-wheels or other wheels suitable to run on the rail described in the order as the rail to be used on the tramway:

Provided that nothing in this Act or in the order or any rule made under this Act shall affect the right of any person authorised to use a tramway or railway to pass across a tramway constructed under this Act with carriages having wheels suitable to run on the rail thereof.

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(*Traffic on Tramways.—Licenses to use Tramways.—Secs. 15-18.*)

(*2*) The public shall have a right to pass along or across any part of a road along or across which a tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway: Provided—

(*a*) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter; and

(*b*) that the Local Government may by an order authorise the construction of a tramway on any part of a road with rails raised above the surface of the road, if it is satisfied that the convenience of the public will not be injuriously affected thereby.

Tolls leviable by promoter or lessee.

15. (*1*) The promoter or lessee may demand and take, in respect of the tramway, tolls not exceeding the limits specified in or determinable under the order, or, if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the Local Government.

(*2*) A list of all the tolls authorised to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

Carriage of dangerous or offensive goods.

16. (*1*) A person shall not be entitled to carry or to require to be carried, on a tramway constructed under this Act, any goods of a dangerous or offensive nature.

(*2*) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

(*3*) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee with whom he leaves them for the purpose of their being sent by the tramway.

(*4*) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(*5*) Where a servant of the promoter or lessee refuses under sub-section (*4*) to carry a parcel which has been received for the purpose of being carried upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

Licenses to use Tramways.

Grant to third parties of licenses to use tramway in certain events.

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic in a circle, the local authority of the circle represents in writing to the Local Government that the public is deprived of the full benefit of the tramway or of the part thereof, the Local Government may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, grant a license to any person to use the tramway conformably to this Act and to the order and the rules made under this Act, subject to the following provisions, namely:—

(*a*) the license shall be for a period not less than one year or more than three years from the date of the license, but the Local Government may in its discretion renew it;

(*b*) the license shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the Local Government, having regard to the cause for granting the license, thinks fit;

(*c*) the license shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages;

(*d*) the licensee and his officers and servants shall permit one person, duly authorised for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey;

(*e*) any provision of this Act, or of the order or rules made under this Act, relating to the functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee; and

(*f*) the Local Government may revoke, alter or modify the license for any cause sufficient in its opinion to warrant the revocation, alteration or modification thereof.

Licensee to give to promoter or lessee an account of traffic.

18. A licensee shall, on demand, give to an officer or servant authorised in that behalf by the promoter or lessee an exact account in writing, signed by the licensee, of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

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(*Discontinuance of Tramways.—Insolvency of Promoter.—Sections 19-21*) (*Purchase of Tramways.—Section 22.*)

Discontinuance of Tramways.

Cessation of powers of promoter and lessee on discontinuance of tramway.

19. If it is proved to the satisfaction of the Local Government, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued, for the space of three months, without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance, the Local Government, if it thinks fit, may, by notification in the official Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end; and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in manner by this Act provided.

Powers of road-authority on cessation of powers of promoter.

20. (*1*) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in re-instating the road.

(*2*) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in re-instating the road.

(*3*) The cost shall be certified by an officer of the road-authority, and his certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(*4*) If the promoter does not pay the amount so certified within one month after the delivery to him of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in re-instating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the proceeds of the sale, pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and shall pay over the residue (if any) of the proceeds of the sale to the promoter.

Insolvency of Promoter.

Proceedings in case of insolvency of promoter.

21. (*1*) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road-authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the Local Government, the Local Government may, if after considering any statement which the promoter may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, declare, by notification in the official Gazette, that the powers of the promoter shall, at the expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Act provided.

(*2*) Where a notification has been published under sub-section (*1*), the road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

Purchase of Tramways.

Future purchase of undertaking by local authority.

22. (*1*) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the Local Government, may—

(*a*) within such limits of time as may be specified in this behalf in the order, or

(*b*) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(*c*) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21,

by notice in writing, require the promoter to sell to the local authority his undertaking or the part thereof which is within the circle of the local authority; and thereupon the promoter shall sell the same upon the terms specified in the order, or, if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever.

(*2*) A requisition shall not be made under sub-section (*1*) unless the making thereof has been approved by the local authority in manner prescribed.

(*3*) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part

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(*Working of Tramways owned by Local Authorities.—Rules.—Sections 23-24.*)

thereof sold, or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Act.

(*4*) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

Working of Tramways owned by Local Authorities.

Lease of, or working of, tramway by local authority.

23. (*1*) When a local authority has under the authority of an order completed a tramway, or has under the provisions of this Act or of an order acquired possession of a tramway, it may, by a lease to be approved by the Local Government, let to any person the right of user of the tramway and of demanding and taking the authorised tolls.

(*2*) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the Local Government may approve.

(*3*) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the Local Government that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance.

(*4*) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(*5*) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the Local Government and for such term as the Local Government directs, place and run carriages upon the tramway, and demand and take the authorised tolls in respect of the use of the carriages.

Rules.

Power to make rules.

24. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the Local Government may make rules consistent with this Act—

(*a*) as to the form in which an application for an order shall be made;

(*b*) as to the costs to be paid by an applicant in respect of an order, and the time when, and the place where, those costs shall be paid;

(*c*) as to the payment of money or lodgment of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (*4*), or a further order is made under section 8; the investment of money so paid; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter; and the forfeiture, repayment or return of the money or securities;

(*d*) as to the plans and sections of any works to be deposited by applicants for orders or by promoters;

(*e*) for regulating the use of steam-power or any other mechanical power on a tramway;

(*f*) as to any matter specified in section 7, sub-section (*2*), clauses (*c*), (*d*), (*e*), (*j*) and (*k*), as a matter which may be provided for in an order, when that matter has not been so provided for, or has not, in the opinion of the Local Government, been effectually so provided for;

(*g*) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the Local Government or as that Government directs, and as to the forms in which those accounts are to be submitted;

(*h*) as to the accidents of which report is to be made to the Local Government or as that Government directs;

(*i*) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee; and,

(*j*) generally, as to any other matter or thing in respect of which it may seem to the Local Government to be expedient to make rules for carrying out the purposes of this Act.

(*2*) A local authority may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made by the Local Government under this Act for regulating—

(*a*) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority;

(*b*) the use of animal power on the tramway;

(*c*) the distances at which carriages using the tramway are to be allowed to follow one after the other;

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(*Rules.—Sections 25-26.—Offences.—Sections 27-29.*)

(*d*) the stopping of carriages using the tramway, and the notice to be given to the public of their approach;

(*e*) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted;

(*f*) the traffic on roads along or across which the tramway is laid;

(*g*) the number of passengers which may be carried in any carriage;

(*h*) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee; and,

(*i*) generally, the mode of use of the tramway.

(*3*) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made under this Act—

(*a*) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to him; and

(*b*) for regulating the travelling in any carriage belonging to him.

(*4*) The Local Government may cancel any rule made by a local authority or by a promoter or lessee under this section.

Power to impose penalty by rule.

25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees, and

(*b*) if that authority is a local authority or a promoter or lessee, to twenty rupees;

and when the breach is a continuing breach, with a further fine which may extend—

(*c*) if the authority making the rule is the Local Government, to fifty rupees, and

(*d*) if that authority is a local authority or a promoter or lessee, to five rupees,

for every day after the first during which the breach continues.

Procedure for making, and publication of, rules.

26. (*1*) Every authority having power to make rules under any section of this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made, in the case of rules made by the Local Government, in such manner as may in its opinion be sufficient for giving information to persons interested, and, in the case of rules made by a local authority or by a promoter or lessee, in manner prescribed.

(*3*) There shall be published with the draft a notice specifying a date, not earlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.

(*4*) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) The publication in the official Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

Offences.

Penalty for failure of promoter, lessee or licensee to comply with Act or order.

27. If a promoter—

(*a*) constructs or maintains a tramway otherwise than in accordance with the order, or

(*b*) opens the tramway for traffic, or permits it to be so opened, before it has been inspected and certified in manner required by section 12, or

(*c*) fails to observe any requirement or condition of the order for neglect or breach whereof no penalty has been expressly provided in the order,

or if a promoter, lessee or licensee runs a carriage on a tramway otherwise than in accordance with the order,

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the order, or to any other remedy which may be obtained against him in a Court of Civil Judicature), on complaint made by the Local Government or by the local authority or road-authority or by the District Magistrate or, with the previous sanction of the District Magistrate, by any person injuriously affected by the act or omission, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for every day after the first during which the offence continues to be committed.

Penalty for obstructing promoter in exercise of his powers.

28. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing or maintaining a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

29. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely:—

(*a*) interferes with, removes or alters any part of a tramway constructed under

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(Offences.—Sections 30-34—Settlement of Differences.—Sections 3-35.)

this Act, or of the works connected therewith, or

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing, or

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway, or

(*d*) abets within the meaning of the Indian Penal Code the doing of, or attempts to do, anything mentioned in clause (*a*), clause (*b*) or clause (*c*),

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he shall (without prejudice to any other remedy which may be obtained against him in a Court of Civil Judicature) be punished with fine which may extend to one hundred rupees.

30. If any person, except under a lease from, or by agreement with, the promoter, or under license from the Local Government granted under this Act, uses on a tramway, otherwise than as permitted by section 14, a carriage having flange-wheels or other wheels suitable to run on the rail of the tramway, he shall be punished with fine which may extend to two hundred rupees.

Penalty for using tramway with carriage having flange-wheels.

31. (*1*) If any person travelling or having travelled in a carriage of the promoter or lessee or of a licensee evades or attempts to evade payment of toll, or if any person having paid toll for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional toll for the additional distance or attempts to evade payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid toll to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Penalty for evading payment of proper toll.

(*2*) When a person commits an offence under this section and refuses on demand of a servant of the promoter, lessee or licensee to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call to his aid.

(*3*) When the person is taken to the police-station he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

32. If any person takes or sends by a tramway any goods of a dangerous or offensive nature without giving the notice required by section 16, he shall be punished with fine which may extend to fifty rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

33. (*1*) If a licensee fails on demand to give the account mentioned in section 18, or, with intent to evade the payment of tolls, gives a false account when he is called upon to give an account under that section, he shall be punished with fine which may extend to fifty rupees.

Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.

(*2*) The fine shall be in addition to any tolls payable by the licensee to the promoter or lessee in respect of the passengers or goods conveyed by the carriage or carriages used by the licensee on the tramway.

34. Nothing in this Act shall prevent a person from being prosecuted under any other law for an 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.

Saving of prosecutions under other laws.

Settlement of Differences.

35. (*1*) If any difference arises between the promoter or lessee on the one hand and the Local Government, or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the Local Government or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee.

Differences between promoters or lessees and authorities.

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(*2*) Where the difference is—

(*a*) between the promoter or lessee on the one hand and the Local Government, either as such or as the road-authority, on the other, or

(*b*) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

The Indian Tramways Act, 1886.

(Recovery of Tolls.—Sections 36-38—Savings.—Sections 39-41.)

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(*3*) In other cases the referee shall be appointed by the Local Government.

(*4*) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.

(*5*) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court.

(*6*) In the case of every other difference the award of the referee shall be final.

Recovery of Tolls.

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or lessee under an award of a referee, the cost of the performance under this Act by the Local Government or by a local authority or road-authority of any work required by this Act or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and re-instating a road under this Act, may, without prejudice to any other remedy that the authority to which the money is due may have by suit or otherwise, be recovered by that authority, on application made in this behalf to the Collector, as if the sum due were an arrear of land-revenue due by the promoter or lessee or his surety (if any):

Recovery of moneys due from promoters and, in certain cases, from lessees.

Provided that nothing in this section shall authorise the arrest of the promoter or lessee or his surety in execution of any process issued by the Collector.

37. (*1*) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee if possible and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or other moveable property of the licensee which may be found on the tramway or on premises connected therewith.

Recovery of tolls from licensees.

(*2*) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other moveable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(*3*) When application is made to a Magistrate under sub-section (*1*), he may make an interim order of distraint pending his final decision.

38. Any toll due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress and sale of any moveable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

Recovery of tolls from passengers.

Savings.

39. (*1*) Notwithstanding anything contained in this Act, or in an order or any rule made under this Act, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway, nor shall anything contained in this Act, or in an order or any rule made under this Act, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

Promoter to have right of user only.

(*2*) The Local Government may, if it thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

40. (*1*) Nothing in this Act, or in an order or any rule made under this Act, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

Saving of power over roads traversed by tramways.

(*2*) The road-authority, local authority or other person executing any work referred to in sub-section (*1*) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.

41. Nothing in this Act, or in an order or any rule made under this Act, shall affect the powers of a local authority or of a Magistrate or police-officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic

Saving of power of local authority and police to regulate traffic on roads.

The Indian Tramways Act, 1886.

(*Supplemental Provisions.—Sections 42-50.*)

of a promoter, lessee or licensee as to the traffic of other persons.

Supplemental Provisions.

Promoters, lessees and licensees to be responsible for all injuries.

42. A promoter, lessee or licensee shall be answerable for all injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

Want of funds not a sufficient reason for default.

43. For the purposes of this Act want of funds shall not be deemed to be a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway by a promoter or lessee.

Power to exempt from municipal taxation.

44. When a tramway is constructed under this Act within the limits of a municipality, the Local Government may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

Application by local authorities of local funds to tramways.

45. (*1*) The fund to or with the control or management of which the local authority of a municipality, cantonment or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Local Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under this Act.

(*2*) The fund shall also be applicable, with the previous sanction of the Local Government, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (*1*).

Extension of Act to existing tramways.

46. The Local Government may, with the consent of the local authority and road-authority and of the promoter and his lessee (if any), extend any part of this Act, or any rules made under this Act, either with or without modification, to the whole or any part of a tramway constructed, or authorised by the Local Government to be constructed, before the passing of this Act, and may withdraw any part of the Act or any rules so extended.

Prohibition of construction of tramways except under this Act.

47. (*1*) A tramway of which the construction has not been authorised by the Local Government before the passing of this Act shall not, after the passing of this Act, be constructed for public traffic in any place to which this Act extends, except in pursuance of an order made under this Act.

(*2*) A person constructing a tramway in contravention of sub-section (*1*) of this section,

or after the passing of this Act maintaining or using for public traffic, otherwise than in pursuance of an order made under this Act, a tramway which was not constructed, or authorised by the Local Government to be constructed, before the passing of this Act,

shall be liable, on the complaint of the Local Government or local authority, to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

Transfer of control on exclusion of local area from circle of local authority.

48. If at any time a local area comprising a tramway to which this Act or any part thereof or any rule thereunder applies ceases to be included in the circle of a local authority, the functions of that authority under this Act or the part thereof or the rule thereunder, and under the order (if any), shall, in respect of that local area, devolve on the Local Government or, if that Government so directs, on the local authority of the circle in which the tramway has been included.

Explanation and amendment of section 54 of Railway Act.

49. (*1*) In section 54 of the Indian Railway Act, 1879, the word "tramway" shall have the meaning assigned to it by section 3 of this Act. IV of 1879.

(*2*) In the same section of that Act, after the words "by steam" the words "or other mechanical power" shall be added.

Powers of Local Government exerciseable from time to time.

50. All powers conferred by this Act on a Local Government may be exercised from time to time as occasion requires.

S. HARVEY JAMES,

Offg. Secy. to the Govt. of India.

The following Report of the Select Committee on the Bill to facilitate the construction and to regulate the working of Tramways was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to facilitate the construction and to regulate the working of Tramways 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. 1573—466, dated 12th December, 1885 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 582 G., dated 14th December, 1885 [Paper No. 2].
From Chief Commissioner, Ajmer-Merwára, No. 215 C., dated 17th December, 1885 [Paper No. 3].
From Registrar, High Court, Calcutta, No. 3303, dated 23rd December, 1885 [Paper No. 4].
From Secretary to Government, North-Western Provinces and Oudh, No. 1097—XI-176-16, dated 31st December, 1885, and enclosure [Papers No. 5].
From Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 62—214, dated 7th January, 1886 [Paper No. 6].
From Under-Secretary to Government, Bombay, No. 62, dated 9th January, 1886, and enclosures [Papers No. 7].
From Secretary to Chief Commissioner, Assam, No. 6 T., dated 9th January, 1886 [Paper No. 8].
From Acting Chief Secretary to Government, Madras, No. 77, dated 11th January, 1886, and enclosures [Papers No. 9].
Memorandum by J. Kincaid, Esq., M.C.I.E. [Paper No. 10].
From Under-Secretary to Government, Bombay, No. 321, dated 26th January, 1886 [Paper No. 11].
From Officiating Secretary to Government, Punjab, No. 143, dated 6th February, 1886, and enclosures [Papers No. 12].
From Officiating Secretary to Chief Commissioner, British Burma, No. 388—6L., dated 12th February, 1886, and enclosures [Papers No. 13].
From Officiating Under-Secretary to Government, Bengal, No. 805, dated 20th February, 1886, and enclosures [Papers No. 14].

2. The object of the proviso to section 4, sub-section (*1*), of the Bill does not appear to have been understood. In the case of lines extending beyond municipal limits, it is often difficult to say whether the line ought to be treated as a tramway or as a light railway, and the object of the proviso is to give the Government of India an opportunity of determining, with reference to particular cases or classes of cases, to which of the two categories such lines ought to be treated as belonging.

3. By section 5 we have empowered the Local Government to modify conditions sought to be imposed by a local authority with respect to the construction within its circle of part of a tramway which is to be laid in two or more circles.

4. In sections 17 and 21 we have provided for an opportunity being given to the promoter to state his case before the Local Government either grants licenses under the former section or determines the powers of the promoter under the latter section.

5. By clauses (*g*) and (*k*) of sub-section (*1*) of section 24 we have enabled the Local Government to make rules as to the periodical submission of statistics relating to tramways, and as to the accidents of which report is to be made.

6. By clause (*e*) of sub-section (*2*) of the same section we have empowered local authorities to make rules as to the manner in which carriages using the tramway after sunset and before sunrise are to be lighted.

7. By section 27 we have made the previous sanction of the District Magistrate a condition precedent to the institution by a private person of criminal proceedings against a promoter, lessee or licensee for breach of any provision of the Act or of any direction of an order authorizing the construction of a tramway.

8. By section 35 we have provided that, except where the parties to a difference elect to proceed under section 523 of the Code of Civil Procedure, the matter in difference between them shall be settled, on the application of either party, by a referee, and that, where the difference is between the promoter on the one hand and the local authority on the other with respect to the sum to be paid by the local authority for an undertaking which that authority has required the promoter to sell under section 22, the referee shall be the District Court. We have also provided that, in that case, an appeal shall lie to the High Court from the award of the District Court.

9. To section 45 we have added a sub-section supplementary to Act XV of 1885 (*an Act to amend the Local Authorities Loan Act, 1879*).

10. By section 47 of the Bill we have proposed that, in places to which the Act extends, tramways of which the construction has not been authorised before the passing of the Act shall not be constructed, after the passing of the Act, otherwise than in pursuance of an order made under the Act.

11. By section 48 we have made provision for cases in which a local area comprising a tramway is excluded from the circle of one local authority and included in that of another.

12. By section 49 we have proposed so to amend section 54 of the Indian Railway Act, 1879, as to enable the Governor General in Council to apply that Act or any portion thereof to a tramway worked by any mechanical power.

13. The other amendments of the Bill are few and unimportant, and do not call for special notice.

14. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	31st October, and 7th and 14th November, 1885.
Fort Saint George Gazette	18th November, 1885.
Bombay Government Gazette	5th, 12th and 19th November, 1885.
Calcutta Gazette	11th, 18th and 25th November, 1885.
North-Western Provinces and Oudh Government Gazette ...	7th, 14th and 21st November, 1885.
Punjab Government Gazette	5th, 12th and 19th November, 1885.
Central Provinces Gazette	7th, 14th and 21st November, 1885.
British Burma Gazette	21st and 28th November, and 5th December, 1885.
Assam Gazette	21st November, 1885.
Coorg District Gazette	1st December, 1885.
Sindh Official Gazette	10th December, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bombay	Maráthi ... Gujaráthi ... Kanarese ... Sindhi ...	17th December, 1885.
North-Western Provinces and Oudh ...	Urdu ...	23rd and 30th January, and 6th February, 1886.

15. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. P. ILBERT.
S. C. BAYLEY.
T. C. HOPE.
H. ST.A. GOODRICH.
ROBERT STEEL.
V. N. MANDLIK.

The 5th March, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 12th March, 1886, and is hereby promulgated for general information:—

ACT NO. XII OF 1886.

THE PETROLEUM ACT, 1886.

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2. Repeal.
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8. Power for Local Government to make rules as to importation and refining of petroleum.
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20. Model test-apparatus.
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22. Power to Local Government to exempt petroleum from operation of this Act.
23. Power to apply this Act to other fluids.
24. Power to limit operation of enactments relating to municipalities.
25. Power to revoke or vary notifications.
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THE SCHEDULE.

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title, commencement and local extent.

1. (*1*) This Act may be called the Petroleum Act, 1886; and

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, appoints.

(*3*) The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may from time to time, by notification in the official Gazette, direct.

(*4*) Any power conferred by this Act to make rules or issue orders 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. VIII of 1881.

2. (*1*) On and from the day on which this Act comes into force, the Petroleum Act, 1881, shall be repealed:

(*2*) But all notifications issued, rules made, licenses granted, powers conferred and certificates given under that Act shall, so far as may be, be deemed to have been issued, made, granted, conferred and given under this Act.

Definitions.

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

(*1*) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(*2*) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees

The Petroleum Act, 1886.

(*Dangerous Petroleum.—Sections 4-8.*)

of Fahrenheit's thermometer: Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of those samples has its flashing point below seventy degrees of that thermometer:

(3) "import" means to bring into British India by sea or land,

and "importation" means the bringing into British India as aforesaid:

(4) "transport" means to remove from one place to another within British India: and

(5) "ship" includes anything made for the conveyance by water of human beings or property.

Matters supplemental to the definitions.

4. (1) The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing have been made.

(2) Notwithstanding anything in the definitions of "import", "importation" and "transport", the Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the official Gazette, declare—

(a) that petroleum imported into its territories from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(b) that petroleum transported into its territories from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act, and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding forty gallons.

5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

(2) Every application for such a license shall be in writing, and shall declare—

(a) the quantity of the petroleum which it is desired to import, transport or possess, as the case may be;

(b) the purpose for which the applicant believes that the petroleum will be used; and

(c) that petroleum other than dangerous petroleum cannot be used for that purpose.

(3) If the Local Government sees reason to believe that the petroleum will be used for that purpose, and that no petroleum other than dangerous petroleum can be used for the purpose, it may grant the license for the importation, transport or possession (as the case may be) of the petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding forty gallons.

6. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

7. Dangerous petroleum—

(a) which is kept at any place after seven days from the date on which it is imported, or

(b) which is transported, or

(c) which is sold or exposed for sale,

shall be contained in vessels having attached thereto a label in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition—

(d) in the case of a vessel kept, of the name and address of the consignee or owner;

(e) in the case of a vessel transported, of the name and address of the sender; and

(f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

Power for Local Government to make rules as to importation and refining of petroleum.

8. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act to regulate the importation of petroleum, and in particular—

(a) to determine the ports at which only petroleum may be imported;

(b) to ascertain the quantity and description of any petroleum on board any ship;

(c) to determine the places at which, and the conditions on and subject to which petroleum may be discharged into boats, landed, transhipped or stored;

(d) to provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed;

(e) to provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples;

(f) to provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples;

(g) to fix fees for the sampling and testing of petroleum; and

(h) to fix fees for the storage of petroleum unless a body of port commissioners or other like body is empowered in that behalf.

(2) The Local Government, with the previous sanction of the Governor General in Council, may, with respect to any petroleum produced within its territories, make rules—

(a) to define the limits of the places where the petroleum is to be refined;

(b) to provide for the testing of the petroleum at or near those places; and

(c) to prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum which has not satisfied the tests prescribed by the rules.

Procedure after petroleum has been discharged or landed.

9. (1) Petroleum discharged into boats or landed in accordance with rules made under section 8, sub-section (1), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf in the manner described in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act, and until the officer has given a certificate that the petroleum is not dangerous petroleum.

(2) If the officer after testing the samples refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

(a) to rectify the petroleum,

(b) to apply for a license to import the petroleum as dangerous petroleum, or

(c) to re-export the petroleum.

(3) If the consignee does not within the time fixed under sub-section (2) avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government directs.

(4) Notwithstanding anything in the foregoing portions of this section, the Local Government in its discretion may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorise its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

10. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

Power to make rules as to possession and transport.

11. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

(2) The rules may provide for the following among other matters, that is to say:—

in the case of licenses to possess petroleum—

(a) the nature and situation of the premises for which they may be granted, and

(b) the inspection of the premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(c) the manner in which the petroleum is to be packed, the mode and time of transit, and the route by which it is to be taken; and

(d) the stoppage and inspection of it during transit;

in the case of both such licenses—

(e) the authority by which the license may be granted;

(f) the fee to be charged for it;

(g) the quantity of petroleum it is to cover;

(h) the conditions which may be inserted in it;

(i) the time during which it is to continue in force; and

(j) the renewal of the license.

(3) The Governor General in Council may make rules consistent with this Act as to the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases where such licenses are by law required; and those rules may provide, among other matters, for those mentioned in sub-section (2) as matters for which rules made by a Local Government with respect to licenses to transport petroleum may provide.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample or cause it to be tested with the apparatus and in the manner described in the schedule to this Act, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Certificate as to result of testing.

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of the certificate shall be given free of charge to the dealer at his request.

The Petroleum Act, 1886.

(*Petroleum generally.—Sections 9-14.*)

The Petroleum Act, 1886.

(*Test-apparatus.—Sections 18-21.*) & (*Miscellaneous.—Sections 22-26.*)

Penalties.

15. Any person who, in contravention of this Act or of any rules made under this Act, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted under this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal importation, possession or transport of petroleum.

16. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not labelled as prescribed by section 7, shall be punished with fine which may extend to five hundred rupees.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 7.

17. Any dealer in petroleum who refuses or neglects to show to any Officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples, shall be punished with fine which may extend to two hundred rupees.

Penalty for refusing to comply with section 12.

18. In any case in which an offence under section 15 or section 16 has been committed, the convicting Magistrate may direct that—

Confiscation of petroleum.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

19. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Jurisdiction.

Test-apparatus.

20. A model of the apparatus for testing petroleum under this Act, constructed in accordance with the description contained in the schedule to this Act, shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

Model test-apparatus.

21. (*1*) The Chemical Examiner shall, on payment of such fee (if any) as the Governor General in Council may, from time to time, by notification in the Gazette of India, prescribe, compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

Verification of test-apparatus.

(*2*) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (*1*), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number, and with the date of the verification, and shall further give a certificate in writing under his hand, in a form to be prescribed by the Governor General in Council, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(*3*) A certificate granted under this section shall, until the contrary is proved, be conclusive proof of the matters stated therein.

(*4*) The Chemical Examiner shall keep a register, in a form to be prescribed by the Governor General in Council, of the certificates granted under this section.

(*5*) Subject to the payment of such fees as the Governor General in Council may, by notification in the Gazette of India, prescribe in this behalf, the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

22. The Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

Power to Local Government to exempt petroleum from operation of this Act.

23. The Governor General in Council may, from time to time, by notification in the Gazette of India, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 10, the quantities of the fluid to which those sections shall apply.

Power to apply this Act to other fluids.

24. The Governor General in Council may, from time to time, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

Power to limit operation of enactments relating to municipalities.

25. A notification made under this Act may be revoked or varied by the authority making it by a notification published in the same manner as the notification so revoked or varied.

Power to revoke or vary notifications.

26. (*1*) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making and publication of rules.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes.

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(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken in consideration.

(*4*) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect if it is made by the Governor General in Council until it has been published in the Gazette of India, and if it is made by the Local Government until it has been published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts:—

(*1*) the oil-cup;

(*2*) the cover, with slide, test-lamp, and clock-work arrangement for opening and closing the holes in the cover and for dipping the test-flame;

(*3*) the water-bath or heating vessel;

(*4*) the tripod stand, with jacket and spirit-lamp for heating the water-bath;

(*5*) the thermometer for indicating the temperature of the oil in the oil-cup;

(*6*) the thermometer for indicating the temperature of the water in the water-bath;

(*7*) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup;

(*8*) the dropping bottle or *pipette* for replenishing the test-lamp; and

(*9*) a barometer standardised at the Meteorological Office of the province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel, made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air chamber intervenes between the two; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for Testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about 40 fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home,

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cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and when the temperature has reached 56° Fahrenheit the clockwork is set in motion by pressing the trigger.

If no flash takes place the clockwork is at once re-wound, and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit the temperature at which it occurs is to be recorded. The fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, each result is to be corrected for atmospheric pressure, as hereafter described, and the average of the three corrected results is the flashing point of the sample. **In the event of there being a greater difference than 2° Fahrenheit between any two of the results, the series of tests is to be rejected and a fresh series,** of three, similarly obtained, and so on until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

No flash which takes place within eight degrees of the temperature at which the testing is commenced shall be accepted as the true flashing point of the sample tested. In the event of a flash occurring at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° degrees, or is oil to which a notification of the Local Government exempting it from the operation of the Act will be

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(*The Schedule.*)

applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the **flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule, giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.**

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·6 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

Table for correction of Flashing Points indicated by the Test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in Inches.	Flashing Point in Degrees Fahrenheit.														
	27	27·2	27·4	27·6	27·8	28	28·2	28·4	28·6	28·8	29	29·2	29·4	29·6	29·8	30	30·2	30·4	30·6	30·8	31
	60·2	60·5	60·8	61·2	61·5	61·8	62·1	62·4	62·8	63·1	63·4	63·7	64	64·4	64·7	65	65·3	65·6	66	66·3	66·6
	61·2	61·5	61·8	62·2	62·5	62·8	63·1	63·4	63·8	64·1	64·4	64·7	65	65·4	65·7	66	66·3	66·6	67	67·3	67·6
	62·2	62·5	62·8	63·2	63·5	63·8	64·1	64·4	64·8	65·1	65·4	65·7	66	66·4	66·7	67	67·3	67·6	68	68·3	68·6
	63·2	63·5	63·8	64·2	64·5	64·8	65·1	65·4	65·8	66·1	66·4	66·7	67	67·4	67·7	68	68·3	68·6	69	69·3	69·6
	64·2	64·5	64·8	65·2	65·5	65·8	66·1	66·4	66·8	67·1	67·4	67·7	68	68·4	68·7	69	69·3	69·6	70	70·3	70·6
	65·2	65·5	65·8	66·2	66·5	66·8	67·1	67·4	67·8	68·1	68·4	68·7	69	69·4	69·7	70	70·3	70·6	71	71·3	71·6
	66·2	66·5	66·8	67·2	67·5	67·8	68·1	68·4	68·8	69·1	69·4	69·7	70	70·4	70·7	71	71·3	71·6	72	72·3	72·6
	67·2	67·5	67·8	68·2	68·5	68·8	69·1	69·4	69·8	70·1	70·4	70·7	71	71·4	71·7	72	72·3	72·6	73	73·3	73·6
	68·2	68·5	68·8	69·2	69·5	69·8	70·1	70·4	70·8	71·1	71·4	71·7	72	72·4	72·7	73	73·3	73·6	74	74·3	74·6
	69·2	69·5	69·8	70·2	70·5	70·8	71·1	71·4	71·8	72·1	72·4	72·7	73	73·4	73·7	74	74·3	74·6	75	75·3	75·6
	70·2	70·5	70·8	71·2	71·5	71·8	72·1	72·4	72·8	73·1	73·4	73·7	74	74·4	74·7	75	75·3	75·6	76	76·3	76·6
	71·2	71·5	71·8	72·2	72·5	72·8	73·1	73·4	73·8	74·1	74·4	74·7	75	75·4	75·7	76	76·3	76·6	77	77·3	77·6
	72·2	72·5	72·8	73·2	73·5	73·8	74·1	74·4	74·8	75·1	75·4	75·7	76	76·4	76·7	77	77·3	77·6	78	78·3	78·6
	73·2	73·5	73·8	74·2	74·5	74·8	75·1	75·4	75·8	76·1	76·4	76·7	77	77·4	77·7	78	78·3	78·6	79	79·3	79·6
	74·2	74·5	74·8	75·2	75·5	75·8	76·1	76·4	76·8	77·1	77·4	77·7	78	78·4	78·7	79	79·3	79·6	80	80·3	80·6
	75·2	75·5	75·8	76·2	76·5	76·8	77·1	77·4	77·8	78·1	78·4	78·7	79	79·4	79·7	80	80·3	80·6	81	81·3	81·6

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

The following Report of the Select Committee on the Bill to amend the Petroleum Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Petroleum Act, 1881, 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, Assam, No. 599, dated 14th April, 1885 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 176G., dated 18th May, 1885 [Paper No. 2].
From Chief Commissioner, Ajmer-Merwára, No. 644, dated 17th June, 1885 [Paper No. 3].
From Secretary to Chief Commissioner, British Burma, No. 388—2M., dated 16th June, 1885, and enclosures [Papers No. 4].
From Registrar, High Court, Calcutta, No. 1885, dated 23rd June, 1885 [Paper No. 5].
From Chief Secretary to Government, Madras, No. 1606, dated 17th June, 1885, and enclosures [Papers No. 6].
From Secretary to Chief Commissioner, Coorg, No. 543—63, dated 26th June, 1885 [Paper No. 7].
From Secretary to Government, North-Western Provinces and Oudh, No. 1148—VI-190-15, dated 29th June, 1885 [Paper No. 8].
From Officiating Secretary to Government, Punjab, No. 610S., dated 8th July, 1885, and enclosures [Papers No. 9].
From Under-Secretary to Government, Bombay, No. 2501, dated 6th July, 1885, and enclosures [Papers No. 10].
From Her Majesty's Secretary of State for India, No. 65, dated 18th June, 1885, and enclosure [Papers No. 11].
From Officiating Secretary to Government, Bengal, No. 827T.—M., dated 2nd July, 1885, and enclosures [Papers No. 12].
From Assistant Secretary to Chief Commissioner, Central Provinces, No. 2653—83, dated 11th July, 1885 [Paper No. 13].
From Secretary to Government, North-Western Provinces and Oudh, No. 1544—VI-190-22, dated 27th August, 1885, and enclosure [Papers No. 14].

2. On the general question of standards and the definition of dangerous petroleum, we adhere to the scheme laid down in section 3 of the Bill. But Dr. Warden and Mr. Pedler suggest that the lowest standard for lubricating oils (the attainment of which would exempt them from the operation of the Act) should be fixed at 200° instead of 250° as in the present Act. It is, they explain, practically impossible with the Abel apparatus to test up to 250°. They consider the limit of 150°, which is proposed in some of the papers, too low for this country, and believe 200° would meet all reasonable requirements. In this view we concur. We are also of opinion that Local Governments should be empowered to exempt from the operation of the Act and rules oil certified to be over 120° when imported as ordinary cargo and in limited quantities.

3. We consider that section 4 of the Bill should be omitted. Messrs. Warden and Pedler point out that the drawback of the fragility of glass for carriage is frequently more than counterbalanced by its impermeability. It is very difficult in this country to get tin or metal vessels made which shall be thoroughly impervious to highly volatile oil.

4. It is suggested by the Bombay Government and other authorities that it should be made clear that conveyance by sea from one part of British India to another is "transport" and not "import" within the meaning of the Act. We are of opinion that some discretion in the matter should be left to the Local Governments. It would be unsafe, for instance, at present to admit freely to Calcutta oil brought up from Burma. Experience has shown that in Burma refining is not yet thoroughly understood, and the local testing is not at present very trustworthy. The Local Governments in India should have power to treat such oil as foreign oil until its quality generally improves. On the other hand, there is no reason why foreign oil once properly tested should be re-tested on arrival at a second port. We have taken power for the Local Governments of territories, such as Burma and Assam, in which oil is or is likely to be produced, to appoint testing officers at or near refineries, and to prevent the removal from the refineries of oil which does not satisfy the tests otherwise than under the regulations for the control of dangeous petroleum.

5. Turning now to the question of the method of sampling cargoes, we concur with the Bombay Government and other authorities in thinking that it should be open to the Local Government by rule to provide for sampling either before or after landing; to prescribe the number of samples to be taken from a cargo or consignment or any part thereof; to provide, when the first test is unsatisfactory, or when doubt is felt as to the uniformity of quality in the cargo, for the landing and sorting of the cargo in lots, or its delivery into boats, each of a certain capacity; and for the sampling of each lot or boat-load, and its ultimate treatment in accordance with the results of the test in each case.

When a doubtful cargo has to be landed and stacked, substantial fees should be levied, as much additional work is thrown upon Government officers.

6. With reference to the objections taken by some Bombay officers to the provisions of the schedule requiring that the sample tin should be tapped in presence of the testing officer, we observe that Messrs. Warden and Pedler both attach importance to this, as all manipulation and airing of the oil tends to raise its flashing point, and the drawing of oil for testing purposes should in any case be under the control of a responsible officer of the testing department. They consider that in most cases the selection of *one* case from a cargo of oil certified before arrival to be ordinary petroleum is sufficient, if care is taken to get the sample from below, and thus to defeat any attempt at "facing" the cargo. The number of samples taken at Bombay appears to be unduly large, and has given rise to the objection that to convey them to the Chemical Examiner's laboratory would be an arduous task. We have so amended the Schedule, Part II, paragraph 1, as to provide that the testing officer or some person duly authorized by him shall superintend the drawing of the sample.

7. In revising the Bill we have had regard to the practice which obtains in Bombay of allowing delivery into cargo-boats pending the result of testing, and to the suggestion of the Bengal Government that the Local Government should have the power in special cases to order further tests in such manner as it may deem expedient.

8. As regards the suggestion of the Bombay Government that a second standard apparatus should be maintained at Bombay, it appears to us to be highly important to secure uniformity in the tests throughout India. To this end there should be but one absolute and ultimate standard, and this can most conveniently be maintained in Calcutta.

9. We are of opinion that the Chemical Examiner should stamp any apparatus sent to him not only with a special number but also with the date of his verification of the apparatus, and further that he should give a certificate in writing under his hand, in a form to be laid down by the Governor General in Council, to the effect that the apparatus has been compared and verified by him on a given date and been found to be correct, or correct subject to certain specified corrections to be applied to the results of tests.

10. The Chemical Examiner should also keep a register of verifications.

11. Messrs. Warden and Pedler suggest that in the Schedule, Part I, provision be made for "a barometer standardised at the Meteorological Office of the province, or at any other place appointed by the Local Government." We have accepted the suggestion.

12. With respect to the changes in the Schedule, Part III, proposed by Dr. Lyon, Messrs. Warden and Pedler are inclined to hold that Sir F. Abel has in a paper before us sufficiently met Dr. Lyon's difficulty, and they believe that in practice no difficulty is likely to arise of the kind Dr. Lyon puts forward. They have, however, suggested, and we have acted on the suggestion, that all possible objection would be removed if it were provided that no flashing point obtained should be accepted unless it be at least 8° above the temperature at which the testing commenced.

13. Messrs. Warden and Pedler are of opinion that it is unnecessary in the case of ordinary petroleum to continue the tests when no flash has been obtained up to 95° Fahrenheit. It is only in the case of petroleum for which exemption from the Act is claimed that the test need be continued in the manner laid down in the fourth paragraph of the rules for "application of the test". We have modified that paragraph accordingly.

14. In the Schedule, Part III, paragraph 5, we have pointed out that the height of the barometer must be determined at the time of making the test for the flashing point.

15. We are advised not to accept the suggestion made from Burma to adopt Hewmann's apparatus in preference to Abel's.

16. We have had regard to the remarks of the Bombay Government with reference to the repeal of the municipal laws affecting petroleum, and to giving power to Port Trusts to regulate their own fees for the storage of petroleum.

17. Having thus amended the Bill we have deemed it advisable to consolidate it and the Petroleum Act of 1881, and, in doing so, have taken the opportunity (*a*) to enhance the penalty for keeping, transporting, selling or exposing for sale dangerous petroleum in contravention of the Act, and (*b*) to empower the Governor General in Council to make rules as to the transport of petroleum from any part of British India to any other part.

18. The other alterations we have made in consolidating the Bill and the Act are few and unimportant and do not call for notice.

19. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	14th, 21st and 28th March, 1885.
Fort Saint George Gazette	8th April, 1885.
Bombay Government Gazette	26th March, and 2nd and 9th April, 1885.
Calcutta Gazette	1st and 8th April, 1885.
North-Western Provinces and Oudh Government Gazette	28th March, and 4th and 11th April, 1885.
Punjab Government Gazette	9th, 16th and 23rd April, 1885.
Central Provinces Gazette	4th, 11th and 18th April, 1885.
British Burma Gazette	11th, 18th and 25th April, 1885.
Assam Gazette	4th, 11th and 18th April, 1885.
Coorg District Gazette	1st May, 1885.

In the Vernaculars.

Province.	*Language.*	*Date.*
Madras	Kanarese	16th June, 1885.
	Telugu } Malayalam } ...	23rd June, 1885.
	Tamil	30th June, 1885.
	Hindustani	17th July, 1885.
Bombay	Gujaráthi	4th June, 1885.
	Maráthi } Kanarese } ...	11th June, 1885.
Bengal	Bengali	28th April, 1885.
	Uriya	21st May, 1885.
	Hindi	9th June, 1885.
Punjab	Urdu	18th and 25th May, and 1st June, 1885.
Central Provinces ...	Maráthi	20th and 27th June, and 4th July, 1885.

20. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended and consolidated with the Act of 1881.

C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.
H. ST.A. GOODRICH.
ROBERT STEEL

The 5th March, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 19th March, 1886, and is hereby promulgated for general information:—

ACT No. XIII OF 1886.

THE INDIAN SECURITIES ACT, 1886.

CONTENTS.

SECTIONS.
1. Short title and commencement.
2. Repeal.
3. Definitions.
4. Notice of trust not receivable.
5. Right of survivors of joint payees of Government securities.
6. Prohibition of indorsements on allonges to Government securities.
7. Holding of Government securities by holders for the time being of public offices.
8. Transfer and discharge of certificates and coupons.
9. Indorser of Government security not liable for amount thereof.
10. Impression of signature on Government securities.
11. Issue of renewed securities.
12. Issue of duplicate securities.
13. Period after which the Government is released from liability in respect of original security.
14. Power of Governor General in Council to make rules.
15. Publication of drafts and rules.

An Act to consolidate and amend the law relating to Government Securities.

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) The power conferred on the Governor General in Council by section 7, sub-section (*1*), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Indian Securities Act, 1881, and the Indian Securities Act, 1885, shall be repealed. III of 1881. XIX of 1885.

(*2*) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

Definitions.

3. In this Act—

(*1*) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a stock-note or a currency-note: and

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

Notice of trust not receivable.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Right of survivors of joint payees of Government securities.

5. (*1*) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons. IX of 1872.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

6. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

Prohibition of indorsements on allonges to Government securities.

XXVI of 1881.

7. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

Holding of Government securities by holders for the time being of public offices.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(*4*) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(*5*) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

8. (*1*) Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

Transfer and discharge of certificates and coupons.

(*2*) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

9. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

Indorser of Government security not liable for amount thereof.

10. (*1*) The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on the securities.

Impression of signature on Government securities.

(*2*) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

11. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

Issue of renewed securities.

12. (*1*) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

Issue of duplicate securities.

(*a*) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(*b*) the issue of a duplicate security payable to the applicant.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(*3*) A list of the securities in respect of which an order is passed under sub-section (*1*) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

13. When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security of which the renewed or duplicate security has been issued—

Period after which the Government is released from liability in respect of original security.

(*a*) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(*b*) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (*3*), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

14. The Governor General in Council may, from time to time, make rules to prescribe—

Power of Governor General in Council to make rules.

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(*c*) the fees to be paid in respect of applications under sections 11 and 12;

(*d*) the form in which securities delivered for renewal are to be receipted;

(*e*) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;

(*f*) the proof which is to be produced by persons applying for duplicate securities;

(*g*) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;

(*h*) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,

(*i*) generally, all matters connected with the grant of renewed and duplicate securities.

15. (*1*) The Governor General in Council shall, before making rules under section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

Publication of drafts and rules.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the law relating to Government securities was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March, 1886:—

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Government Securities was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report:

Telegram from Chief Commissioner, Coorg, dated 17th February, 1886 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 43G., dated 18th February, 1886 [Paper No. 2].
From Under-Secretary to Chief Commissioner, Central Provinces, No. 549—83, dated 15th February, 1886 [Paper No. 3].
Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 19th February, 1886 [Paper No. 4].
From Officiating Secretary to Government, Bengal, No. 605, dated 19th February, 1886, and enclosures [Paper No. 5].
Telegram from Chief Commissioner, Ajmer-Merwára, No. 326C., dated 21st February, 1886 [Paper No. 6].
From Acting Chief Secretary to Government, Madras, No. 421, dated 17th February, 1886, and enclosures [Paper No. 7].
Telegram from Secretary to Government, Bombay, dated 22nd February, 1886 [Paper No. 8].
From Officiating Secretary to Chief Commissioner, Assam, No. 378, dated 16th February, 1886 [Paper No. 9].
Telegram from Chief Commissioner, British Burma, dated 27th February, 1886 [Paper No. 10].
From Under-Secretary to Government, Bombay, No. 544, dated 1st March, 1886 [Paper No. 11].

2. We have added to the section respecting the holding of Government securities by holders for the time being of public offices two sub-sections, the one removing any doubt which may exist as to the validity of past indorsements in favour of holders for the time being of such offices, and the other declaring the section to apply not only to an office of which there is a single holder but to an office of which there are two or more joint holders.

3. We consider it desirable that the law relating to Government securities should be

consolidated. We have, therefore, proposed to repeal the Indian Securities Acts of 1881 and 1885, and to embody the substance of them and of the Bill in a single enactment.

4. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	6th, 13th and 20th February, 1886.
Fort Saint George Gazette	12th February, 1886.
Bombay Government Gazette	11th February, 1886.
Calcutta Gazette	10th, 17th and 24th February, 1886.
North-Western Provinces and Oudh Government Gazette	13th, 20th and 27th February, 1886.
Punjab Government Gazette	18th and 25th February, and 4th March, 1886.
Central Provinces Gazette	13th, 20th and 27th February, 1886.
British Burma Gazette	6th March, 1886.
Assam Gazette	6th March, 1886.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bengal	Bengali ...	16th February, 1886.
North-Western Provinces and Oudh ...	Urdu ...	13th, 20th and 27th February, 1886.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that the Bill, as amended by us and consolidated with the Acts of 1881 and 1885, be passed.

A. COLVIN.
C. P. ILBERT.
G. H. P. EVANS.
ROBERT STEEL.
V. N. MANDLIK.

The 9th March, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 3, 1886.

☞ **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 March, 1886, and is hereby promulgated for general information :—

ACT NO. XIII OF 1886.

THE INDIAN SECURITIES ACT, 1886.

CONTENTS.

SECTIONS.
1. Short title and commencement.
2. Repeal.
3. Definitions.
4. Notice of trust not receivable.
5. Right of survivors of joint payees of Government securities.
6. Prohibition of indorsements on allonges to Government securities.
7. Holding of Government securities by holders for the time being of public offices.
8. Transfer and discharge of certificates and coupons.
9. Indorser of Government security not liable for amount thereof.
10. Impression of signature on Government securities.
11. Issue of renewed securities.
12. Issue of duplicate securities.
13. Period after which the Government is released from liability in respect of original security.
14. Power of Governor General in Council to make rules.
15. Publication of drafts and rules.

An Act to consolidate and amend the law relating to Government Securities.

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) The power conferred on the Governor General in Council by section 7, sub-section (*1*), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Indian Securities Act, 1881, and the Indian Securities Act, 1885, shall be repealed. III of 1881. XIX of 1885.

(*2*) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

Definitions.

3. In this Act—

(*1*) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a stock-note or a currency-note : and

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

Notice of trust not receivable.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Right of survivors of joint payees of Government securities.

5. (*1*) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons. IX of 1872.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

6. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

Prohibition of indorsements on allonges to Government securities.

XXVI of 1881.

7. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

Holding of Government securities by holders for the time being of public offices.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(*4*) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(*5*) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

8. (*1*) Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

Transfer and discharge of certificates and coupons.

(*2*) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

9. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

Indorser of Government security not liable for amount thereof.

10. (*1*) The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on the securities.

Impression of signature on Government securities.

(*2*) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

11. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

Issue of renewed securities.

12. (*1*) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

Issue of duplicate securities.

(*a*) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(*b*) the issue of a duplicate security payable to the applicant.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(*3*) A list of the securities in respect of which an order is passed under sub-section (*1*) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

13. When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security of which the renewed or duplicate security has been issued—

Period after which the Government is released from liability in respect of original security.

(*a*) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(*b*) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (*3*), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

14. The Governor General in Council may, from time to time, make rules to prescribe—

Power of Governor General in Council to make rules.

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(*c*) the fees to be paid in respect of applications under sections 11 and 12;

(*d*) the form in which securities delivered for renewal are to be receipted;

(*e*) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;

(*f*) the proof which is to be produced by persons applying for duplicate securities;

(*g*) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;

(*h*) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,

(*i*) generally, all matters connected with the grant of renewed and duplicate securities.

15. (*1*) The Governor General in Council shall, before making rules under section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

Publication of drafts and rules.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the law relating to Government securities was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March, 1886:—

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Government Securities was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Telegram from Chief Commissioner, Coorg, dated 17th February, 1886 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 43G., dated 13th February, 1886 [Paper No. 2].
From Under-Secretary to Chief Commissioner, Central Provinces, No. 549—33, dated 15th February, 1886 [Paper No. 3].
Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 19th February, 1886 [Paper No. 4].
From Officiating Secretary to Government, Bengal, No. 605, dated 19th February, 1886, and enclosures [Paper No. 5].
Telegram from Chief Commissioner, Ajmer-Merwára, No. 326C., dated 21st February, 1886 [Paper No. 6].
From Acting Chief Secretary to Government, Madras, No. 421, dated 17th February, 1886, and enclosures [Paper No. 7].
Telegram from Secretary to Government, Bombay, dated 22nd February, 1886 [Paper No. 8].
From Officiating Secretary to Chief Commissioner, Assam, No. 378, dated 16th February, 1886 [Paper No. 9].
Telegram from Chief Commissioner, British Burma, dated 27th February, 1886 [Paper No. 10].
From Under-Secretary to Government, Bombay, No. 544, dated 1st March, 1886 [Paper No. 11].

2. We have added to the section respecting the holding of Government securities by holders for the time being of public offices two sub-sections, the one removing any doubt which may exist as to the validity of past indorsements in favour of holders for the time being of such offices, and the other declaring the section to apply not only to an office of which there is a single holder but to an office of which there are two or more joint holders.

3. We consider it desirable that the law relating to Government securities should be

consolidated. We have, therefore, proposed to repeal the Indian Securities Acts of 1881 and 1885, and to embody the substance of them and of the Bill in a single enactment.

4. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	6th, 13th and 20th February, 1886.
Fort Saint George Gazette	12th February, 1886.
Bombay Government Gazette	11th February, 1886.
Calcutta Gazette	10th, 17th and 24th February, 1886.
North-Western Provinces and Oudh Government Gazette	13th, 20th and 27th February, 1886.
Punjab Government Gazette	18th and 25th February, and 4th March, 1886.
Central Provinces Gazette	13th, 20th and 27th February, 1886.
British Burma Gazette	6th March, 1886.
Assam Gazette	6th March, 1886.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bengal	Bengali ...	16th February, 1886.
North-Western Provinces and Oudh ...	Urdu ...	13th, 20th and 27th February, 1886.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that the Bill, as amended by us and consolidated with the Acts of 1881 and 1885, be passed.

A. COLVIN.
C. P. ILBERT.
G. H. P. EVANS.
ROBERT STEEL.
V. N. MANDLIK.

The 9th March, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 12, 1886.

☞ 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 10th June, 1886, and is hereby promulgated for General information :—

ACT NO. XIV OF 1886.

An Act to amend the North-Western Provinces Rent Act, 1881.

XII of 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows :—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely :—

VII of 1870.

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows :—

"(i) in applications under clause *(e)*, and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses *(l)*, *(n)*, *(o)* and *(p)*, and in appeals from orders passed on applications under clauses *(d)*, *(e)*, *(f)*, *(l)*, *(n)*, *(o)*, *(p)*, *(q)* and *(s)*, according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause *(m)*, and in appeals from orders passed on applications under clauses *(j)*, *(m)* and *(t)*, according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely :—

Power of Board to transfer business.

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. *(1)* The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"*(2)* The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section *(1)* shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"*(3)* The Local Government may by order recall any appeal transferred to a Collector under

sub-section *(1)*, and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Amendment of section 169 of same Act.

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely :—

"The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms 'distress,' 'distrained property' and 'distrainer' included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor."

Addition to section 189 of same Act.

5. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely :—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

Sections 193, 196 and 197 of the same Act in part repealed.

6. In the same Act the last twelve words of section 193, the last twelve words of clause *(a)* of both sections 193 and 196, and the last six words of section 197, are repealed.

Amendment of section 194 of same Act.

7. In section 194 of the same Act the word "other" is repealed; and in clause *(b)* of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely :—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

Amendment of section 198 of same Act.

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Section 199 of same Act amended.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Addition to section 211 of same Act.

11. In section 211, after clause *(d)* the following shall be inserted, namely :—

"*(e)* as to the transfer of appeals to Collectors under section 190B."

Saving of orders passed before Act came into force.

12. Nothing in this Act shall confer a right to appeal from any decision or order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

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

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Rent Act, 1881, was referred, have the honour to report that the Government of the North-Western Provinces and Oudh, while approving the Bill as introduced, has recommended the addition to it of a clause making the provisions of section 80 of the Act of 1881 applicable to sales of moveable property in execution of decrees under that Act.

2. We approve the Bill, and have added to it the clause proposed by the Local Government.

3. The Bill has been published as follows :—

In English.

Gazette.	*Date.*
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

4. The Bill has not in our opinion been so altered as to require re-publication, and we recommend that it be passed as amended by us.

C. P. ILBERT.
S. C. BAYLEY.
A. COLVIN.
W. W. HUNTER.

The 20th May, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 June, 1886, and is hereby promulgated for general information :—

ACT NO. XV OF 1886.

An Act to amend the North-Western Provinces Land-revenue Act, 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows :— XIX of 1873.

New section inserted after section 11.

1. After section 11 the following section shall be inserted, namely :—

"11A. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

Appointment, powers and duties of Additional Commissioner.

"*(2)* An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"*(3)* An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

"*(4)* This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under sub-section *(3)*, as if he were the Commissioner of the Division."

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

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was referred, have the honour to report that the Bill has been accepted by the Government of the North-Western Provinces and Oudh, and is approved by us.

2. The Bill has been published as follows :—

In English.

Gazette.	*Date.*
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

3. We recommend that the Bill be passed without alteration.

C. P. ILBERT.
S. C. BAYLEY.
A. COLVIN.
W. W. HUNTER.

The 20th May, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 19, 1886.

☞ 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 10th June, 1886, and is hereby promulgated for General information :—

ACT NO. XIV OF 1886.

An Act to amend the North-Western Provinces Rent Act, 1881.

XII of 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows :—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely :—

VII of 1870.

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows :—

"(i) in applications under clause *(c)*, and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses *(l)*, *(n)*, *(o)* and *(p)*, and in appeals from orders passed on applications under clauses *(d)*, *(e)*, *(f)*, *(l)*, *(n)*, *(o)*, *(p)*, *(q)* and *(s)*, according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause *(m)*, and in appeals from orders passed on applications under clauses *(j)*, *(m)* and *(t)*, according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely :—

Power of Board to transfer business.

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. *(1)* The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"*(2)* The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section *(1)* shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"*(3)* The Local Government may by order recall any appeal transferred to a Collector under

sub-section *(1)*, and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Amendment of section 169 of same Act.

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely :—

"The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms 'distress,' 'distrained property' and 'distrainer' included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor."

Addition to section 189 of same Act.

5. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely :—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

Sections 193, 196 and 197 of the same Act in part repealed.

6. In the same Act the last twelve words of section 196, the last twelve words of clause *(a)* of both sections 193 and 196, and the last six words of section 197, are repealed.

Amendment of section 194 of same Act.

7. In section 194 of the same Act the word "other" is repealed; and in clause *(b)* of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely :—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

Amendment of section 198 of same Act.

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Section 199 of same Act amended.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Addition to section 211 of same Act.

11. In section 211, after clause *(d)* the following shall be inserted, namely :—

"*(e)* as to the transfer of appeals to Collectors under section 100B."

Saving of orders passed before Act came into force.

12. Nothing in this Act shall confer a right to appeal from any decision or order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

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

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Rent Act, 1881, was referred, have the honour to report that the Government of the North-Western Provinces and Oudh, while approving the Bill as introduced, has recommended the addition to it of a clause making the provisions of section 80 of the Act of 1881 applicable to sales of moveable property in execution of decrees under that Act.

2. We approve the Bill, and have added to it the clause proposed by the Local Government.

3. The Bill has been published as follows :—

In English.

Gazette.	*Date.*
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

4. The Bill has not in our opinion been so altered as to require re-publication, and we recommend that it be passed as amended by us.

C. P. ILBERT.
S. C. BAYLEY.
A. COLVIN.
W. W. HUNTER.

The 20th May, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 June, 1886, and is hereby promulgated for general information :—

ACT NO. XV OF 1886.

An Act to amend the North-Western Provinces Land-revenue Act, 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows :— XIX of 1873.

New section inserted after section 11.

1. After section 11 the following section shall be inserted, namely :—

"11A. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division. Appointment, powers and duties of Additional Commissioner.

"*(2)* An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"*(3)* An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

"*(4)* This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under sub-section *(3)*, as if he were the Commissioner of the Division."

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

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was referred, have the honour to report that the Bill has been accepted by the Government of the North-Western Provinces and Oudh, and is approved by us.

2. The Bill has been published as follows :—

In English.

Gazette.	*Date.*
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

3. We recommend that the Bill be passed without alteration.

C. P. ILBERT.
S. C. BAYLEY.
A. COLVIN.
W. W. HUNTER.

The 20th May, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 26, 1886.

☞ 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 June, 1886, and is hereby promulgated for General information :—

ACT No. XIV OF 1886.

An Act to amend the North-Western Provinces Rent Act, 1881.

XII of 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows :—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely :—

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows :—

"(i) in applications under clause *(c)*, and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses *(l)*, *(n)*, *(o)* and *(p)*, and in appeals from orders passed on applications under clauses *(d)*, *(e)*, *(f)*, *(l)*, *(n)*, *(o)*, *(p)*, *(q)* and *(s)*, according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause *(m)*, and in appeals from orders passed on applications under clauses *(j)*, *(m)* and *(t)*, according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely :—

Power of Board to transfer business.

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. *(1)* The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"*(2)* The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section *(1)* shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"*(3)* The Local Government may by order recall any appeal transferred to a Collector under

sub-section *(1)*, and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Amendment of section 169 of same Act.

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely :—

"The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms 'distress,' 'distrained property' and 'distrainer' included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor."

Addition to section 189 of same Act.

5. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely :—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

Sections 193, 196 and 197 of the same Act in part repealed.

6. In the same Act the last twelve words of section 196, the last twelve words of clause *(a)* of both sections 193 and 196, and the last six words of section 197, are repealed.

Amendment of section 194 of same Act.

7. In section 194 of the same Act the word "other" is repealed; and in clause *(b)* of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely :—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

Amendment of section 198 of same Act.

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Section 199 of same Act amended.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Addition to section 211 of same Act.

11. In section 211, after clause *(d)* the following shall be inserted, namely :—

"*(e)* as to the transfer of appeals to Collectors under section 100B."

Saving of orders passed before Act came into force.

12. Nothing in this Act shall confer a right to appeal from any decision or order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

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

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Rent Act, 1881, was referred, have the honour to report that the Government of the North-Western Provinces and Oudh, while approving the Bill as introduced, has recommended the addition to it of a clause making the provisions of section 80 of the Act of 1881 applicable to sales of moveable property in execution of decrees under that Act.

2. We approve the Bill, and have added to it the clause proposed by the Local Government.

3. The Bill has been published as follows :—

In English.

Gazette.	*Date.*
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

4. The Bill has not in our opinion been so altered as to require re-publication, and we recommend that it be passed as amended by us.

C. P. ILBERT.
S. C. BAYLEY.
A. COLVIN.
W. W. HUNTER.

The 20th May, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 June, 1886, and is hereby promulgated for general information :—

ACT NO. XV OF 1886.

An Act to amend the North-Western Provinces Land-revenue Act, 1873.

XIX of 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows :—

New section inserted after section 11.

1. After section 11 the following section shall be inserted, namely :—

"11A. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

Appointment, powers and duties of Additional Commissioner.

"*(2)* An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"*(3)* An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

"*(4)* This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under sub-section *(3)*, as if he were the Commissioner of the Division."

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

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was referred, have the honour to report that the Bill has been accepted by the Government of the North-Western Provinces and Oudh, and is approved by us.

2. The Bill has been published as follows :—

In English.

Gazette.	*Date.*
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

3. We recommend that the Bill be passed without alteration.

C. P. ILBERT.
S. C. BAYLEY.
A. COLVIN.
W. W. HUNTER.

The 20th May, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 2, 1886.

☞ 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.

LAGISLATIVE 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 19th December 1885 :—

No. 19 OF 1885.

THE PROVINCIAL SMALL CAUSE COURTS BILL, 1885.

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FIRST SCHEDULE.—ENACTMENTS REPEALED.

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The Provincial Small Cause Courts Bill, 1885.

(*Chapter II.—Constitution of Courts of Small Causes.—Sections 1-8.*)

A Bill to consolidate and amend the law relating to Courts of Small Causes established beyond the Presidency-towns.

WHEREAS it is expedient to consolidate and amend the law relating to Courts of Small Causes established beyond the local limits for the time being of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal and at Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Provincial Small Cause Courts Act, 1886.

XIV of 1874.

(*2*) It extends to the whole of British India except the scheduled districts as defined in the Scheduled Districts Act, 1874; and

(*3*) It shall come into force on the first day of July, 1886.

Repeal.

2. (*1*) The enactments specified in the first schedule to this Act are repealed to the extent mentioned therein.

(*2*) But all Courts constituted, limits fixed, appointments, declarations and rules made, jurisdiction and powers conferred, forms prescribed, directions given and notifications published under Act XI of 1865 (*an Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature*) shall, so far as may be, be deemed to have been respectively constituted, fixed, made, conferred, prescribed, given and published under this Act.

(*3*) Any enactment or document referring to the said Act XI of 1865 shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Saving of procedure and jurisdiction in certain cases.

3. Nothing in this Act affects—

[Act XIV, 1882, s. 3.]

(*a*) any proceedings prior to decree in any suit instituted before the day on which this Act comes into force or any proceedings after decree which were commenced before and were pending on that day;

[44 & 45 Vic., c. 58.] [Act XV, 1882, s. 1, and Act XI, 1865, s. 49.]

(*b*) the provisions of the Army Act, 1881, section 151; or

[Act XI, 1865, s. 12. cf. Act IX, 1860.]

(*c*) the jurisdiction of a Cantonment Joint Magistrate invested with civil jurisdiction under Act III of 1859, or of a Magistrate having jurisdiction under any law for the time being in force with respect to debts or other claims of a civil nature, or of Village Munsifs or Village Panchâyats under the provisions of the Madras Code.

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,— [New.] Mad. Regs. IV and V of 1816.

(*1*) "Court of Small Causes" means a Court of Small Causes constituted under this Act:

(*2*) "District Court" means a principal Civil Court of original jurisdiction:

(*3*) "district" means the local limits of the jurisdiction of a District Court:

(*4*) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit: and

(*5*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund.

CHAPTER II.

CONSTITUTION OF COURTS OF SMALL CAUSES.

Establishment of Courts of Small Causes, and local limits of their jurisdiction.

5. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by order in writing, establish a Court of Small Causes at any place within the territories under its administration. [Act XI, 1865, s. 8.]

(*2*) The local limits of the jurisdiction of the Court shall be such as the Local Government may define.

Judge.

6. (*1*) When a Court of Small Causes has been established, the Local Government shall, by order in writing, appoint a Judge of the Court. [Act XI, 1865, s. 12.]

(*2*) The Judge may be the Judge of one Court of Small Causes or of two or more such Courts, as the Local Government directs.

Appointment of times of sitting in certain circumstances.

7. (*1*) A Judge who is the Judge of two or more such Courts may fix the times at which he will sit in each of the Courts of which he is Judge. [Act XI, 1865, s. 14.]

(*2*) Notice of the times shall be published in such manner as the High Court directs.

Additional Judge.

8. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by order in writing, appoint an Additional Judge of a Court of Small Causes. [Act XI, 1865, s. 16, and Act XVII, 1875, s. 24.]

(*2*) The Additional Judge shall discharge such of the functions of the Judge as the Judge directs. [Act VI, 1871, s. 7.]

The Provincial Small Cause Courts Bill, 1885.

(*Chapter II.—Constitution of Courts of Small Causes.—Sections 9-16.*)

[cf. Act XIV, 1882, s. 25.]

(*3*) The Judge may withdraw from the Additional Judge any business pending before him.

[New.]

(*4*) When the Judge is absent, the Additional Judge may discharge all or any of the functions of the Judge.

[Act XI, 1865, ss. 29, 30 & 31.]

Power to require two Judges to sit as a bench.

9. The Local Government may, by order in writing, direct that two Judges of Courts of Small Causes, or a Judge and an Additional Judge of a Court of Small Causes, shall sit together for the trial of such suits cognizable by a Court of Small Causes as may be described in the order.

[Act XI, 1865, ss. 32, 33 and 34.]

Decision in case heard by a bench.

10. (*1*) Where two Judges, or a Judge and an Additional Judge, sitting together under section 9, are of the same opinion as to a decree or order to be made, the decree or order shall follow their opinion.

(*2*) If they differ as to a question of law or usage having the force of law, or in construing a document the construction of which may affect the merits, they shall draw up and refer, for the decision of the High Court, a statement of the facts of the case and of the point on which they differ in opinion, and the provisions of the Code of Civil Procedure applicable to a reference to the High Court shall apply.

XIV of 1882.

(*3*) If they differ on any matter other than a matter specified in sub-section (*2*), the opinion of the Judge who is senior in respect of date of appointment as Judge of a Court of Small Causes, or, if one of them is an Additional Judge, then the opinion of the Judge sitting with him, shall prevail.

[Act XVIII, 1884, s. 5.]

(*4*) For the purposes of sub-section (*3*), a Judge permanently appointed shall be deemed senior to an officiating Judge.

[Act XI, 1865, ss. 35, 36 and 40.]

Registrar.

11. (*1*) The Judge of a Court of Small Causes shall, if the Local Government directs, appoint an officer to be called the Registrar.

(*2*) The appointment shall be subject to the sanction of the Local Government.

(*3*) Where a Registrar is appointed, he shall be the chief ministerial officer of the Court.

(*4*) The Local Government may, by order in writing, confer upon the Registrar, within the local limits of the jurisdiction of the Court, the jurisdiction of a Judge of a Court of Small Causes for the trial of suits of which the value does not exceed twenty rupees.

(*5*) The Registrar shall exercise the jurisdiction subject to the general control of the Judge.

[Act XI, 1865, s. 44.]

Clerk of Court.

12. (*1*) Subject to the sanction of the Local Government, the Judge of a Court of Small Causes may appoint an officer to be called the Clerk of the Court.

(*2*) A Registrar of a Court of Small Causes may also be the Clerk of the Court.

Other ministerial officers.

13. Subject to the sanction of the Local Government, the Judge of a Court of Small Causes may appoint as many other ministerial officers as may be necessary. [Act XI, 1865 s. 3.]

Duties of ministerial officers.

14. (*1*) The ministerial officers of a Court of Small Causes shall, in addition to any duties mentioned in this Act, or in any other enactment for the time being in force, as duties which are or may be imposed on any of them, discharge such duties of a ministerial nature as the Judge directs. [Act XV, 1882, s. 13.]

(*2*) The High Court may make rules consistent with this Act, and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of a Court of Small Causes 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. [Act XVIII, 1884, s. 14, cl. (*f*).]

Suspension and removal of officers.

15. (*1*) A Judge, Additional Judge or Registrar of a Court of Small Causes may be suspended or removed from office by the Local Government. [cf. Act XVIII, 1884, ss. 31, 36 & 37.]

(*2*) The Judge of a Court of Small Causes may suspend the Registrar of his Court if there appears to him to be urgent necessity for so doing, and may suspend or remove from office, or fine in an amount not exceeding one month's salary, any other ministerial officer of his Court who is guilty of misconduct or neglect in the performance of his duties.

(*3*) A fine imposed under sub-section (*2*) may, if the order imposing it so directs, be recovered by deduction of the amount thereof from any salary which may be or become due to the officer fined. [Act XVI, 1885, s. 11, sub-section (4).]

Penalty on Judge or ministerial officer practising or trading.

16. (*1*) A Judge, Additional Judge or ministerial officer appointed under this Act shall not, during his tenure of office, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an advocate, vakíl, attorney, pleader or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession. [Act XV, 1882, s. 15, and Act XI, 1865, s. 17.]

(*2*) If a Judge, Additional Judge or ministerial officer aforesaid practises, acts or is concerned in any trade or profession, in contravention of the provisions of sub-section (*1*), he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

(*3*) Nothing in this section shall be deemed to prohibit a Judge, Additional Judge or ministerial officer from being a member of an incorporated or registered company.

The Provincial Small Cause Courts Bill, 1885.

(Chapter IV.—Practice and Procedure of Courts of Small Causes.—Sections 17-24.)

CHAPTER III.

JURISDICTION OF COURTS OF SMALL CAUSES.

17. (*1*) A Court of Small Causes shall not take cognizance of the suits specified in the second schedule to this Act.

Cognizance of suits by Courts of Small Causes.

[Act XV, 1882, ss. 18 and 19.]

(*2*) Subject to the exceptions specified in the said schedule, all suits of a civil nature of which the value does not exceed five hundred rupees shall be cognizable by a Court of Small Causes.

[Act XI, 1865, s. 7.]

(*3*) Subject to the exceptions aforesaid, the Local Government may, by order in writing, direct that all suits of a civil nature of which the value does not exceed one thousand rupees shall be cognizable by a Court of Small Causes mentioned in the order.

[Act XI, 1865, s. 12. Act XVII, 1879, s. 6.]

18. Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes.

Exclusive jurisdiction of Courts of Small Causes.

CHAPTER IV.

PRACTICE AND PROCEDURE OF COURTS OF SMALL CAUSES.

[Act XIV, 1882, s. 5.] XIV of 1882.

19. The procedure prescribed in the chapters and sections of the Code of Civil Procedure specified in the second schedule annexed to the said Code, as amended by this Act, shall, so far as those chapters and sections are applicable, be the procedure followed in a Court of Small Causes in all suits cognizable by it:

Application of the Code of Civil Procedure.

Provided that—

[Act XI, 1865, s. 32.]

(*a*) where the applicant for a review of judgment was the defendant or one of the defendants, the Court shall not grant his application unless, at the time of presenting the application, he deposits in the Court the amount due from him under the decree or order; and

(*b*) where a person to be arrested or property to be attached under section 648 of the said Code resides or is situate within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or Bombay, or of the Recorder of Rangoon, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be; and that Court, on receipt of the copy and amount, shall proceed as if it were the District Court.

20. Except in a case of set-off, a written statement shall not be received unless required by the Court.

Exclusion of written statements.

[Act XI, 1865, s. 18; and Act XV, 1882, s. 24.]

21. If it appears to a Court of Small Causes that a judgment-debtor under its decree has not, within the local limits of the jurisdiction of the Court, moveable property sufficient to satisfy the decree, it may, on the application of the decreeholder, send the decree for execution to another Court in the manner provided by the Code of Civil Procedure, sections 223 and 224.

Transfer of decrees to other Courts for execution.

[Act XI, 1865, s. 20.]

XIV of 1882.

22. Suits cognizable by the Registrar under section 11, sub-section (*4*), shall be tried by him, and decrees passed therein shall be executed by him, in like manner in all respects as the Judge might try the suits, and execute the decrees, respectively:

Trial of suits by Registrar.

[Act XI, 1865, s. 41.]

Provided that the Judge may transfer to his own file, or to that of the Additional Judge if an Additional Judge has been appointed, any suit or other proceeding pending on the file of the Registrar.

23. (*1*) When the Judge of a Court of Small Causes is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, the Registrar may return or reject a plaint for any reason for which the Judge might return or reject it.

Admission, return and rejection of plaints by Registrar.

[Act XI, 1865, s. 24.]

(*2*) The Judge may, of his own motion or on the application of a party, return or reject a plaint which has been admitted by the Registrar, or admit a plaint which has been returned or rejected by him:

Provided that, where a party applies for the return or rejection or the admission of a plaint under this sub-section, his application shall be made at the first sitting of the Court after the day on which the Registrar admitted, or returned or rejected, the plaint.

24. (*1*) If, before the date appointed for the hearing of a suit, the defendant or his agent duly authorised in that behalf appears before the Registrar and admits the plaintiff's claim, the Registrar may, if the Judge is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, pass against the defendant, upon the admission, a decree, which shall have the same effect as a decree passed by the Judge.

Passing of decrees by Registrar on confession.

[Act XI, 1865, ss. 38 and 43.]

(*2*) Where a decree has been passed by the Registrar under sub-section (*1*), the Judge may grant an application for review of judgment and re-hear the suit, on the same conditions, on the same grounds and in the same manner as if the decree had been passed by himself.

The Provincial Small Cause Courts Bill, 1885.

(Chapter V.—Supplemental Provisions.—Sections 25-34.)

[Act XI, 1865, s. 39.]

25. (*1*) If the Judge is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, the Registrar shall receive applications for the execution of decrees and orders made by the Court of which he is Registrar or sent to that Court for execution, and may, subject to any instructions which he may have received from the Judge or, with respect to decrees or orders made by an Additional Judge, from the Additional Judge, make any orders in respect of the applications which the Judge might make under this Act.

Execution of decrees by Registrar.

(*2*) The Judge, in the case of any decree or order with respect to the execution of which the Registrar has made an order under sub-section (*1*), and the Additional Judge, in the case of any such decree or order made by himself, may, within fifteen days from the date of the order of the Registrar or of the execution of any process issued in pursuance of that order, reverse or modify the order, either of his own motion or on the application of a party.

[Act XVIII, 1868, s. 1.] XV of 1877. [Act XI, 1865, s. 45.]

(*3*) The period of fifteen days mentioned in sub-section (*2*) shall be computed in accordance with the provisions of the Indian Limitation Act, 1877.

26. The Clerk of the Court shall, subject to the orders of the Judge, and of the Registrar if a Registrar has been appointed, receive plaints and applications, issue summonses and notices, and, unless the High Court has ordered otherwise, take charge and keep an account of all moneys and securities for money paid or delivered into or out of Court.

Functions of Clerk of Court.

[Act XI, 1865, s. 21.]

27. Save as in this Act expressly provided, a decree or order made under the foregoing provisions of this Act shall be final.

Finality of decrees and orders.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

28. The Local Government may fix the place or places, within the local limits of the jurisdiction of a Court of Small Causes, at which the jurisdiction shall be exercised.

Place of sitting.

29. A Court of Small Causes shall be subject to the control of the District Court and to the superintendence of the High Court, and shall—

Subordination of Courts of Small Causes.

(*a*) keep such registers, books and accounts as the High Court prescribes; and

(*b*) comply with such requisitions as may be made by the District Court, the High Court or the Local Government for returns and statements in such form and manner as the authority making the requisition directs.

30. A Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Local Government.

Seal.

[Act XI, 1865, s. 4.]

31. The Local Government may, by order in writing, abolish a Court of Small Causes.

Abolition of Courts of Small Causes.

[Act XI, 1865, s. 3.]

32. (*1*) Nothing in this Act shall prevent the Local Government from appointing a person who is a Judge or Additional Judge of a Court of Small Causes to be also a Judge of any other Civil Court subordinate to a District Court, or to be a Magistrate of any class.

Saving of power to appoint Judge of Court of Small Causes to other office.

[Act XI, 1865, s. 51.]

(*2*) When a Judge or Additional Judge is so appointed, the ministerial officers of his Court shall, subject to such rules as the Local Government may make in this behalf, be deemed to be ministerial officers appointed to aid him in the discharge of his duties as the Judge of the other Civil Court or as a Magistrate.

33. (*1*) So much of Chapters III and IV of this Act as relates to the nature of the suits cognizable by Courts of Small Causes, to the exclusion of the jurisdiction of other Courts in those suits, to the powers and procedure of Courts of Small Causes, and to the finality of the decrees and orders of those Courts, applies to Courts invested under any enactment for the time being in force with the jurisdiction of a Court of Small Causes when the Courts are exercising that jurisdiction.

Application of Act to Courts with jurisdiction of Court of Small Causes

[New.]

(*2*) A Court invested with the jurisdiction of a Court of Small Causes, with respect to the exercise of that jurisdiction, and the same Court, with respect to the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, shall, for the purposes of this Act and the Code of Civil Procedure, be deemed to be different Courts.

[New.] XIV of 1882.

34. In the third division of the second schedule to the Indian Limitation Act, 1877,—

Amendment of Indian Limitation Act.

[Act XV, 1882, s. 37.] XV of 1877.

(*a*) before No. 158, the following shall be inserted, namely:—

"157A. For a review of judgment by a Provincial Court of Small Causes, or by a Court invested with the jurisdiction of a Provincial Court of Small Causes when exercising that jurisdiction.	Eight days.	The date of the decree or order."

The Provincial Small Cause Courts Bill, 1885.

(Chapter V.—Supplemental Provisions.—Sections 35-36.—The First Schedule.—Enactments repealed.—The Second Schedule.—Suits excepted from the cognizance of a Court of Small Causes.)

and (*b*) in No. 178, the words, figures and letter "No. 157A and" shall be inserted before the word and figures "No. 162."

[Act XVIII, 1884, s. 65.]

35. All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers exerciseable from time to time.

[Act XVI, 1885, s. 27.]

36. All orders required by this Act to be made in writing by the Local Government shall be published in the official Gazette, but shall take effect from the date on which they are made.

Publication of certain orders.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
Act XI of 1865.	Mufassal Small Cause Courts Act.	So much as has not been repealed.
Act VI of 1871.	Bengal Civil Courts Act.	Section 30.
Act III of 1873.	Madras Civil Courts Act.	Section 29, paragraph one.
Act XIV of 1882.	The Code of Civil Procedure.	(*a*) In the second schedule, in the particulars specified against Chapter XLIX, the words and figures "sections 640 to 647 (both inclusive), sections 649 to 652 (both inclusive)," and (*b*) so much of that schedule as extends to Provincial Courts of Small Causes sections 121 to 136 and such portions of sections 137, 447, 453, 454 and 456 as require applications to be supported by affidavit.

THE SECOND SCHEDULE.

SUITS EXCEPTED FROM THE COGNIZANCE OF A COURT OF SMALL CAUSES.

(1) a suit concerning an act or order purporting to be done or made by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by a Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or concerning an act purporting to be done by any person by order of the Governor General in Council or the Local Government;

(2) a suit concerning an act or order purporting to be done or made by a Court or by a judicial officer acting in the execution of his office, or concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a judicial officer acting as aforesaid;

(3) a suit concerning an act or order purporting to be done or made by any other officer of the Government in his official capacity, or by a local authority or Court of Wards, or by an officer or servant of a local authority or Court of Wards in the execution of his office or in the course of his service; [Act XV, 1877, Sch. II, Art. 14.]

(4) a suit for the possession of immoveable property; [Act XV, 1877, Sch. II, Arts. 3, 10, 46, 47, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, and 148.]

(5) a suit for the partition of immoveable property;

(6) a suit by a mortgagee of immoveable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immoveable property for the redemption of the mortgage; [Act XV, 1877, Sch. II, Arts. 147 and 148.]

(7) a suit for the recovery of, or otherwise concerning, the rent of land used for agricultural purposes, or for the assessment, enhancement, abatement or apportionment of the rent of any immoveable property; [Act XV, 1877, Sch. II, Arts. 110 and 130; Act XI, 1865, s. 6, proviso (4); and I. L. R. 5 Cal. 902.]

(8) a suit concerning the liability of land to be assessed to land-revenue; [Act XV, 1877, Sch. II, Art. 130.]

(9) a suit to restrain waste; [Act XV, 1877, Sch. II, Art. 41.]

(10) a suit for the determination of any other right to or interest in immoveable property; [Act XV, 1877, Sch. II, Arts. 15, 111, 121, 125, 129 and 132.]

(11) a suit for the enforcement of a lien on moveable property, or by a pawnor for the redemption or recovery of a pledge; [Act XV, 1877, Sch. II, Art. 145.]

(12) a suit for the specific performance or rescission of a contract; [Act I, 1877, Chaps. II and IV; and Act XV, 1877, Sch. II, Arts. 113 and 114.]

(13) a suit for the rectification or cancellation of an instrument; [Act I, 1877, Chaps. III and V; and Act XV, 1877, Sch. II, Art. 91.]

(14) a suit to obtain an injunction; [Act I, 1877, Chap. X.]

(15) a suit to enforce a trust;

(16) a suit for a declaratory decree; [Act XV, 1877, Sch. II, Arts. 118, 119, 120 and 121.]

(17) a suit to set aside a sale under a decree or order of a Court or of a revenue-authority, or a sale by a guardian; [Act XV, 1877, Sch. II, Arts. 12 and 44.]

The Provincial Small Cause Courts Bill, 1885.

(Second Schedule.—Suits excepted from the cognizance of a Court of Small Causes.)

(18) a suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial or quasi-judicial capacity; [Act XV, 1877, Sch. II, Arts. 13 and 95.]

(19) a suit to contest an award of a revenue-authority under any enactment for the time being in force; [Act XV, 1877, Sch. II, Arts. 1 and 4.]

(20) a suit by a person against whom an order is passed under section 280, section 281 or section 282 of the Code of Civil Procedure, to establish his right to, or to the present possession of, the property comprised in the order; [Act XV, 1877, Sch. II, Art. 11.] XIV of 1882.

(21) a suit under the Indian Succession Act, 1865, section 320 or section 321, or under the Probate and Administration Act, 1881, section 139 or section 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets; [Act XV, 1877, Sch. II, Art. 48.] X of 1865. of 1881.

(22) a suit for a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate; [Act XV, 1877, Sch. II, Art. 123; and Act XI, 1865, s. 6, proviso (2).]

(23) a suit for the possession of an hereditary office; [Act XV, 1877, Sch. II, Art. 124.]

(24) a suit— [Act XV, 1877, Sch. II, Art. 106; and Act XI, 1865, s. 6, proviso (1).]

(*a*) for a dissolution of partnership;

(*b*) for an account of partnership-transactions; or

(*c*) for a balance of partnership-account unless the balance has been struck by the parties or their agents;

(25) a suit for an account of property and its due administration under the decree of a Civil Court; [Act XV, 1877, Sch. II, Art. 93.]

(26) any other suit for an account; [Act W. R.]

(27) a suit for a general average loss or for salvage;

(28) a suit for compensation in respect of a collision on the high seas; [Act XV, 1877, Sch. II, Arts. 86 and]

(29) a suit on a policy of insurance;

(30) a suit for compensation— [Act XV, 1877, Sch. II, Arts. 19, 20, 21, 22, 26, 27, 36, 42 and and Act XI, 1865, s. 6, proviso (3).]

(*a*) for false imprisonment

(*b*) for malicious prosecution;

(*c*) for libel;

(*d*) for slander;

(*e*) for adultery or seduction;

(*f*) for breach of promise of marriage;

(*g*) for inducing a person to break a contract made with the plaintiff;

(*h*) for illegal, irregular or excessive distress; or

(*i*) for injury caused by an injunction wrongfully obtained;

(31) a suit for the restitution of conjugal rights, for the recovery of a wife, or for a divorce; [Act XV, 1877, Sch. II, Arts. 34 and 35.]

(32) a suit for maintenance; [Act XV, 1877, Sch. II, Art. 128.]

(33) a suit to enforce payment of the allowance or fees respectively called *málikána* and *hakk*, or of cesses or other dues when the cesses or dues are payable to a person by reason of his interest in immoveable property; [Act XV, 1877, Sch. II, Art. 132.]

(34) a suit for arrears of land-revenue, village-expenses or other sums payable to the representative of a village-community or to his heir or transferee;

(35) a suit for profits payable by the representative of a village-community or by his heir or transferee after payment of land-revenue, village-expenses and other sums;

(36) a suit for contribution by a sharer in a joint estate in respect of a payment made by him of money due from a co-sharer, or by the manager of a joint estate of an undivided family in respect of a payment made by him on account of the estate; [Act XV, 1877, Sch. II, Arts. 99 and 107.]

(37) a suit against the Government to recover money paid under protest in satisfaction of a claim made by a revenue-authority on account of an arrear of land-revenue or of a demand recoverable as an arrear of land-revenue; [Act XV, 1877, Sch. II, Art. 16.]

(38) a suit the cognizance whereof by a Court of Small Causes is barred by any enactment for the time being in force.

STATEMENT OF OBJECTS AND REASONS.

THE suits cognizable in Courts of Small Causes are, subject to certain provisoes, described in section 6, Act XI of 1865, as "claims for money due on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of five hundred rupees whether on balance of account or otherwise": and section 586 of the Code of Civil Procedure provides that "no second appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees." Since section 6 of the Act of 1865 was enacted, a vast quantity of case-law has grown up around it, and, as the rulings of the Courts have not been uniform, doubts constantly arise on the question whether a suit is or is not a suit of the nature cognizable by a Court of Small Causes, and, consequently, whether or not, where the suit is of value not exceeding five hundred rupees and the original decree made in it was not final but was open to appeal, an appeal will also lie from the appellate decree in the suit. It appears to the Government of India that the conflicting constructions placed on section 6, of which some are due to the progress of legislation during the last twenty years (I. L. R. 3 All. 66), render a more accurate definition necessary of the suits of which Courts of Small Causes may take cognizance, and that legislation to this end should follow sections 18 and 19 of the Presidency Small Cause Courts Act, 1882, in declaring the jurisdiction of those Courts to extend to all suits of a civil nature, subject to specified exceptions. This Bill has accordingly been prepared, its primary object being to remove the doubts now felt as to the effect of section 6, Act XI of 1865; and, as several sections and parts of sections of that Act have, from time to time, been repealed and other sections are obsolete as regards both expression and utility, it has been considered desirable to repeal the Act and re-enact the substance of the extant portions of it.

2. The parts of the Bill which appear to call for remark will be noticed in the following paragraphs.

3. *Section 3.*—The limited extent of the savings in this section, as compared with section 12 of the Act of 1865, is due to the Government of India having decided to move the legislature to repeal Act XI of 1841, and connected Acts, regarding Military Courts of Requests for Native Officers and Soldiers, and so much of Bombay Regulation XXII of 1827 as relates to the trial of small suits by superintendents of bázárs in military stations in the presidency of Bombay.

4. *Section 8.*—Inconvenience has resulted from the restrictive terms in which section 15 of the Act of 1865 was drawn. It is proposed, therefore, to empower Local Governments to appoint Additional Judges without limit of time.

5. *Section 9.*—Sections 29 and 30, Act XI of 1865, appear to be little, if at all, used. It seems unnecessary, therefore, to retain them. If it is deemed desirable that two Judges should anywhere sit together as a bench for the trial of particular suits or classes of suits, a bench can be constituted under section 9 of the Bill, corresponding with section 31 of the Act of 1865.

6. *Section 17.*—This section declares the jurisdiction of a Court of Small Causes to extend to all suits, subject to certain exceptions specified in the second schedule to the Bill.

7. *Second Schedule.*—This schedule follows, with slight modifications section 19 of the Presidency Small Cause Courts Act, 1882, so far as that section goes.

8. As regards No. (11) of the suits specified in the schedule, it has been held that suits for the redemption of a mortgage of moveable property (16 W. R. 58) or for the sale of moveable property by enforcement of lien (9 W. R. 136) do not now, and (I. L. R. 7 All. 855) ought not to, lie in a Court of Small Causes.

9. The suits referred to in No. (20) are of two descriptions—

(*a*) by a decree-holder to have the right of his judgment-debtor declared to property of which the attachment has been raised; and

(*b*) by the owner of attached property, after disallowance of his objection to the attachment, either against the decree-holder or an auction-purchaser, to recover the property.

Suits of description (*a*), being suits for declaratory decrees, appear to have been held by most, if not all, High Courts not to be cognizable by a Court of Small Causes (10 W. R. 141; I. L. R. 4 Bom. 503; 3 All. H. C. Rep. 156: Punjab Record, No. 84 of 1870). As to suits of description (*b*), there is a conflict of authority (I. L. R. 7 All. 152; and cases there cited). It would seem, apart from section 6 of Act XI of 1865, that if suits of the one description ought not to be cognizable by Courts of Small Causes, the jurisdiction of those Courts ought to be barred in respect of suits of the other description also.

10. The suits referred to in No. (30) are of superior importance, and there should be a right of appeal from decrees passed in them. The rulings at I. L. R. 3 All. 747, and in the cases there cited, were made solely with reference to the language of section 6 of the Act of 1865. Most of these suits have been excluded from the jurisdiction of Presidency Small Cause Courts.

11. As regards the suits which No. (32) is intended to exclude from the jurisdiction of Courts of Small Causes, Westropp, C. J., has observed that "the very possible necessity of varying the maintenance from time to time, and of enquiring into the circumstances of the claimant, or of the family estate, or the family itself, shows how unsuitable maintenance suits are for the Small Cause Courts" (I. L. R. 2 Bom. 630). Arrears of maintenance are usually claimed on one of four grounds—

(*a*) the legal right of the plaintiff to maintenance;
(*b*) a decree of Court;
(*c*) an award of arbitrators fixing the maintenance; or
(*d*) a special bond or other contract for the payment of maintenance.

Suits on ground (*a*) involve intricate questions of title, and those on grounds (*b*) and (*c*) have been held not to be cognizable by a Court of Small Causes (6 All. H. C. Rep. 91, and cases there cited; 3 All. H. C. Rep. 117 and 7 All. H. C. Rep. 329). Suits on ground (*d*) are at present cognizable by a Court of Small Causes. But, seeing that even in those suits questions may be raised as to re-adjustment of maintenance (5 C. L. R. 18), and possibly as to forfeiture (I. L. R. 7 Bom. 84), it seems desirable that suits for maintenance generally, including suits of the kind referred to at I. L. R. 7 Bom. 537, should be excluded from the jurisdiction of Courts of Small Causes.

12. As regards No. (33), reference may be made to 1 All. H. C. Rep. 205, and I. L. R. 1 All. 444, 2 All. 905, and 9 Cal. 183. Moreover, in suits which No. (33) is intended to cover, claims may be, and often are, included which ought not to be cognizable by a Court of Small Causes.

13. As regards Nos. (34) and (35), reference may be made to the case reported at I. L. R. 5 All. 438. It seems proper that such a suit as is there described, involving, as it may, intricate village-accounts and important questions of right, should not be cognizable by a Court of Small Causes. Moreover, the decree in the suit should be open to appeal, as ordinarily the decree of a Revenue Court would be in a suit by a recorded co-sharer against a lambardár.

14. There appears to be no sufficient reason for excluding any suits for contribution from the jurisdiction of Courts of Small Causes, except the suits referred to in Nos. (36) and (38). As to the cognizance of suits for contribution generally under the Act of 1865, there has been some conflict of authority, the High Court at Fort William holding them not to be cognizable by Courts of Small Causes (B. L. R., F. B., 675, and I. L. R. 10 Cal. 388), and the High Courts at Madras and Allahabad holding them to be cognizable by those Courts (5 [illegible] H. C. Rep. 200; and I. L. R. 3 All. 66).

[illegible] think that, apart from section 6 of Act XI of 1865, [illegible] be no sufficient ground for excluding from the cognizance of a Court of Small Causes [illegible] suit [illegible] reported at I. L. R. 7 All. 978.

15. No. (38) will exclude the following among other suits:—

(*a*) suits for compensation for infringing copyright (I. L. R. 6 Cal. 499);
(*b*) suits for compensation for infringing the exclusive privilege of an inventor (Act XV, 1859, section 22);
(*c*) suits against Sovereign Princes or Ruling Chiefs, or Ambassadors or Envoys of Foreign States (Act XIV, 1882, section 433);
(*d*) suits for dissolution of marriage or judicial separation (Act IV, 1869); and
(*e*) suits founded on the liability of a contributory (Act VI, 1882, section 125).

16. *Sections 19 and 34.*—As to the second proviso to section 21 of the Act of 1865, reference may be made to I. L. R. 6 Cal. 236 and 8 Cal. 287. As the law now stands, a person wishing to have a decree set aside may apply for (*a*) a new trial under section 21, Act XI of 1865, or (*b*) a review under Chapter XLVII of the Code, or (*c*) both a new trial and a review. "It is difficult," as observed by the learned Chief Justice of the High Court at Fort William, "to conceive any reasons which would justify a new trial which would not also afford good grounds for a review" (I. L. R. 6 Cal. 238). It is proposed, therefore, to replace the alternative or cumulative remedies of new trial and review by the single remedy of review, but to impose on applications for review restrictions similar to those imposed by the existing law on applications for new trial.

17. *Section 21.*—This section supplements section 223 of the Code of Civil Procedure, which extends to Courts of Small Causes. Section 20 of the Act of 1865, which the section

supersedes, appears in some places to have been construed to require a decree-holder to proceed in the first instance against moveable property even when the moveable property of the judgment-debtor is known to be of no appreciable value.

18. *Section 26.*—Under section 45 of the Act of 1865, it is the duty of the Clerk of the Court to "take charge of and keep an account of all moneys payable or paid into or out of Court" and to "enter an account of all such moneys in a book belonging to the Court to be kept by such Clerk for that purpose." The terms of that section have been held to preclude the transfer of the duty of receiving moneys and keeping accounts in a Court of Small Causes to the special staff of accountants which in some provinces is employed at the head-quarters of each district to receive and account for moneys paid into the Civil Courts located there. It has been provided in section 26 of the Bill that the High Court may, if it sees fit, relieve the clerk of the Court of his duties as cashier and accountant.

19. *Section 32.*—The High Court for the North-Western Provinces has held (5 All. H. C. Rep. 55) that section 51 of the Act of 1865 does not authorise the Local Government to permanently and unconditionally invest the Judge of a Small Cause Court with the powers of a Principal Sadr Amín, and that the section only contemplates an occasional investment of the powers, and one contingent on the state of the business of the Court. Under section 32 of the Bill the question will not again arise.

20. In sections 32 and 33 regard has been had to I. L. R. 8 Bom. 230, 9 Bom. 237, 1 All. 87, 1 All. 624, and 3 All. 710. It has been made clear that, for the purposes of sections 223 and 295 of the Code of Civil Procedure and section 21 of the Bill, the Court of a Judge of a Court of Small Causes when the Judge is acting as such, and the Court of the same Judge when the Judge has been appointed to be and is acting as a Subordinate Judge, are different Courts, and that, for the same purposes, the Court of a Subordinate Judge when the Judge is acting as such, and the Court of the same Judge when the Judge has been invested with the jurisdiction of a Court of Small Causes and is exercising that jurisdiction, are different Courts.

21. The first proviso to section 21 of Act XI of 1865 has been omitted because its retention has been rendered unnecessary by the extension of section 108 of the Code of Civil Procedure to Courts of Small Causes.

22. Section 52 of the Act of 1865 has been omitted, as it is believed not to be used.

23. It is proposed by the first schedule to make section 648 of the Code of Civil Procedure, which extends to the Presidency Small Cause Courts, extend also to Provincial Courts of Small Causes.

24. It is proposed by the same schedule to repeal so much of the second schedule of the Code of Civil Procedure as extends sections 121 to 136 of the Code to Provincial Courts of Small Causes. These sections do not extend to Presidency Small Cause Courts, and their provisions, which contemplate elaborate and lengthened trials in suits of superior importance, are incompatible with the speedy disposal of the petty suits cognizable by a Court of Small Causes. The want of the sections is not likely to be really felt in Courts of Small Causes, while their application to those Courts is not unlikely to be taken advantage of for the purpose of delaying proceedings.

25. So much of sections 137, 447, 453, 454 and 456 of the Code of Civil Procedure as requires applications to Courts of Small Causes to be supported by affidavit is proposed to be repealed. Chapter XVI of the Code, respecting affidavits, does not extend to Provincial Courts of Small Causes.

C. P. ILBERT.

The 18th December, 1885.

S. HARVEY JAMES,
Offg. 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 23rd December, 1885, and was referred to a Select Committee :—

No. 20 OF 1885.

A Bill to amend Act XXXVI of 1858.

WHEREAS it is expedient to amend Act XXXVI of 1858 (*an Act relating to Lunatic Asylums*) ; It is hereby enacted as follows :—

1. After section 18 of the said Act the following section shall be inserted, namely :—

"When an Executive Government has not established within its limits a public asylum for the reception and detention of lunatics under this Act, the Governor General in Council may, from time to time, appoint an asylum established in British India beyond those limits to be an asylum to which a Magistrate or Judge exercising jurisdiction within those limits may send lunatics as to an asylum established under this Act for the division in which his jurisdiction is situate."

STATEMENT OF OBJECTS AND REASONS.

IN some of the smaller Provinces, such as Coorg and the Andaman and Nicobar Islands, the Local Governments have not established asylums under Act XXXVI of 1858 for the reception and detention of lunatics. Occasions have, however, arisen on which inconvenience has been experienced by reason of there not being asylums to which Magistrates exercising jurisdiction in those Provinces may send lunatics under the provisions of the Act. The object of this Bill is to enable the Governor General in Council to appoint asylums to which lunatics may be sent from those Provinces.

S. C. BAYLEY.

The 18th December, 1885.

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

The Gazette of India.

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

PART 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 December, 1885, and was referred to a Select Committee :—

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S. C. BAYLEY.

The 18th December, 1885.

S. HARVEY JAMES,
Offg. 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 4th January, 1886 :—

No. 1 OF 1886.

A Bill for imposing a tax on income derived from sources other than agriculture.

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A Bill for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force at once.

Extent and commencement.

2. The enactments specified in the first schedule to this Act are repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Repeal.

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

Definitions.

(*1*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

(*2*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(*3*) "pay" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit under the Government or under a company or under a local authority or under any other public body or association not being a company; but it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(*4*) "income" means income and profits accruing and arising in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any pay, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(*5*) "year of assessment" means a year beginning on the first day of April:

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and in a presidency-town any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer," used with reference to a company or a local authority or any other public body or association not being a company, means—

(*a*) the secretary, treasurer, manager or agent of the company, authority, body or association; or

(*b*) any person connected with the company, authority, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof:

(*11*) "Part" means a Part of the second schedule to this Act; and

(*12*) "prescribed" means prescribed by the Governor General in Council by notification in the *Gazette of India*, or by the Governor General in Council or a Local Government by rules made under this Act.

CHAPTER II.

LIABILITY TO TAX.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Incomes liable to the tax.

5. (*1*) Nothing in section 4 shall render liable to the tax—

Exceptions.

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(*c*) any income derived from moveable or immoveable property solely employed for public charitable or religious purposes; or

(*d*) any income which a person enjoys as a member of a firm or of a Hindu undivided family when the firm or the family is liable to the tax; or

(*e*) any interest on stock-notes; or

(*f*) the pay of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose pay does not exceed five hundred rupees per mensem; or

(*g*) any person whose income from all sources is less than five hundred rupees per annum.

(*2*) Nothing in section 4 shall render chargeable, under Part I of the second schedule to this Act, the pay of any person in the service of the Government whose pay does not amount to one hundred rupees per mensem.

6. The Governor General in Council may, by notification in the *Gazette of India*, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

Power to make exemptions.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

7. In the case of a person receiving any pay, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the pay, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of Government officials and pensioners.

8 (*1*) In the case of a person receiving any pay, annuity, pension or gratuity from a company or from a local authority or from any other public body or association not being a company, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the pay, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

Mode of payment in case of servants and pensioners of companies and other associations.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any pay, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(*4*) The power to deduct under this section shall be without prejudice to any other mode of recovery.

9. The principal officer of every company, and of every local authority, and of every other public body or association not being a company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

Annual return by principal officer of company or association.

(*a*) the name of every person receiving at the date of the return any pay, annuity or pension from the company, authority, body or association, as the case may be; and

(*b*) the amount of the pay, annuity or pension so received by each such person.

B.—Profits of Companies.

10. The principal officer in British India, of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him showing—

Annual statement of nett profits.

(*a*) in the case of a shipping company having ships engaged in trade between British India and any other country, the nett profits made by each of those ships during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March; and,

(*b*) in the case of any other company, the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March.

11. (*1*) If the Collector has reason to believe that a statement delivered under section 10 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

Power to require officers of companies to produce accounts.

(*2*) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions in this Act contained, that amount shall be payable accordingly.

C.—Interest on Securities.

12. (*1*) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

Mode of payment of tax on interest on securities.

(*2*) If that person does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

13. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Collector to determine persons chargeable.

14. (*1*) The assessment shall be made upon the income accruing to the person during the year ending on the day of the year next before the year of assessment on which his accounts have been usually made up, or on the thirty-first day of March last preceding.

Mode of making assessment.

(*2*) In the case of a person for the first time becoming chargeable under Part IV within the year of assessment, or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, under the circumstances, directs.

(*3*) In assessing under Part IV, in respect of income assessable under that Part, a person in the service of the Government, whose pay, by reason of its being less than one hundred rupees per mensem, is not chargeable under Part I, the Collector shall treat both the pay and the other income as chargeable under Part IV.

15. (*1*) The Collector shall at the prescribed time in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

List of incomes under two thousand rupees.

(*2*) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

(*a*) his name and the source or sources of the income in respect of which he is chargeable;

(*b*) the year or portion of the year for which the tax is to be paid;

(*c*) the place or places, district or districts, where the income accrues;

(*d*) the amount to be paid; and

(*e*) the place where, and the person to whom, the amount is to be paid.

(*3*) The list shall be filed in the office of the Collector before the prescribed date, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(*4*) The list so filed shall be open to inspection at all reasonable times without any payment.

(*5*) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(*6*) The list to be prepared each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

16. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (*a*) to (*e*), both inclusive, mentioned in section 15, and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Notices to persons with incomes of two thousand rupees and upwards.

17. (*1*) Notwithstanding anything contained in section 15 or section 16, the Local Government may make rules authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 15 any person who is liable to be served with a notice under section 16 instead of serving him with such a notice, and to serve a notice under section 16 on any person liable to be included in a list under section 15 instead of including him in such a list.

Exceptions to the last two preceding sections.

(*2*) Rules made under this section shall be published in the official Gazette.

18. (*1*) Every amount specified as payable in a list or notice prepared or served under section 15 or section 16 shall be paid within the time, and at the place, and to the person, mentioned in the list or notice.

Time and place of payment.

Trustees, Agents, Managers and Incapacitated Persons.

19. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Trustees, guardians and committees of incapacitated persons to be charged.

20. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Non-residents to be charged in names of their agents.

21. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

22. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

Power to retain duties charged on trustees, &c.

or when a receiver or manager appointed as aforesaid, a Court of Wards, Administrator General or Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

23. Owners of houses or lands occupying the same shall be chargeable in respect of the annual value thereof at nine-tenths of the full rent at which the houses or lands are worth to be let for the year.

Provision for tax on occupying owners.

CHAPTER IV.

[REVISION OF ASSESSMENT.

24. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

Petition to Collector against assessment under Part IV.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 15, or in the notice served under section 16, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

25. The Collector shall fix a day and place for the hearing of the petition, and on the day and at

Hearing of petition.

the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

26. Subject to the control of the Local Government, the Commissioner of the Division may, in his discretion, on the petition of any person deeming himself aggrieved by an order under section 11, sub-section (*2*), or section 25, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon persons to give necessary information.

27. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed; and may examine on oath the person so summoned and the petitioner, and may require either of them to produce any documents in his possession or power relating to the sources of the income to the assessment of which the petition relates:

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

Tax when payable.

28. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Mode and time of recovery.

29. (*1*) In any case of default under this Act the Collector may either recover a sum not exceeding double the amount of the tax as if it were an arrear of land-revenue, or pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 24, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) An order passed under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters— XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(*3*) No sum payable under this Act shall be recoverable by any process whatsoever after the expiration of three months from the last day of the year in respect of which it is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Receipts.

Receipts and their contents.

30. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be, prescribed.

Under-assessments and Over-assessments.

Correction of under-assessment.

31. (*1*) If the Collector has reason to believe that, in assessing any person under this Act, any source of income not specified in the receipt given to him under section 30 has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a notice to be served on the person, stating the amount to be paid in respect of that source.

(*2*) The provisions contained in sections 16 and 18 and 24 to 27 (both inclusive) shall apply to the notice and regulate the procedure thereunder.

Correction of over-assessment.

32. (*1*) If, during or within two months from the end of the year for which an assessment under Part IV has been made, the person assessed proves to the satisfaction of the Collector that his income during that year will be or has been less than the sum on which the assessment under that Part was made, the Collector may cause the assessment made for the year to be amended as the case requires, and refund such sum, if any, as has been overpaid.

(*2*) If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or person or its or his representative in interest may apply to the Collector within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

33. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 12, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 9 or section 10, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 11, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False statement in petition.

34. If a person makes a statement in a petition presented under section 24 which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Prosecution to be at instance of Collector.

35. No person shall be proceeded against for an offence under section 33 or section 34 except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings.

36. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act. XLV of 1860.

Power to make Rules.

Power to make rules.

37. (*1*) The Governor General in Council may make rules consistent with this Act for the ascertainment of income liable to assessment and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

Bar of suits in Civil Court.

38. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Exercise of powers of Collector and Commissioner.

39. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Obligation to furnish information.

40. Every person shall be legally bound to furnish in the prescribed manner and at the prescribed time such information as any officer or person exercising all or any of the powers of a Collector under this Act may require from him for the purposes of this Act.

Service of notices.

41. (*1*) A notice under this Act may be served on the person therein named either by post or by the delivery or tender to him of a copy of the notice.

(2) If a notice is served by post, it shall be deemed to have been served at the time when it would be delivered in the ordinary course of post, and in proving the service it shall be sufficient to prove that the notice was properly addressed and put into the post.

(3) If the notice is to be served otherwise than by post, the service shall, whenever it may be practicable, be on the person named in the notice or, in the case of a firm or a Hindu undivided family, on some member thereof:

(4) But when the person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

Power to declare principal place of business or residence.

42. (1) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(2) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(3) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(4) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(5) The powers given by this section may be delegated to and exercised by such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

Saving in favour of payers of pándhari and capitation taxes.

43. Where a person is in respect of any period liable to the tax under this Act; he shall not in respect of that period be assessed to the pándhari tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876.

15 of 1876.

Indemnity.

44. Every person deducting, retaining or paying any tax in pursuance of this Act in respect of income belonging to another person is hereby indemnified for the deduction, retention or payment thereof.

Powers exercisable from time to time.

45. All powers conferred by or conferrable under this Act on the Governor General in Council or on a Local Government may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878	The Northern India License Act, 1878.	So much as has not been repealed.
Act No. VI of 1880	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878	The Madras License Act, 1878.	So much as has not been repealed.
Act No. III of 1880	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878	The Bombay License Act, 1878.	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880	The Bengal License Act, 1880.	The whole.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(*See section 4.*)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I. SALARIES AND PENSIONS.	
1. Any pay, annuity, pension or gratuity paid in British India by the Government, or by a company, or by a local authority, or by any other public body or association not being a company, to any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee.
2. Any pay, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem—four pies in the rupee.

PART II.

PROFITS OF COMPANIES.

1. Profits of a shipping company having ships engaged in trade between British India and any other country.	Five pies in the rupee on one moiety of the nett profits made by each of those ships during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March.
2. Profits of any other company.	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March.

PART III.

INTEREST ON SECURITIES.

Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India, not being stock-notes, or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) stock or debentures of, or shares in, railway or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council, or (*d*) debentures or other securities for money issued by or on behalf of a local authority.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.

PART IV.

OTHER SOURCES OF INCOME.

Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but at less than Rs. 750 the tax shall be Rs. 10 " " " 750 " " " 1,000 " " 15 " " " 1,000 " " " 1,250 " " 20 " " " 1,250 " " " 1,500 " " 28 " " " 1,500 " " " 1,750 " " 35 " " " 1,750 " " " 2,000 " " 43 (*b*) If the annual income is assessed at Rs. 2,000 or upwards,—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(*See section 24.*)

TO THE COLLECTOR OF

The *day of* 188 .

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April 188 . .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees , as will appear from the documents of which a list* is presented herewith.

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

* *This list, if the petitioner so wishes, may be presented in a sealed envelope.*

STATEMENT OF OBJECTS AND REASONS.

It having been found necessary to have recourse to legislation for the purpose of increasing the public revenues, it has been decided to extend the existing License Tax to offices, employments and professions, and, generally, to make liable to assessment all incomes derived from sources other than agriculture.

The existing License Tax Acts are repealed and a single Act for all India is substituted.

The rate of the tax has been slightly raised, and the area of its incidence has been, as above stated, extended; but the principles of the License Tax are closely followed in the case of annual incomes below Rs. 2,000, and the procedure and machinery for assessment and collection are maintained in the case of all incomes so far as is consistent with the altered conditions of the tax.

A. COLVIN.

The 4th January, 1886.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 16, 1886.

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 4th January, 1886:—

No. 1 OF 1886.

A Bill for imposing a tax on income derived from sources other than agriculture.

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THE FIRST SCHEDULE.—ENACTMENTS REPEALED.

THE SECOND SCHEDULE.—SOURCES OF INCOME AND RATES OF TAX.

THE THIRD SCHEDULE.—FORM OF PETITION.

A Bill for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

[Trades and Professions Tax Bill, 1879, s. 1.]

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force at once.

[Ben. Act II, 1880, s. 2.]

Repeal.

2. The enactments specified in the first schedule to this Act are repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Definitions.

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

[Act VIII, 1872, s. 2.]

(*1*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

[Act XIII, 1885, s. 3.]

(*2*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

[Trades and Professions Tax Bill, 1879, s. 12.]

(*3*) "pay" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit under the Government or under a company or under a local authority or under any other public body or association not being a company; but it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

[Act VIII, 1872, s. 2.]

(*4*) "income" means income and profits accruing and arising in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any pay, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

[Act IX, 1869, s. 3.]

(*5*) "year of assessment" means a year beginning on the first day of April:

[Act VIII, 1872, s. 2.]

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

[Act VIII, 1872, s. 2.]

(*7*) "person" includes a firm and a Hindu undivided family:

[Act VIII, 1872, s. 2.]

(*8*) "defaulter" includes a company or firm making default under this Act:

[Act VIII, 1872, s. 2, and Trades and Professions Tax Bill, 1879, s. 3.]

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and in a presidency-town any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

[New.]

(*10*) "principal officer," used with reference to a company or a local authority or any other public body or association not being a company, means—

(*a*) the secretary, treasurer, manager or agent of the company, authority, body or association; or

[cf. Act VIII, 1872, s. 45.]

(*b*) any person connected with the company, authority, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof:

[New.]

(*11*) "Part" means a Part of the second schedule to this Act: and

[New.]

(*12*) "prescribed" means prescribed by the Governor General in Council by notification in the *Gazette of India*, or by the Governor General in Council or a Local Government by rules made under this Act.

CHAPTER II.

LIABILITY TO TAX.

[Act VII, 1872, ss. 9, 10, 14 and 16.]

Incomes liable to the tax.

4. Subject to the exceptions mentioned in the next following section, there shall be paid, in the year beginning with the first day of April, 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions.

5. (*1*) Nothing in section 4 shall render liable to the tax—

[New.]

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

[Act VI, 1880, ss. 3, 9 and 13: Ben. Act II, 1880, s. 5: and Act XIV, 1867, s. 1.]

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

[Act VIII, 1872, s. 3.]

(*c*) any income derived from moveable or immoveable property solely employed for public charitable or religious purposes; or

[Act VIII, 1872, s. 3.]

(*d*) any income which a person enjoys as a member of a firm or of a Hindu undivided family when the firm or the family is liable to the tax; or

[New.]

(*e*) any interest on stock-notes; or

[Act VIII, 1872, s. 3.]

(*f*) the pay of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose pay does not exceed five hundred rupees per mensem; or

[License Tax Acts as amended in 1880.]

(*g*) any person whose income from all sources is less than five hundred rupees per annum.

[New.]

(*2*) Nothing in section 4 shall render chargeable, under Part I of the second schedule to this Act, the pay of any person in the service of the Government whose pay does not amount to one hundred rupees per mensem.

[Act VIII, 1872, s. 4.]

Power to make exemptions.

6. The Governor General in Council may, by notification in the *Gazette of India*, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

[Act VIII, 1872, s. 7.]

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any pay, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the pay, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

[Act VIII, 1872, s. 8.]

Mode of payment in case of servants and pensioners of companies and other associations.

8. (*1*) In the case of a person receiving any pay, annuity, pension or gratuity from a company or from a local authority or from any other public body or association not being a company, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the pay, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

[New.]

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

[Act VIII, 1872, s. 9.]

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any pay, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

[New.]

(*4*) The power to deduct under this section shall be without prejudice to any other mode of recovery.

[Act VIII, 1872, s. 8.]

Annual return by principal officer of company or association.

9. The principal officer of every company, and of every local authority, and of every other public body or association not being a company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(*a*) the name of every person receiving at the date of the return any pay, annuity or pension from the company, authority, body or association, as the case may be; and

(*b*) the amount of the pay, annuity or pension so received by each such person.

B.—Profits of Companies.

[Act VIII, 1872, ss. 10 and 11.]

Annual statement of nett profits.

10. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him showing—

(*a*) in the case of a shipping company having ships engaged in trade between British India and any other country, the nett profits made by each of those ships during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March; and,

(*b*) in the case of any other company, the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March.

[Act VIII, 1872, s. 12.]

Power to require officers of companies to produce accounts.

11. (*1*) If the Collector has reason to believe that a statement delivered under section 10 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(*2*) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions in this Act contained, that amount shall be payable accordingly.

C.—Interest on Securities.

[Act VIII, 1872, s. 15.]

Mode of payment of tax on interest on securities.

12. (*1*) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

[New.]

(*2*) If that person does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

[Act VIII, 1872, s. 25.]

Collector to determine persons chargeable.

13. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

[Act VIII, 1872, s. 26.]

Mode of making assessment.

14. (*1*) The assessment shall be made upon the income accruing to the person during the year ending on the day of the year next before the year of assessment on which his accounts have been usually made up, or on the thirty-first day of March last preceding.

(*2*) In the case of a person for the first time becoming chargeable under Part IV within the year of assessment, or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, under the circumstances, directs.

[Act VIII, 1872, s. 26.]

(*3*) In assessing under Part IV, in respect of income assessable under that Part, a person in the service of the Government, whose pay, by reason of its being less than one hundred rupees per mensem, is not chargeable under Part I, the Collector shall treat both the pay and the other income as chargeable under Part IV.

List of incomes under two thousand rupees.

15. (*1*) The Collector shall at the prescribed time in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

[License Tax Acts. See Bom. Act III, 1878, ss. 9 and 10. See also Act VIII, 1872, s. 27.]

(*2*) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

(*a*) his name and the source or sources of the income in respect of which he is chargeable;

(*b*) the year or portion of the year for which the tax is to be paid;

(*c*) the place or places, district or districts, where the income accrues;

(*d*) the amount to be paid; and

(*e*) the place where, and the person to whom, the amount is to be paid.

(*3*) The list shall be filed in the office of the Collector before the prescribed date, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(*4*) The list so filed shall be open to inspection at all reasonable times without any payment.

(*5*) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(*6*) The list to be prepared each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

[Act VIII, 1872, s. 27.]

Notices to persons with incomes of two thousand rupees and upwards.

16. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (*a*) to (*e*), both inclusive, mentioned in section 15, and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

[New. cf. Bom. Act III, 1878, ss. 9 and 10, and Ben. Act II, 1880, s. 17.]

Exceptions to the last two preceding sections.

17. (*1*) Notwithstanding anything contained in section 15 or section 16, the Local Government may make rules authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 15 any person who is liable to be served with a notice under section 16 instead of serving him with such a notice, and to serve a notice under section 16 on any person liable to be included in a list under section 15 instead of including him in such a list.

(*2*) Rules made under this section shall be published in the official Gazette.

[Act VIII, 1872, s. 28.]

Time and place of payment.

18. Every amount specified as payable in a list or notice prepared or served under section 15 or section 16 shall be paid within the time, and at the place, and to the person, mentioned in the list or notice.

Trustees, Agents, Managers and Incapacitated Persons.

[Act VIII, 1872, s. 17.]

Trustees, guardians and committees of incapacitated persons to be charged.

19. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

[Act VIII, 1872, s. 17.]

Non-residents to be charged in names of their agents.

20. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

[Act VIII, 1872, s. 19.]

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

21. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

[Act VIII, 1872, s. 20.]

Power to retain duties charged on trustees, &c.

22. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, Administrator General or Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain as much as is sufficient to pay the amount of the assessment.

Occupying Owners.

[Act VIII, 1872, s. 21.]

Provision for tax on occupying owners.

23. Owners of houses or lands occupying the same shall be chargeable in respect of the annual value thereof at nine-tenths of the full rent at which the houses or lands are worth to be let for the year.

CHAPTER IV.

REVISION OF ASSESSMENT.

[Act VIII, 1872, s. 30.]

Petition to Collector against assessment under Part IV.

24. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 15, or in the notice served under section 16, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

[Ben. Act II, 1880, s. 19.]

Hearing of petition.

25. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

[Ben. Act II, 1880, s. 21.]

Petition to Commissioner for revision.

26. Subject to the control of the Local Government, the Commissioner of the Division may, in his discretion, on the petition of any person deeming himself aggrieved by an order under section 11, sub-section (*2*), or section 25, call for the record of the case, and pass such order thereon as he thinks fit.

[Act VIII, 1872, s. 31, and Ben. Act II, 1880, s. 22.]

Power to summon persons to give necessary information.

27. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed; and may examine on oath the person so summoned and the petitioner, and may require either of them to produce any documents in his possession or power relating to the sources of the income to the assessment of which the petition relates:

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

RECOVERY OF ARREARS OF TAX.

[Act VIII, 1872, s. 35.]

Tax when payable.

28. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

[Act VIII, 1872, s. 36.]

29. (*1*) In any case of default under this Act the Collector may either recover a sum not exceeding double the amount of the tax as if it were an arrear of land-revenue, or pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Mode and time of recovery.

Provided that, where a person has presented a petition under section 24, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) An order passed under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters—

XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

[Act II, 1878, s. 19.]

(*3*) No sum payable under this Act shall be recoverable by any process whatsoever after the expiration of three months from the last day of the year in respect of which it is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Receipts.

[Act VIII, 1872, ss. 28 and 29.]

30. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

Receipts and their contents.

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be, prescribed.

Under-assessments and Over-assessments.

[Act VIII, 1872, s. 34.]

31. (*1*) If the Collector has reason to believe that, in assessing any person under this Act, any source of income not specified in the receipt given to him under section 30 has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a notice to be served on the person, stating the amount to be paid in respect of that source.

Correction of under-assessment.

(*2*) The provisions contained in sections 16 and 18 and 24 to 27 (both inclusive) shall apply to the notice and regulate the procedure thereunder.

[Act VIII, 1872, s. 37.]

32. (*1*) If, during or within two months from the end of the year for which an assessment under Part IV has been made, the person assessed proves to the satisfaction of the Collector that his income during that year will be or has been less than the sum on which the assessment under that Part was made, the Collector may cause the assessment made for the year to be amended as the case requires, and refund such sum, if any, as has been overpaid.

Correction of over-assessment.

(*2*) If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or person or its or his representative in interest may apply to the Collector within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

[Act VIII, 1872, s. 38.]

33. (*1*) If a person fails—

Failure to make payments or deliver returns or statements.

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 12, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 9 or section 10, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 11, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

[Act VIII, 1872, s. 39.]

34. If a person makes a statement in a petition presented under section 24 which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

False statement in petition.

[Act VIII, 1872, s. 40.]

35. No person shall be proceeded against for an offence under section 33 or section 34 except at the instance of the Collector.

Prosecution to be at instance of Collector.

[Act VIII, 1872, s. 41. XV of 1860.]

36. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Sections 193 and 228 of Penal Code to apply to proceedings.

Power to make Rules.

[Act VIII, 1872, s. 46.]

37. (*1*) The Governor General in Council may make rules consistent with this Act for the ascertainment of income liable to assessment and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

Power to make rules.

(*2*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

[Act VIII, 1872, s. 42.]

38. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Bar of suits in Civil Court.

[Act VIII, 1872, s. 43.]

39. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Exercise of powers of Collector and Commissioner.

[Bom. Act II, 1880, s. 31.]

40. Every person shall be legally bound to furnish in the prescribed manner and at the prescribed time such information as any officer or person exercising all or any of the powers of a Collector under this Act may require from him for the purposes of this Act.

Obligation to furnish information.

[Act VIII, 1872, s. 44, and 38 & 39 Vic., cap. 55, s. 267.]

41. (*1*) A notice under this Act may be served on the person therein named either by post or by the delivery or tender to him of a copy of the notice.

Service of notices.

(*2*) If a notice is served by post, it shall be deemed to have been served at the time when it would be delivered in the ordinary course of post, and in proving the service it shall be sufficient to prove that the notice was properly addressed and put into the post.

(*3*) If the notice is to be served otherwise than by post, the service shall, whenever it may be practicable, be on the person named in the notice or, in the case of a firm or a Hindu undivided family, on some member thereof:

(*4*) But when the person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

[Act VIII, 1872, s. 45.]

42. (*1*) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

Power to declare principal place of business or residence.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*4*) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(*5*) The powers given by this section may be delegated to and exercised by such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

[New.]

43. Where a person is in respect of any period liable to the tax under this Act, he shall not in respect of that period be assessed to the pándhari tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876.

Saving in favour of payers of pándhari and capitation taxes.

II of 1876.

[Act VIII, 1872, s. 3, cl. (3).]

44. Every person deducting, retaining or paying any tax in pursuance of this Act in respect of income belonging to another person is hereby indemnified for the deduction, retention or payment thereof.

Indemnity.

[Act XIV, 1882, s. 178.]

45. All powers conferred by or conferrable under this Act on the Governor General in Council or on a Local Government may be exercised from time to time as occasion requires.

Powers exerciseable from time to time.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878	The Northern India License Act, 1878.	So much as has not been repealed.
Act No. VI of 1880	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878	The Madras License Act, 1878.	So much as has not been repealed.
Act No. III of 1880	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878	The Bombay License Act, 1878.	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880	The Bengal License Act, 1880.	The whole.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(See section 4.)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART I. SALARIES AND PENSIONS.	
1. Any pay, annuity, pension or gratuity paid in British India by the Government, or by a company, or by a local authority, or by any other public body or association not being a company, to any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee. (*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem—four pies in the rupee.
2. Any pay, annuity, pension or gratuity paid by the Government, a local authority or [illegible] in the exercise of the [illegible] the Governor General [illegible] in that behalf, to a subject within the dominions of a Prince or State in [illegible] in alliance with Her Ma-	

THE SECOND SCHEDULE—*contd.*

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.
PART II. PROFITS OF COMPANIES.	
1. Profits of a shipping company having ships engaged in trade between British India and any other country.	Five pies in the rupee on one moiety of the nett profits made by each of those ships during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March.
2. Profits of any other company.	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then during the year ending on the said thirty-first day of March.
PART III. INTEREST ON SECURITIES.	
Interest becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India, not being stock-notes, or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) stock or debentures of, or shares in, railway or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council, or (*d*) debentures or other securities for money issued by or on behalf of a local authority.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.
PART IV. OTHER SOURCES OF INCOME.	
Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but at less than Rs. 750 the tax shall be Rs. 18 " " " 750 " " " 1,000 " " 25 " " " 1,000 " " " 1,250 " " 30 " " " 1,250 " " " 1,500 " " 38 " " " 1,500 " " " 1,750 " " 35 " " " 1,750 " " " 2,000 " " 42 (*b*) If the annual income is assessed at Rs. 2,000 or upwards,—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(See section 24.)

To the Collector of

The day of 188 .

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees , as will appear from the documents of which a list* is presented herewith.

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

* *This list, if the petitioner so wishes, may be presented in a sealed envelope.*

STATEMENT OF OBJECTS AND REASONS.

It having been found necessary to have recourse to legislation for the purpose of increasing the public revenues, it has been decided to extend the existing License Tax to offices, employments and professions, and, generally, to make liable to assessment all incomes derived from sources other than agriculture.

The existing License Tax Acts are repealed and a single Act for all India is substituted.

The rate of the tax has been slightly raised, and the area of its incidence has been, as above stated, extended; but the principles of the License Tax are closely followed in the case of annual incomes below Rs. 2,000, and the procedure and machinery for assessment and collection are maintained in the case of all incomes so far as is consistent with the altered conditions of the tax.

A. COLVIN.

The 4th January, 1886.

S. HARVEY JAMES,

Offg Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 6, 1886.

☞ 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 February, 1886, and was referred to a Select Committee, with instructions to submit their Report within one month:—

NO. 2 OF 1886.

A Bill to amend the law relating to Government Securities.

WHEREAS it is expedient to amend the law relating to Government securities in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force at once.

Act to be read with Act XIX of 1885.

2. It shall be read with, and taken as part of, the Indian Securities Act, 1885, as amended by this Act.

XIX of 1885.

Repeal of part of section 3, Act XIX of 1885.

3. The words "issued before the first day of April, 1886," in section 3, sub-section (*1*), of the Indian Securities Act, 1885, are hereby repealed.

XIX of 1885.

Holding of Government securities by holders for the time being of public offices.

4. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare this section to apply, a Government security may be made, or indorsed, payable to, or to the order of, the holder for the time being of the office.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the title of his office.

Prohibition of indorsements on allonges to Government securities.

5. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

XXVI of 1881.

Power of Governor General in Council to make rules.

6. The Governor General in Council may, from time to time, make rules to prescribe—

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged; and

(*b*) the circumstances under which Government securities must be renewed before further payment of interest thereon can be claimed.

STATEMENT OF OBJECTS AND REASONS.

IN paragraph 5 of the Report submitted in October last by the Select Committee on the Bill which became Act XIX of 1885, it was stated that the question of applying the rule of survivorship to Government securities issued after as well as before the first day of April, 1886, would be further considered during the Calcutta session. The question has now been fully discussed, and the Government of India has decided to propose the maintenance of the rule of survivorship which has hitherto obtained. Effect will be given to this decision by the repeal of the words in section 3, sub-section (*1*), Act XIX of 1885, which restrict the operation of that section to Government securities issued before the first day of April, 1886.

2. By sections 4 and 5 it is proposed to introduce into the law relating to Government securities provisions (*a*) enabling holders for the time being of public offices to hold those securities, and (*b*) prohibiting the making of indorsements on allonges annexed to them.

Section 4 of the Bill, in providing that Government securities may be made and indorsed payable to the holder for the time being of an office, follows the Bills of Exchange Act, 1882 (45 & 46 Vic., c. 61), and will put an end to the public inconvenience which is caused by the present uncertainty as to the state of the law in India.

As regards section 5, the risk of fraud which attends the practice of writing indorsements upon allonges is held to justify the prohibition of annexing them to instruments which, like Government securities, are readily renewable.

3. Section 6 merely empowers the Governor General in Council to make authoritative rules for the maintenance of existing practice with respect to the record and acknowledgment of payment of interest and to the renewal of securities which have become covered with indorsements.

A. COLVIN.

The 29th January, 1886.

S. HARVEY JAMES,
Offg. Secy. to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 13, 1886.

☞ 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 February, 1886, and was referred to a Select Committee, with instructions to submit their Report within one month:—

NO. 2 OF 1886.

A Bill to amend the law relating to Government Securities.

WHEREAS it is expedient to amend the law relating to Government securities in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force at once.

XIX of 1885.

Act to be read with Act XIX of 1885.

2. It shall be read with, and taken as part of, the Indian Securities Act, 1885, as amended by this Act.

XIX of 1885.

Repeal of part of section 3, Act XIX of 1885.

3. The words "issued before the first day of April, 1886," in section 3, sub-section (*1*), of the Indian Securities Act, 1885, are hereby repealed.

Holding of Government securities by holders for the time being of public offices.

4. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare this section to apply, a Government security may be made, or indorsed, payable to, or to the order of, the holder for the time being of the office.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the title of his office.

Prohibition of indorsements on allonges to Government securities.

XXVI of 1881.

5. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

Power of Governor General in Council to make rules.

6. The Governor General in Council may, from time to time, make rules to prescribe—

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged; and

(*b*) the circumstances under which Government securities must be renewed before further payment of interest thereon can be claimed.

STATEMENT OF OBJECTS AND REASONS.

IN paragraph 5 of the Report submitted in October last by the Select Committee on the Bill which became Act XIX of 1885, it was stated that the question of applying the rule of survivorship to Government securities issued after as well as before the first day of April, 1886, would be further considered during the Calcutta session. The question has now been fully discussed, and the Government of India has decided to propose the maintenance of the rule of survivorship which has hitherto obtained. Effect will be given to this decision by the repeal of the words in section 3, sub-section (*1*), Act XIX of 1885, which restrict the operation of that section to Government securities issued before the first day of April, 1886.

2. By sections 4 and 5 it is proposed to introduce into the law relating to Government securities provisions (*a*) enabling holders for the time being of public offices to hold those securities, and (*b*) prohibiting the making of indorsements on allonges annexed to them.

Section 4 of the Bill, in providing that Government securities may be made and indorsed payable to the holder for the time being of an office, follows the Bills of Exchange Act, 1882 (45 & 46 Vic., c. 61), and will put an end to the public inconvenience which is caused by the present uncertainty as to the state of the law in India.

As regards section 5, the risk of fraud which attends the practice of writing indorsements upon allonges is held to justify the prohibition of annexing them to instruments which, like Government securities, are readily renewable.

3. Section 6 merely empowers the Governor General in Council to make authoritative rules for the maintenance of existing practice with respect to the record and acknowledgment of payment of interest and to the renewal of securities which have become covered with indorsements.

A. COLVIN.

The 29th January, 1886.

S. HARVEY JAMES,
Offg. Secy. to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 20, 1886.

☞ 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 February, 1886, and was referred to a Select Committee, with instructions to submit their Report within one month :—

NO. 2 OF 1886.

A Bill to amend the law relating to Government Securities.

WHEREAS it is expedient to amend the law relating to Government securities in manner hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force at once.

XIX of 1885. Act to be read with Act XIX of 1885.

2. It shall be read with, and taken as part of, the Indian Securities Act, 1885, as amended by this Act.

XIX of 1885. Repeal of part of section 3, Act XIX of 1885.

3. The words "issued before the first day of April, 1886," in section 3, sub-section (*1*), of the Indian Securities Act, 1885, are hereby repealed.

Holding of Government securities by holders for the time being of public offices.

4. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare this section to apply, a Government security may be made, or indorsed, payable to, or to the order of, the holder for the time being of the office.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the title of his office.

Prohibition of indorsements on allonges to Government securities.

5. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself. XXVI of 1881.

Power of Governor General in Council to make rules.

6. The Governor General in Council may, from time to time, make rules to prescribe—

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged; and

(*b*) the circumstances under which Government securities must be renewed before further payment of interest thereon can be claimed.

STATEMENT OF OBJECTS AND REASONS.

IN paragraph 5 of the Report submitted in October last by the Select Committee on the Bill which became Act XIX of 1885, it was stated that the question of applying the rule of survivorship to Government securities issued after as well as before the first day of April, 1886, would be further considered during the Calcutta session. The question has now been fully discussed, and the Government of India has decided to propose the maintenance of the rule of survivorship which has hitherto obtained. Effect will be given to this decision by the repeal of the words in section 3, sub-section (*i*), Act XIX of 1885, which restrict the operation of that section to Government securities issued before the first day of April, 1886.

2. By sections 4 and 5 it is proposed to introduce into the law relating to Government securities provisions (*a*) enabling holders for the time being of public offices to hold those securities, and (*b*) prohibiting the making of indorsements on allonges annexed to them.

Section 4 of the Bill, in providing that Government securities may be made and indorsed payable to the holder for the time being of an office, follows the Bills of Exchange Act, 1882 (45 & 46 Vic., c. 61), and will put an end to the public inconvenience which is caused by the present uncertainty as to the state of the law in India.

As regards section 5, the risk of fraud which attends the practice of writing indorsements upon allonges is held to justify the prohibition of annexing them to instruments which, like Government securities, are readily renewable.

3. Section 6 merely empowers the Governor General in Council to make authoritative rules for the maintenance of existing practice with respect to the record and acknowledgment of payment of interest and to the renewal of securities which have become covered with indorsements.

The 29th January, 1886.

A. COLVIN.

S. HARVEY JAMES
Offg. Secy. 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 February, 1886;—

NO. 3 OF 1886.

A Bill to amend the North-Western Provinces Rent Act, 1881.

XII of 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:—

(i) in applications under clause (*c*), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses (*l*), (*n*), (*o*) and (*p*), and in appeals from orders passed on applications under clauses (*d*), (*e*), (*f*), (*l*), (*n*), (*o*), (*p*), (*q*) and (*s*), according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause (*m*), and in appeals from orders passed on applications under clauses (*j*), (*m*) and (*t*), according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely:—

Power of Board to transfer business.

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. (*1*) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"(*2*) The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section (*1*) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"(*3*) The Local Government may by order recall any appeal transferred to a Collector under sub-section (*1*), and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Addition to section 189.

4. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely:—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or".

Sections 193, 196 and 197 of the same Act in part repealed.

5. In the same Act the last twelve words of section 196, the last twelve words of clause (*a*) of both sections 193 and 196, and the last six words of section 197, are repealed.

Amendment of section 194 of same Act.

6. In section 194 of the same Act the word "other" is repealed; and in clause (*b*), of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

7. For section 195 of the same Act the following shall be substituted, namely:—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

Amendment of section 198 of same Act.

8. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Section 199 of same Act amended.

9. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Addition to section 211 of same Act.

10. In section 211, after clause (*d*) the following shall be inserted, namely :—

"(*e*) as to the transfer of appeals to Collectors under section 100B".

Saving of orders passed before Act came into force.

11. Nothing in this Act shall confer a right to appeal from any order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are (*a*) to check the growth of an irregular system of appeal which has arisen from an abuse of the powers of applying for a revision of certain orders of the Revenue Courts granted by Act XII of 1881, (*b*) to enable the Local Government to relieve Commissioners of a portion of their judicial work by empowering them to transfer appeals pending before them to Collectors for disposal, (*c*) to give a right of appeal in rent-suits decided by a Collector or Assistant Collector of the first class where the rent payable is disputed and determined, and (*d*) to enable the Board of Revenue to transfer suits, applications or appeals from one subordinate Court to another.

Act XII of 1881 declares that certain orders of Collectors and Assistant Collectors of the first class on applications shall be final, subject to revision by the Commissioner of the Division or by the Board. Applications for revision to these tribunals can be made on a stamp of one rupee, and the consequence is that two appeals, the first to Commissioner, the second to the Board, are virtually granted on payment of a light stamp-duty in cases in which the legislature held that the orders should be final, and that some Commissioners are swamped, and the Board unduly occupied, with judicial work. A large proportion of these applications are rejected, but the careful scrutiny of the petition, and very often the examination of the record of the Court of first instance which must precede an order rejecting the petition, are a fruitless waste of the time of highly paid officials, and the facility and cheapness with which such applications can be presented hold out an encouragement to frivolous appeals. At the same time it is admitted that there is a proportion, though a small one, in these cases where orders passed by the Courts of first instance may call for a remedy. The Bill sweeps away the revisional jurisdiction of Commissioners altogether, but gives in lieu of it a right of appeal on an *ad valorem* stamp. A second appeal is allowed when the Commissioner reverses or modifies the decree of the Court of first instance.

2. The amount of judicial work connected with rent-suits has been increasing year by year, especially in the Benares and Meerut Divisions. It is therefore proposed to give power to Commissioners under the control of the Local Government to transfer for disposal appeals pending in their Courts to Collectors. This is on the anology of the Bengal Civil Courts Act, which empowers District Judges, subject to the orders of the High Court, to refer civil appeals for disposal to Subordinate Judges.

3. Section 189 of Act XII of 1881 makes the judgments of the Collector of a district and of an Assistant Collector of the first class appealable to the District Judge in certain classes of suits, where the value of the subject-matter exceeds Rs. 100. An exception to this pecuniary limit is admitted in suits where the proprietary title to land is determined. It is now proposed to extend the exception to cases where the rent is disputed and determined. In rent-suits this is frequently the main point of contention, and the decision in a single suit may govern rents in an entire village. It is desirable, therefore, that either party should be able to appeal from an adverse decision on such a point, and that the risk of contradictory decisions of different tribunals should be avoided.

4. Opportunity has also been taken to add a section to the Act empowering the Board of Revenue, on cause shown to its satisfaction, to transfer suits, applications or appeals from one subordinate Court to another. This is in accordance with the power granted to Civil Courts by the Code of Civil Procedure, and the want of such a power in the highest Revenue Court may force an officer to try a case in which he is interested in his executive capacity, such as President of a District or Municipal Board, or Manager for the Court of Wards.

J. W. QUINTON.

The 19th February, 1886

S. HARVEY JAMES,
Offg. 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 February, 1886 :—

XIX of 1873.

No. 4 OF 1886.

A Bill to amend the North-Western Provinces Land-Revenue Act, 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-Revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows :—

New section inserted after section 11.

1. After section 11 the following section shall be inserted, namely :—

Appointment, powers and duties of Additional Commissioner.

"11A. (*1*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

"(*2*) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"(*3*) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may from time to time prescribe, but only in such cases as the Commissioner of the Division may direct.

"(*4*) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (*3*), as if he were the Commissioner of the Division."

STATEMENT OF OBJECTS AND REASONS.

THE North-Western Provinces Land-revenue Act contains no provision, such as is found in the Codes of the Lower Provinces of Bengal, Bombay, the Punjab and Central Provinces, authorizing the appointment of Additional Commissioners.

At present the Commissioner of Benares is quite unable to cope with the judicial work pending in his Court, and it is very desirable that the Lieutenant-Governor should have the power, which exists in other provinces, of reinforcing the Commissioner under exceptional circumstances by a substantive, though temporary, measure of direct relief and assistance.

This Bill has been drawn enabling the Local Government, with the previous sanction of the Governor General in Council, to effect this, by appointing an Additional Commissioner and distributing the judicial work between him and the Commissioner of the Division.

J. W. QUINTON.

The 19th February, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 27, 1886.

☞ 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 19th February, 1886;—

No. 3 OF 1886.

A Bill to amend the North-Western Provinces Rent Act, 1881.

XII of 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; it is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

VII of 1870.

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:—

(i) in applications under clause (*c*), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses (*l*), (*n*), (*o*) and (*p*), and in appeals from orders passed on applications under clauses (*d*), (*e*), (*f*), (*l*), (*n*), (*o*), (*p*), (*q*) and (*s*), according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause (*m*), and in appeals from orders passed on applications under clauses (*j*), (*m*) and (*t*), according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely:—

Power of Board to transfer business.

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. (*1*) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"(*2*) The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section (*1*) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"(*3*) The Local Government may by order recall any appeal transferred to a Collector under sub-section (*1*), and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Addition to section 189.

4. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely:—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or".

Sections 193, 196 and 197 of the same Act in part repealed.

5. In the same Act the last twelve words of section 196, the last twelve words of clause (*a*) of both sections 193 and 196, and the last six words of section 197, are repealed.

6. In section 194 of the same Act the word "other" is repealed; and in clause (*b*), of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Amendment of section 194 of same Act.

Substitution of new section for section 195 of same Act.

7. For section 195 of the same Act the following shall be substituted, namely :—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

8. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Amendment of section 198 of same Act.

9. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Section 199 of same Act amended.

Addition to section 211 of same Act.

10. In section 211, after clause (*d*) the following shall be inserted, namely :—

"(*e*) as to the transfer of appeals to Collectors under section 100B".

Saving of orders passed before Act came into force.

11. Nothing in this Act shall confer a right to appeal from any order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are (*a*) to check the growth of an irregular system of appeal which has arisen from an abuse of the powers of applying for a revision of certain orders of the Revenue Courts granted by Act XII of 1881, (*b*) to enable the Local Government to relieve Commissioners of a portion of their judicial work by empowering them to transfer appeals pending before them to Collectors for disposal, (*c*) to give a right of appeal in rent-suits decided by a Collector or Assistant Collector of the first class where the rent payable is disputed and determined, and (*d*) to enable the Board of Revenue to transfer suits, applications or appeals from one subordinate Court to another.

Act XII of 1881 declares that certain orders of Collectors and Assistant Collectors of the first class on applications shall be final, subject to revision by the Commissioner of the Division or by the Board. Applications for revision to these tribunals can be made on a stamp of one rupee, and the consequence is that two appeals, the first to Commissioner, the second to the Board, are virtually granted on payment of a light stamp-duty in cases in which the legislature held that the orders should be final, and that some Commissioners are swamped, and the Board unduly occupied, with judicial work. A large proportion of these applications are rejected, but the careful scrutiny of the petition, and very often the examination of the record of the Court of first instance which must precede an order rejecting the petition, are a fruitless waste of the time of highly paid officials, and the facility and cheapness with which such applications can be presented hold out an encouragement to frivolous appeals. At the same time it is admitted that there is a proportion, though a small one, in these cases where orders passed by the Courts of first instance may call for a remedy. The Bill sweeps away the revisional jurisdiction of Commissioners altogether, but gives in lieu of it a right of appeal on an *ad valorem* stamp. A second appeal is allowed when the Commissioner reverses or modifies the decree of the Court of first instance.

2. The amount of judicial work connected with rent-suits has been increasing year by year, especially in the Benares and Meerut Divisions. It is therefore proposed to give power to Commissioners under the control of the Local Government to transfer for disposal appeals pending in their Courts to Collectors. This is on the anology of the Bengal Civil Courts Act, which empowers District Judges, subject to the orders of the High Court, to refer civil appeals for disposal to Subordinate Judges.

3. Section 189 of Act XII of 1881 makes the judgments of the Collector of a district and of an Assistant Collector of the first class appealable to the District Judge in certain classes of suits, where the value of the subject-matter exceeds Rs. 100. An exception to this pecuniary limit is admitted in suits where the proprietary title to land is determined. It is now proposed to extend the exception to cases where the rent is disputed and determined. In rent-suits this is frequently the main point of contention, and the decision in a single suit may govern rents in an entire village. It is desirable, therefore, that either party should be able to appeal from an adverse decision on such a point, and that the risk of contradictory decisions of different tribunals should be avoided.

4. Opportunity has also been taken to add a section to the Act empowering the Board of Revenue, on cause shown to its satisfaction, to transfer suits, applications or appeals from one subordinate Court to another. This is in accordance with the power granted to Civil Courts by the Code of Civil Procedure, and the want of such a power in the highest Revenue Court may force an officer to try a case in which he is interested in his executive capacity, such as President of a District or Municipal Board, or Manager for the Court of Wards.

J. W. QUINTON.

The 19th February, 1886.

S. HARVEY JAMES,
Offg. 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 February, 1886 :—

XIX of 1873.

NO. 4 OF 1886.

A Bill to amend the North-Western Provinces Land-Revenue Act, 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-Revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows :—

New section inserted after section 11.

1. After section 11 the following section shall be inserted, namely :—

Appointment, powers and duties of Additional Commissioner.

"11A. (*1*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

"(*2*) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"(*3*) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may from time to time prescribe, but only in such cases as the Commissioner of the Division may direct.

"(*4*) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner when exercising any powers or discharging any duties under sub-section (*3*), as if he were the Commissioner of the Division."

STATEMENT OF OBJECTS AND REASONS.

THE North-Western Provinces Land-revenue Act contains no provision, such as is found in the Codes of the Lower Provinces of Bengal, Bombay, the Punjab and Central Provinces, authorizing the appointment of Additional Commissioners.

At present the Commissioner of Benares is quite unable to cope with the judicial work pending in his Court, and it is very desirable that the Lieutenant-Governor should have the power, which exists in other provinces, of reinforcing the Commissioner under exceptional circumstances by a substantive, though temporary, measure of direct relief and assistance.

This Bill has been drawn enabling the Local Government, with the previous sanction of the Governor General in Council, to effect this, by appointing an Additional Commissioner and distributing the judicial work between him and the Commissioner of the Division.

J. W. QUINTON.

The 19th February, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 6, 1886.

☞ 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 19th February, 1886;—

No. 3 OF 1886.

A Bill to amend the North-Western Provinces Rent Act, 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows:— XII of 1881.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Short title and commencement.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

Amendment of section 95 of Act XII of 1881. XII of 1881.

"For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:— VII of 1870.

(i) in applications under clause (*c*), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

(ii) in applications under clauses (*l*), (*n*), (*o*) and (*p*), and in appeals from orders passed on applications under clauses (*d*), (*e*), (*f*), (*l*), (*n*), (*o*), (*p*), (*q*) and (*s*), according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be

"(iii) in applications under clause (*m*), and in appeals from orders passed on applications under clauses (*j*), (*m*) and (*t*), according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely:—

Power of Board to transfer business.

"100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

Commissioners may transfer appeals.

"100B. (*1*) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"(*2*) The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section (*1*) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"(*3*) The Local Government may by order recall any appeal transferred to a Collector under sub-section (*1*), and refer it for disposal to the Commissioner of the Division by whom it was transferred."

Addition to section 189.

4. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely:—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or".

Sections 193, 196 and 197 of the same Act in part repealed.

5. In the same Act the last twelve words of section 196, the last twelve words of clause (*a*) of both sections 193 and 196, and the last six words of section 197, are repealed.

6. In section 194 of the same Act the word "other" is repealed; and in clause (*b*), of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Amendment of section 194 of same Act.

Substitution of new section for section 195 of same Act.

7. For section 195 of the same Act the following shall be substituted, namely:—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

8. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Amendment of section 198 of same Act.

9. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Section 199 of same Act amended.

Addition to section 211 of same Act.

10. In section 211, after clause (*d*) the following shall be inserted, namely:—

"(*e*) as to the transfer of appeals to Collectors under section 100B",

Saving of orders passed before Act came into force.

11. Nothing in this Act shall confer a right to appeal from any order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are (*a*) to check the growth of an irregular system of appeal which has arisen from an abuse of the powers of applying for a revision of certain orders of the Revenue Courts granted by Act XII of 1881, (*b*) to enable the Local Government to relieve Commissioners of a portion of their judicial work by empowering them to transfer appeals pending before them to Collectors for disposal, (*c*) to give a right of appeal in rent-suits decided by a Collector or Assistant Collector of the first class where the rent payable is disputed and determined, and (*d*) to enable the Board of Revenue to transfer suits, applications or appeals from one subordinate Court to another.

Act XII of 1881 declares that certain orders of Collectors and Assistant Collectors of the first class on applications shall be final, subject to revision by the Commissioner of the Division or by the Board. Applications for revision to these tribunals can be made on a stamp of one rupee, and the consequence is that two appeals, the first to Commissioner, the second to the Board, are virtually granted on payment of a light stamp-duty in cases in which the legislature held that the orders should be final, and that some Commissioners are swamped, and the Board unduly occupied, with judicial work. A large proportion of these applications are rejected, but the careful scrutiny of the petition, and very often the examination of the record of the Court of first instance which must precede an order rejecting the petition, are a fruitless waste of the time of highly paid officials, and the facility and cheapness with which such applications can be presented hold out an encouragement to frivolous appeals. At the same time it is admitted that there is a proportion, though a small one, in these cases where orders passed by the Courts of first instance may call for a remedy. The Bill sweeps away the revisional jurisdiction of Commissioners altogether, but gives in lieu of it a right of appeal on an *ad valorem* stamp. A second appeal is allowed when the Commissioner reverses or modifies the decree of the Court of first instance.

2. The amount of judicial work connected with rent-suits has been increasing year by year, especially in the Benares and Meerut Divisions. It is therefore proposed to give power to Commissioners under the control of the Local Government to transfer for disposal appeals pending in their Courts to Collectors. This is on the anology of the Bengal Civil Courts Act, which empowers District Judges, subject to the orders of the High Court, to refer civil appeals for disposal to Subordinate Judges.

3. Section 189 of Act XII of 1881 makes the judgments of the Collector of a district and of an Assistant Collector of the first class appealable to the District Judge in certain classes of suits, where the value of the subject-matter exceeds Rs. 100. An exception to this pecuniary limit is admitted in suits where the proprietary title to land is determined. It is now proposed to extend the exception to cases where the rent is disputed and determined. In rent-suits this is frequently the main point of contention, and the decision in a single suit may govern rents in an entire village. It is desirable, therefore, that either party should be able to appeal from an adverse decision on such a point, and that the risk of contradictory decisions of different tribunals should be avoided.

4. Opportunity has also been taken to add a section to the Act empowering the Board of Revenue, on cause shown to its satisfaction, to transfer suits, applications or appeals from one subordinate Court to another. This is in accordance with the power granted to Civil Courts by the Code of Civil Procedure, and the want of such a power in the highest Revenue Court may force an officer to try a case in which he is interested in his executive capacity, such as President of a District or Municipal Board, or Manager for the Court of Wards.

The 19th February, 1886.

J. W. QUINTON.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 19th February, 1886:—

XIX of 1873.

NO. 4 OF 1886.

A Bill to amend the North-Western Provinces Land-Revenue Act, 1873.

WHEREAS it is expedient to amend the North-Western Provinces Land-Revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows:—

New section inserted after section 11.

1. After section 11 the following section shall be inserted, namely:—

Appointment, powers and duties of Additional Commissioner.

"11A. (*1*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

"(*2*) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"(*3*) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may from time to time prescribe, but only in such cases as the Commissioner of the Division may direct.

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THE North-Western Provinces Land-revenue Act contains no provision, such as is found in the Codes of the Lower Provinces of Bengal, Bombay, the Punjab and Central Provinces, authorizing the appointment of Additional Commissioners.

At present the Commissioner of Benares is quite unable to cope with the judicial work pending in his Court, and it is very desirable that the Lieutenant-Governor should have the power, which exists in other provinces, of reinforcing the Commissioner under exceptional circumstances by a substantive, though temporary, measure of direct relief and assistance.

This Bill has been drawn enabling the Local Government, with the previous sanction of the Governor General in Council, to effect this, by appointing an Additional Commissioner and distributing the judicial work between him and the Commissioner of the Division.

J. W. QUINTON.

The 19th February, 1886.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 27, 1886.

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 19th March, 1886, and was referred to a Select Committee :—

No. 5 of 1886.

THE GUARDIANS AND WARDS BILL, 1886.

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(Chapter I.—Preliminary.—Sections 1-4.)

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THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to Consolidate and amend the law relating to Guardian and Ward.

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Guardians and Wards Act, 1886.

(*2*) It extends to the whole of British India except the Scheduled Districts; and

(*3*) It shall come into force on the first day of January, 1887.

(*4*) Any power conferred by this Act to make rules or issue orders 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.

2. (*1*) On and from the day on which this Act comes into force, the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

(*2*) But all proceedings had, certificates granted, allowances assigned, obligations imposed and applications, appointments, orders and rules made under any of those enactments shall, so far as may be, be deemed to have been respectively had, granted, assigned, imposed and made under this Act.

(*3*) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

[Act XL, 1858, s. 2, and Act IX, 1861, s. 7.]

Saving of jurisdiction of Courts of Wards and Chartered High Courts.

3. This Act shall be read subject to every enactment heretofore or hereafter passed relating to any Court of Wards by the Governor General in Council or by a Governor or Lieutenant-Governor in Council; and nothing in this Act shall be deemed to affect, or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four (*an Act for establishing High Courts of Judicature in India*).

Definitions.

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

[cf. Act IX, 1872, s. 11.]

(*1*) "minor" means a person who has not reached the age of majority according to the law to which he is subject:

(*2*) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property:

(*3*) "ward" means a minor for whose person or property, or both, there is a guardian:

(*4*) "the Court" means the Court having jurisdiction to entertain an application under this Act for the appointment, or declaration of the title, of a guardian; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or the High Court to which that Court is subordinate, or, in any matter relating to the person of the ward, the High Court having jurisdiction in the place where the ward for the time being resides:

(*5*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes any officer whom the Local Government, by notification in the official Gazette, may, from time to time, by name or by virtue of his office, appoint to be a Collector in any local area, or with respect to any class of persons, for all or any of the purposes of this Act:

(*6*) "prescribed" means prescribed by rules made by the High Court under this Act.

CHAPTER II.

APPOINTMENT OF GUARDIANS.

Power of parents to appoint in case of persons subject to Indian Succession Act.

[Act XIII, 1874, s. 3. Act X, 1865, s. 47.]

5. Where a minor is a person to whom the Indian Succession Act, 1865, applies, a guardian of his person or property, or both, may be appointed by will or other instrument to take effect on the death of the person appointing—

X of 1865.

(*a*) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(*b*) if the minor is illegitimate, by the mother.

Saving of power to appoint in other cases.

[New.]

6. Where a minor is a person to whom the Indian Succession Act, 1865, does not apply, nothing in this Act shall take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which he is subject.

X of 1865.

Power of the Court to make order as to guardianship.

[Act XL, 1858, ss. 7 and 9: Act IX, 1861, s. 3: Act XX, 1864, ss. 6 and 8: Act XIII, 1874, ss. 4 and 7.]

7. Where it appears to the Court that provision ought to be made—

(*a*) for appointing a guardian of the person or property, or both, of a minor, or

(*b*) for declaring the title of a person claiming to be such a guardian,

the Court may make an order accordingly.

Persons entitled to apply for order.

[Act XL, 18 ss. 3 and 4 Act IX, 1 s. 1: Act 1864, ss. and 3 Act XIII, 1874, s. 5.]

8. An order may be made under the last foregoing section on the application of—

(*a*) the person desirous of being, or claiming to be, the guardian of the minor, or

The Guardians and Wards Bill, 1886.

(Chapter II.—Appointment of Guardians.—Sections 9-14.)

(*b*) any relative or friend of the minor, or

(*c*) the Collector of the district or other local area within which the minor resides or has property, or

(*d*) the Collector having authority with respect to the class to which the minor belongs.

[Act XL, 1858, s. 29. Act IX, 1861, s. 1. Act X, 1864, s. 34. Act XIII, 1874, s. 2. Act X, 1865, s. 264. Act V, 1881, s. 87.]

Court having jurisdiction to entertain the application.

9. (*1*) The application shall be made either to the High Court having jurisdiction in the place where the minor resides or has property, or to the District Court having jurisdiction in that place.

[Tagore Law Lectures, 1877, 156 and 157.]

(*2*) An application with respect to the guardianship of the person of a minor shall ordinarily be made to the Court having jurisdiction in the place where the minor resides.

[Act X, 1865, s. 241, and Act V, 1881, s. 57.]

(*3*) If an application with respect to the guardianship of the person or property, or both, of a minor is made to a Court other than that having jurisdiction in the place where the minor resides, the Court may refuse the application if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

[Act XIII, 1874, s. 5.]

Form of application.

10. (*1*) The application shall be by petition setting forth the grounds of the application, and stating—

(*a*) the age and residence of the minor;

(*b*) the nature and value of his property (if any);

(*c*) where the person or property of the minor is not in the custody or possession of the petitioner, the person (if any) having the custody or possession of the person or property of the minor;

(*d*) what relations the minor has, and where they reside;

(*e*) whether an application has at any time been made to the Court or to any other Court with respect to the guardianship of the person or property, or both, of the minor, and, if so, when, to what Court and with what result;

(*f*) where the application is to appoint a guardian, the qualifications of the proposed guardian and his willingness to act;

(*g*) where the application is to declare the title of a guardian, the grounds on which that title rests; and

(*h*) such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(*2*) The petition shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may be received as evidence of the facts stated therein.

Procedure on admission of application.

[Act XL, 1858, s. 6, and Act XX, 1864, s. 5.]

11. (*1*) If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

[Act XIII, 1874, s. 5.]

(*a*) to be served, in the manner directed in the Code of Civil Procedure, on the person (if any) named in the petition as having the custody or being in possession of the person or property of the minor, and on any other person to whom, in the opinion of the Court, special notice of the application should be given; and

XIV of 1882.

(*b*) to be posted on some conspicuous part of the court-house, and otherwise published in such manner as the Court, subject to any rules made by the High Court under this Act, thinks fit.

[Circular Order No. 30 of 1880—High Court, North-Western Provinces.]

(*2*) When any part of the property described in the petition is of such nature that a Court of Wards could assume the superintendence thereof, the Court shall also cause a notice as aforesaid to be served on the Collector in whose district the minor resides, and on every Collector in whose district any portion of that part of the property is situate, and the Collector may cause the notice to be published in any manner he deems fit.

Power to make interlocutory order for production of minor and interim protection of his person and property.

[Act IX, 1861, s. 2, and Act XIII, 1874, s. 6.]

12. The Court may direct that the person (if any) having the custody of the minor shall produce him at such place and time as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

Hearing of evidence before making of order.

[Act IX, 1861, s. 6 and Act XIII, 1874, s. 7.]

13. On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

Appointment of several guardians.

[Act XIII, 1874, s. 21.]

14. (*1*) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

(*2*) Separate guardians may be appointed or declared of the person and of the property of a minor.

[Act XIII, 1874, s. 4.]

(*3*) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

[Act XIII, 1874, s. 4.]

(*4*) If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall accept the guardian as duly appointed or declared and give effect to the order appointing or declaring him.

The Guardians and Wards Bill, 1886.

(Chapter II.—Appointment of Guardians.—Sections 15-17.)

(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 18-22.)

[Act XIII, 1874, s. 10.]

15. (*1*) In appointing or declaring the guardian of a minor the Court shall be guided by the law to which the minor is subject and by what appears to be, consistently with that law, for the best interest of the minor with respect to his mental, moral and temporal welfare.

Matters to be considered by the Court in appointing guardian.

(*2*) In considering what will be for the best interest of the minor, the Court shall have regard to his age, his relationship to the proposed guardian, the wishes of a deceased parent (if any), and any existing or previous connection of the proposed guardian with the person or property of the minor.

(*3*) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

X of 1865.

(*4*) In the case of persons to whom the Indian Succession Act, 1865, applies, as between parents adversely claiming the guardianship, neither parent is entitled to it as of right; but, other things being equal in such case, if the minor is of tender years, he should be given to the mother, and if he is of an age to require education and preparation for labour and business, then to the father.

[New.]

(*5*) Where the minor is a member of an undivided Hindu family, special weight is to be attached to any claim which the managing member of the family may make to be appointed or declared guardian, and to any objection which he may take to an appointment or declaration asked for in an application.

(*6*) The Court shall not appoint a person to be guardian against his will.

[Act XL, 1858, s. 27: Act XX, 1864, s. 31: Act XIII, 1874, s. 25: and Act XVII, 1885, s. 8.]

Guardian of the person not to be appointed by the Court in certain cases.

16. Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the person of a minor—

(*a*) who is a married female cohabiting with her husband, or

(*b*) whose father is living and is not a minor or, in the opinion of the Court, unfit to perform, or incapable of performing, the duties of a guardian of the person of the minor, or

(*c*) whose property is under the superintendence of a Court of Wards competent to appoint a guardian of his person.

[New.]

Guardian of property to be appointed by the Court subject to restrictions in case of certain minors.

17. Where under this Chapter the Court appoints or declares a guardian of the property of a minor who is a member of an undivided Hindu family, it shall, except where it is proved to the satisfaction of the Court that the interests of the minor have been actually imperilled, appoint or declare the guardian subject to such restrictions as will prevent him from interfering with the powers of the managing member of the family.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

Fiduciary relation of guardian to ward.

18. (*1*) A guardian must act for the benefit of his ward. [Seton's Decrees, 739, and Act XIII, 1874, s. 18.]

(*2*) He cannot make any profit out of his office.

(*3*) With respect to the property of the ward, he stands in the position of trustee for the ward, and is responsible for any loss occasioned to the property by his wilful default or gross negligence.

(*4*) This fiduciary relation extends to and affects purchases by a guardian of the property of his ward immediately or soon after the ward has ceased to be a minor, and generally all transactions between them while the influence of the guardian still lasts or is recent.

Minor incompetent to act.

19. A minor is incompetent to act as guardian. [Act XIII, 1874, s. 19.]

Guardian of the Person.

Duties of guardian of the person.

20. A guardian of the person of a ward is charged with the custody of the ward, and must look to his support, health and education, and such other matters as the law to which the ward is subject requires. [Act XIII, 1874, ss. 11 and 12.]

Title of guardian to custody of ward.

21. (*1*) If a ward leaves the custody of his guardian, he may be compelled by order of the Court to return to that custody. [Act XIII, 1874, s. 13.]

(*2*) But the Court may refuse to make an order for his return to the custody of the guardian if it appears—

(*a*) that the ward has been ill-treated by the guardian; or

(*b*) that the conduct of the guardian in any other respect has rendered him unfit to have the custody of the ward; or

(*c*) that the ward is, on reasonable grounds not inconsistent with the law to which he is subject, unwilling to return, and, having attained to years of discretion, is capable of exercising a wise choice as to the custody in which he will remain.

(*3*) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship. [Eversley's Domestic Relations, 691-92.]

Removal of ward from jurisdiction.

22. (*1*) A guardian of the person appointed or declared by the Court shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction, except for such temporary purposes as may be prescribed or for the purpose of placing him beyond those limits at an educational institution appointed by the Local Government administering the territories

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(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 23-27.)

within which the Court is established as an institution to which a guardian may send a ward without the leave of the Court.

(*2*) The leave granted by the Court under sub-section (*1*) may be special or general, and may be defined by the order granting it.

Guardian of Property.

[Act XLII, 1874, s. 15.]

Duties of guardian of property.

23. (*1*) A guardian of the property of a ward must keep that property safely.

(*2*) In the case of immoveable property, he must not suffer any waste, but must maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property.

[Act XL, 1858, s. 18: Act XX, 1864, s. 18: and Act XIII, 1874, s. 16.]

Limitation of powers of guardian of property appointed or declared by the Court.

24. Where a guardian of the property of a ward has been appointed or declared by the Court, he shall not, without the previous permission of the Court,—

(*a*) borrow for his ward; or

(*b*) mortgage, charge or transfer by sale, gift, exchange or otherwise any part of the immoveable property of his ward; or

(*c*) lease any part of that property for a term exceeding three years; or

(*d*) transfer any Government securities belonging to the ward, or the shares or other interest of the ward in any company; or

(*e*) dispose of any other part of the principal of the property of the ward:

[Cf. Agt V, 1881, s. 90.]

Provided that the Court may, subject to any rules made by the High Court under this Act, exempt a guardian from the necessity of obtaining the permission of the Court under this section, either generally or in special circumstances, and as to either the whole or any specified part of the property of the ward.

[New.]

Practice with respect to limitation of powers of guardian of property.

25. (*1*) Permission to the guardian to do any of the acts mentioned in the last foregoing section shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

[New.]

(*2*) The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach to the permission; and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

[New.]

(*3*) The Court may in its discretion attach to the permission the following among other conditions, namely:—

(*a*) that a sale shall be made to the highest bidder by public auction, before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made by the High Court under this Act, directs;

(*b*) that a lease shall not be made in consideration of a premium, or shall be made for such term of years and subject to such rents and covenants as the Court directs;

(*c*) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian to be invested by the Court on prescribed securities or otherwise disposed of as the Court directs.

[New.]

(*4*) Before granting permission to a guardian to do an act mentioned in the last foregoing section the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear, and record the statement of, any person who appears in opposition to the application.

[Act XL, 1858, s. 2: Act XX, 1864, s. 1: and Act XIII, 1874, s. 20.]

General powers of guardian of property.

26. (*1*) Where a guardian of the property of a ward has been appointed or declared by the Court, the Court may from time to time, **by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.**

(*2*) Subject to any such order and subject also to sections 17 and 24, a guardian appointed by or under a will or other instrument shall, with respect to the property of his ward, have such powers and be subject to such restrictions as are conferred or imposed on him by that instrument.

[Act II, 1882, s. 36.]

(*3*) Subject to the foregoing provisions of this section, a guardian of the property of a ward may do all acts which are reasonable and proper for the realization, protection or benefit of the property of the ward and are allowed by the law to which the ward is subject.

[Act II, 1882, s. 34.]

Right of guardian to apply to the Court for opinion in management of property of ward.

27. (*1*) A guardian may apply by petition to the Court for its opinion, advice or direction on any present questions respecting the management or administration of the property of his ward, other than questions not proper, in the opinion of the Court, for summary disposal.

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(*2*) 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.

(*3*) The guardian stating in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as guardian in the subject-matter of the application.

[Act XIII, 1874, s. 18.]

28. Where a guardian of the property of a ward has been appointed or declared by the Court, he shall—

Obligations on, and privileges of, guardian of property.

[Act X, 1865, s. 256, and Act V, 1881, s. 78.]

(*a*) if so required by the Court, give a bond, as nearly may be in the prescribed form, to the Judge of the Court to enure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

[Act XL, 1858, s. 16, and Act XX 1864, s. 16.]

(*b*) deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, a statement of the immoveable property belonging to the ward, of the money and other moveable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

[Act XL, 1858, s. 16, and Act XX, 1864, s. 16.]

(*c*) exhibit his accounts in the Court at such times and in such form as the Court directs;

[Act XL, 1858, s. 17, and Act XX, 1864, s. 17.]

(*d*) if the Court so directs, pay into the Court the balance due from him on those accounts, or so much thereof as the Court directs, in the manner in which money is required by any rules for the time being in force to be paid into that Court;

[Act XL, 1858, s. 11: Act XX, 1864, s. 10: and Act XIII, 1874, s. 17.]

(*e*) apply for the maintenance, education and advancement of the ward such portion of the income of the property of the ward as the Court directs, and, if the Court so directs, the whole or any part of the principal of that property; and

[Act XL, 1858, s. 24, and Act XX, 1864, s. 24.]

(*f*) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

[Act X, 1865, s. 257, and Act V, 1881, s. 79. I. L. R. 5 All. 248.]

29. Where a guardian has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may at any time, on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that the money received be paid into the Court, or otherwise, as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, the full amount recoverable in respect of any breach thereof.

Suit against guardian where administration-bond was not taken.

[Act XL, 1858, s. 19, and Act XX, 1864, s. 19.]

30. Where a guardian has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his legal representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, the full amount found in the suit to have been received by the guardian and not to have been duly accounted for.

[Act XL, 1858, s. 19, and Act XX, 1864, s. 19.]

31. Nothing in either of the last two foregoing sections shall be construed to deprive a ward or his legal representative of any remedy against his guardian, or the legal representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his legal representative would have against his trustee or the legal representative of the trustee.

General liability of guardian as trustee.

Termination of Guardianship.

[Act XIII, 1874, s. 21.]

32. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until a further appointment is made by the Court.

Right of survivorship among joint guardians.

[Act XL, 1858, s. 21: Act XX, 1864, s. 21 and Act XIII, 1874, ss. 22 and 24.]

33. (*1*) The Court may, on the application of any person interested, or of its own motion, remove a guardian for any of the following causes, namely:—

Removal of guardian.

(*a*) for abuse of his trust;

(*b*) for continued failure to perform its duties;

(*c*) for incapacity to perform its duties;

(*d*) for gross immorality;

(*e*) for having an interest adverse to the faithful performance of his duties;

(*f*) for removal from the local limits of the jurisdiction of the Court;

(*g*) by reason of the arrival within those limits of some person whose guardianship the Court may think likely to be more beneficial to the ward than that of his guardian; or

(*h*) in the case of a guardian of the property, for insolvency.

(*2*) When a guardian has been removed for any such cause, the Court may appoint a successor to him under the provisions of Chapter II.

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(*Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 34-35.*)

(*Chapter IV.—Supplemental Provisions.—Sections 34-41.*)

[Act XL, 1858, s. 23: Act XX, 1864, s. 23: and Act XIII, 1874, ss. 23 and 24.]

34. (*1*) If a guardian desires to resign his office, he may apply to the Court to be discharged.

Discharge of guardian.

(*2*) If the Court finds that there is some other proper person whom it may appoint to be guardian under the provisions of Chapter II, it shall discharge the applicant from the guardianship and appoint the other person in his place.

[Act XL, 1858, s. 27: Act XX, 1864, s. 31: and Act XIII, 1874, s. 25.]

35. (*1*) The power of a guardian of the person ceases—

Cessation of authority of guardian.

(*a*) by his removal or discharge;

(*b*) by the Court of Wards assuming superintendence of the person of the ward;

(*c*) by the ward ceasing to be a minor;

(*d*) in the case of a female ward, by her marriage followed by cohabitation with her husband; or

(*e*) in the case of a ward whose father was a minor, or deemed unfit to perform, or incapable of performing, the duties of a guardian of the person of the ward, by the father ceasing to be a minor or, as the case may be, to be deemed unfit or incapable as aforesaid.

(*2*) The power of a guardian of the property ceases—

(*a*) by his removal or discharge;

(*b*) by the Court of Wards assuming superintendence of the property of the ward; or

(*c*) by the ward ceasing to be a minor.

[Act XL, 1858, s. 21, and Act XX, 1864, s. 21.]

(*3*) When for any cause a person ceases to be a guardian, the Court may require him to deliver as it directs any property in his possession belonging to the ward.

[Act XL, 1858, s. 23, and Act XX, 1864, s. 23.]

(*4*) When he has delivered as the Court directs the property, if any, in his possession belonging to the ward, the Court may declare him to be discharged from his liabilities as guardian, save as regards any fraud which may subsequently be discovered.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

[Act XL, 1858, s. 2: Act XX, 1864, s. 1: Act XIII, 1874, s. 20: and Act XIV, 1882, s. 493.]

36. (*1*) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian who has not been appointed by a Court of Wards, whether the guardian has been appointed or declared by the Court under this Act or not.

Orders for regulating conduct or proceedings of guardians, and enforcement of these orders.

(*2*) In case of disobedience to an order made under sub-section (*1*), the order may be enforced in the same manner as an injunction granted under section 492 or section 493 of the Code of Civil Procedure, as if the guardian were the defendant and the ward the plaintiff.

XIV of 1882.

[Act XIII, 1874, s. 14.]

37. If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, the guardian of the ward removes him from the limits of the jurisdiction of the Court in contravention of the prohibition contained in section 22, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

Penalty for removal of ward from jurisdiction.

[Act XL, 1858, s. 22, and Act XX, 1864, s. 22.]

38. If a guardian fails to deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, the statement mentioned in clause (*b*) of section 28, or to exhibit his accounts in the Court, as required by clause (*c*) of that section, or to pay into the Court the balance due from him on those accounts, as required by clause (*d*) of that section,

or if a person who has ceased to be a guardian fails, on the requisition of the Court, to deliver as the Court directs any property in his possession belonging to the ward,

he shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and, in case of recusancy, to further fine not exceeding fifty rupees for each day after the first during which the default continues and to detention in the civil jail until he consents to deliver the statement, or exhibit the accounts, or pay the balance, or deliver the property, as the case may be.

Penalty for failure to account.

[Act V, 1862, s. 14.]

39. Nothing in this Act shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence against this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act:

Saving of prosecution under other law.

Provided that a person shall not be punished twice for the same offence

[Act XL, 1858, ss. 6 and 8, and Act XX, 1864, ss. 5 and 7.]

40. The Court may call upon the Collector, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Act and treat the report as evidence.

Reports by Collectors and Subordinate Courts.

[Act XL, 1858, s. 28: Act XX, 1864, s. 33: and Act IX, 1861, s. 5.]

41. An appeal shall lie to the High Court from an order made by a District Court—

Orders appealable.

(*a*) under section 7, appointing or declaring or refusing to appoint or declare a guardian; or

(*b*) under section 9, sub-section (*3*), refusing an application; or

(*c*) under section 21, making or refusing to make an order for the return of a ward to the custody of his guardian; or

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(The Schedule.—Enactments repealed.)

(*d*) under section 24, refusing to grant permission to the guardian to do an act mentioned in that section; or

(*e*) under section 26, sub-section (*1*), defining, restricting or extending the powers of a guardian; or

(*f*) under section 33, sub-section (*1*), removing a guardian; or

(*g*) under section 34, refusing to discharge a guardian; or

(*h*) under section 36, regulating the conduct or proceedings of a guardian, or enforcing the order; or

(*i*) under section 37 or section 38, imposing a penalty.

[Act IX, 1861, s. 6, and Act XIII, 1874, s. 9.] XIV of 1882.

42. Save as provided by the last foregoing section and by section 622 of the Code of Civil Procedure, an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

Finality of orders.

[Act X, 1865, s. 241, and Act V, 1881, s. 57.]

43. The High Court may refuse an application made to it under this Act if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

Power of High Court to refuse applications capable of being dealt with by another Court.

[Act XL, 1858, s. 13, and Act XX, 1864, s. 13.]

44. The costs of any proceeding under this Act shall, subject to any rules made by the High Court under this Act, be in the discretion of the Court in which the proceeding is held.

Costs.

[New cf. Act XIII, 1874, s. 8]

45. In addition to any other power to make rules conferred expressly or impliedly by this Act, the High Court may from time to time make rules—

Power of High Court to make rules.

(*a*) as to the procedure to be followed with respect to applications of guardians for permission to do acts mentioned in section 24;

(*b*) as to the security to be required from guardians;

(*c*) as to the preservation of statements and accounts delivered and exhibited by guardians;

(*d*) as to the inspection of those statements and accounts by persons interested;

(*e*) as to the custody of money, and securities for money, belonging to wards;

(*f*) as to the securities on which money belonging to wards may be invested;

(*g*) as to allowances to be granted to guardians for their care and pains in the execution of their duties; and

(*h*) generally, for carrying out the purposes of this Act.

[New.]

46. A guardian appointed by, or holding a certificate of administration from, a Civil Court under any enactment repealed by this Act shall, save as may be prescribed, be subject to the provisions of this Act, and of the rules made under it, as if he had been appointed under Chapter II.

Applicability of Act to guardians already appointed by Court.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Number and year.	Title or subject.	Extent of repeal.
	Acts of the Governor General in Council.	
XIV of 1858	Minors (Madras) . .	The whole.
XL of 1858	Minors (Bengal) . .	So much as has not been repealed.
XX of 1864	Minors (Bombay) . .	The whole.
IX of 1861	Minors . . .	The whole.
VII of 1870	Court-fees . . .	Section 19 H, and article 10 of Schedule I.
IV of 1872	Punjab Laws . .	So far as it relates to Act XL of 1858.
XIX of 1873	North-Western Provinces Land-revenue.	Section 258.
XIII of 1874	European British Minors .	The whole.
XV of 1874	Laws Local Extent . .	So far as it relates to any enactment repealed by this Act.
XVII of 1875	Burma Courts . .	Section 96.
XX of 1875	Central Provinces Laws .	So far as it relates to Act XL of 1858.
XVIII of 1876	Oudh Laws . . .	So far as it relates to Act XL of 1858.
	Madras Regulations.	
V of 1804	Court of Wards . .	Section 20 and so much of sections 21 and 22 as relates to persons and property of minors not subject to the superintendence of the Court of Wards.
X of 1831	Minors' Estates . .	Section 3.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill to consolidate and amend the law relating to Guardian and Ward is based on opinions elicited by a reference to Local Governments and High Courts on the subject of certain defects in the law relating to the guardianship of minors, and its object is to provide a law of Guardian and Ward applicable as far as possible to all classes of Her Majesty's subjects in British India.

2. Among the enactments which the Bill will supersede are Act XL of 1858 and portions of the Madras Code, relating to minors in the Presidencies of Bengal and Madras who are not European British subjects and are not under the superintendence of a Court of Wards; Act XX of 1864, relating to minors in the Presidency of Bombay who are not European British subjects; Act IX of 1861, relating to the custody and guardianship of minors who are not European British subjects; and Act XIII of 1874, relating to the guardianship of European British minors in territories beyond the jurisdiction of the chartered High Courts.

3. The Bill, which follows generally the frame of Act XIII of 1874, is drawn as applicable to all District Courts and High Courts (including the chartered High Courts) and to minors of all creeds and races. But it does not take away any of the powers at present possessed by the chartered High Courts, and it provides that, in the selection of guardians and other matters, regard shall be had to the personal law of the minor. The jurisdiction and authority of Courts of Wards are expressly saved and will not be in any way affected by the proposed law.

4. One effect of the assimilation of the law will be to do away with the rule, which obtains in the Presidencies of Bengal and Bombay, that no person shall be entitled to institute or defend any suit connected with a minor's estate of which he claims the charge until he has obtained a certificate of administration. It is proposed that suits by and against minors shall be regulated by Chapter XXXI of the Code of Civil Procedure, and that, in a Bill which is to be introduced to amend that Code, provision be inserted conferring, among other privileges, on a guardian who has been appointed, or whose title has been declared, under the Guardians and Wards law, a preferential right to be appointed next friend or guardian for the suit.

5. The several sections of the Bill which appear to call for remark will now be noticed in consecutive order.

6. *Section 4, clause (1).*—In connection with section 26, Act XL of 1858, section 30, Act XX of 1864, and section 2, Act XIII of 1874, the question arose whether the age of majority should be dealt with in the Bill. As there was no necessity to deal with it, it was considered expedient to avoid the difficulty of doing so by defining "minor," in the terms of section 11 of the Indian Contract Act, 1872, as a person who has not reached the age of majority according to the law to which he is subject.

7. *Section 4, clause (2).*—"Guardian" has been so defined as to mean any person having the care of the person of a minor or of his property, or of both his person and property. The Bill, therefore, relates to guardians generally except where it is expressed to relate to particular classes of guardians.

8. *Section 5.*—This section follows Act XIII of 1874, which, in recognising in certain circumstances the right of a mother to appoint a guardian, was based on the New York Civil Code. The section goes beyond section 47 of the Indian Succession Act and beyond the English law. But under the English law an appointment by a mother is not now wholly ineffectual, and is likely at no distant date to be declared to be valid except in so far as it may interfere with an appointment by the father.

9. *Sections 9 and 43.*—The High Court and District Court will have concurrent jurisdiction, but the High Court may refuse an application with respect to the guardianship of a minor if in its opinion the application would be disposed of more justly or conveniently by a District Court. Where the application is with respect to the guardianship of the person of a minor, it is ordinarily to be made to the Court having jurisdiction in the place where the minor resides, that being the Court which can most effectively discharge the duties incident to the appointment of a guardian to the person of the minor.

10. *Section 11, sub-section (2).*—The sub-section follows an order made by the High Court of Judicature for the North-Western Provinces with a view to facilitating the discharge by Collectors of their duty of ascertaining and reporting to the Court of Wards from time to time what proprietors may come within the description of disqualified landholders.

11. *Section 14, sub-section (4).*—The rule laid down in this sub-section is, as explained by Sir Arthur Hobhouse with respect to the corresponding section in Act XIII of 1874, based solely on grounds of convenience.

12. *Section 15, sub-section (5), and section 17.*—As regards a minor who is a member of an undivided Hindu family, it seems to be generally admitted that it is desirable, as a rule, to leave him to his natural guardians without interference. But such a minor has certain rights in respect of the family property, and those rights are capable of being protected by a guardian. The guardian could not assume the management of the common property, and possibly he would, owing to the constitution of the co-ownership, be debarred from taking directly even a share in the management, and be confined to a mere power of control from without and a right in the last resort to demand a partition. But even this limited authority might in some cases be of great importance.

As regards the view hitherto taken by the Courts on this subject, it has indeed been held by the High Courts at Fort William and Bombay that Acts XL of 1858 and XX of 1864 could not be applied where the minor had no rights except as a member of an undivided Hindu family (I. L. R. 5 Cal. 219 and 3 Bom. 431, and 12 Bo. H. C. Rep. 247). Some doubt has been thrown on this view by the case before the Privy Council reported in I. L. R. 8 Cal. 656 (I. L. R. 6 Bom. 595 and 8 Bom. 396); but in any case it is a view which seems to be based on the peculiar wording of those Acts, which have been construed as contemplating an actual and (perhaps) corporeal taking charge of and management of some tangible property. In other words, these cases merely decide that under the particular Acts a manager cannot be appointed for a minor member of a pure joint family, not that such a manager is a thing inconceivable or impossible (I. L. R. 7 Cal. 369).

As regards the provisions of certain enactments which allow the Court of Wards to take charge only of the estate of a minor who is a sole owner (Act IV, 1872, section 35, Act XVII, 1876, section 161, and Bengal Act IX, 1879, section 7), they are to be accounted for by the fact that these enactments were designed mainly to guard against the risk of loss of revenue from an estate being left without any competent person in charge of it. That it was not considered impossible to take charge of the interest of a minor shareholder is manifest from Madras Regulations V of 1804, section 20, and X of 1831, section 3, and from the circumstance that section 14 of Act XL of 1858 and other similar enactments provide for the Collector taking charge of the share of a co-owner who is still a minor on the estate escaping from the management of the Court of Wards owing to the other co-owners having come of age. The Courts of Wards in the North-Western Provinces (Act XIX of 1873) and Central Provinces (Act XVII of 1885) are not precluded from assuming superintendence of the interest of a disqualified person who is a co-owner in an estate with other persons who are not disqualified.

It may be gathered from the proceedings of the Legislative Council, 1854-55, pages 672 *et seq.*, that it was the intention of the framers of Act XL of 1858 that the Civil Court should appoint guardians for minors owning shares in estates, and it would seem that it is only owing to the peculiar wording of the Act, coupled perhaps with a natural disinclination on the part of the Courts to interfere between joint-owners, that that intention has been defeated.

13. *Section 18.*—This section lays down certain general propositions based on the fact that guardianship is a trust, and that the relationship between guardian and ward is one *uberrimæ fidei*, not only while it lasts, but even after it has ceased to exist.

14. *Sections 24 and 25.*—These sections are based on section 18 of the Acts of 1858 and 1864 and the corresponding section of the Act of 1874, on certain provisions in the Code of Lower Canada, and on suggestions received for the amendment of the Acts of 1858 and 1864. They provide that a guardian who has been appointed, or whose title has been declared, by the Court, shall not borrow for his ward, or transfer any part of the principal of his property, without the permission of the Court, and that the Court, before granting its permission, shall satisfy itself that the transaction proposed is either necessary or for the evident advantage of the ward, and, when granting the permission, shall itself record an order setting forth the necessity or advantage and the conditions subject to which it permits the loan to be taken or the transfer to be effected (I. L. R. 5 Cal. 363 and 6 Cal. 161).

These sections will be supplemented by rules made by the High Court under section 44.

15. *Section 28, clause (a), and section 29.*—These provisions are suggested by the case reported at I. L. R. 5 All. 248.

16. *Section 32.*—The rule contained in this section follows from guardianship being a trust. Though the right of survivorship is not acknowledged in England in the case of guardians appointed by the Court of Chancery, yet in practice the survivor or survivors will be re-elected by the Court without a reference. In America there is the right of survivorship among guardians appointed by the Court of Chancery.

17. *Section 33.*—A testamentary guardian may be removed under this section.

18. *Section 41.*—The cases reported at 15 W. R. 492 and 22 W. R. 479 have suggested the specification of the orders from which an appeal shall lie.

19. Acts XL of 1858 and XX of 1864 provide, in sections 27 and 31, respectively, that nothing in those Acts shall authorise the appointment of any person other than a female as the guardian of the person of a female. The cases reported at I. L. R. 10 Cal. 15 and 11 Cal. 574, and the remarks at pages 213-14 of Sayyid Amir Ali's *Personal Law of Muhammadans*, seem to render the re-enactment of the provision inexpedient. Section 15 of the Bill specifies the matters by which the Court is to be guided in appointing a guardian, and one of those matters is the law to which the minor is subject.

20. The provision of Act XX of 1864, that the legal heir of a minor, or the person next in succession to his property, may not be appointed guardian of the person of the minor, has not been repeated. It is considered that the appointment of such persons should not be absolutely prohibited. This was the opinion of the Supreme Council when Act XL of 1858 was about to be enacted (Proceedings of Legislative Council, 1858, pages 576-77), and is the opinion of the Hon'ble Mr. M. Melvill.

21. If the Bill becomes law in its present form, article 10 of Schedule I of the Court-fees Act, 1870, which applies only to the Presidencies of Bengal and Bombay, will become obsolete. It has, therefore, been included in the schedule of enactments to be repealed.

22. A table is appended showing how the principal enactments scheduled for repeal have been reproduced in the Bill or otherwise dealt with.

C. P. ILBERT.

The 12th March, 1886.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XIV OF 1858:	
Section 1	Sections 20, 28 (*e*) and 36 of Bill.
2	Sections 20, 28 (*e*) and 36 of Bill.
3	Section 21 of Bill.
4	Sections 41 and 42 of Bill.
ACT XL OF 1858:	
Section 1	Repealed by Act XIV of 1870.
2	Sections 3, 26 and 36 of Bill.
3, paragraph 1	Section 8 of Bill.
paragraph 2 / proviso — who to institute or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
4	Section 8 of Bill.
5	Section 9 of Bill.
6, paragraph 1	Section 11 (*1*) of Bill.
paragraph 2	Section 13 of Bill.
proviso	Section 40 of Bill.
7	Sections 7 and 8 of Bill.
8	Section 40 of Bill.
Sections 9, 10 and 11, paragraphs 1 and 2	Sections 7 and 14 (*2*) of Bill.
Section 11, paragraph 3	Section 28 (*f*) of Bill.
paragraph 4	Section 28 (*e*) of Bill.
12: when Collector may be directed to take charge of estate. (*Repealed in Lower Provinces by Bengal Act IX of 1879.*)	Unnecessary. The Court of Wards can act in cases in which management by the Collector is desirable.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XL OF 1858:—contd.	
Section 13	Section 44 of Bill.
14: when Collector may be directed to retain charge of shares and persons of certain minors. (*Repealed in Lower Provinces by Bengal Act IX of 1879, and in Central Provinces by Act XVII of 1885.*)	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector. (*Repealed in Lower Provinces by Bengal Act IX of 1879.*)	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (*b*) of Bill.
paragraph 2	Section 28 (*c*) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (*d*) and 45 (*e*) and (*f*) of Bill.
18, paragraph 1	Section 26 (*3*) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21 (*Repealed in part in Lower Provinces by Bengal Act IX of 1879.*)	Sections 33 and 35 (*3*) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence	Section 35 (*3*) and (*4*) of Bill.
24	Sections 28 (*f*) and 45 (*g*) of Bill.
25 (*Repealed in part in Lower Provinces by Bengal Act IV of 1870, section 86.*)	Sections 20, 28 (*e*) and 36 of Bill.
26	Section 4 (*1*) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
27, paragraph 1, first sentence	Section 16 of Bill.
second sentence: guardians of females to be themselves females.	Not reproduced. See paragraph 19 of Statement of Objects and Reasons.
paragraph 2	Section 35 (*1*) (*d*) and (*e*) of Bill.
28	Section 41 of Bill.
29, paragraph 1, first sentence	Sections 4 (*4*) and 9 of Bill.
second sentence	Section 3 of Bill.
paragraph 2 (*number and gender*)	Not reproduced. See the General Clauses Act, I of 1868.
ACT IX OF 1861:	
Section 1, first sentence	Sections 7, 8, 9 and 10 of Bill.
second sentence	Section 11 (*1*) of Bill.
2	Section 12 of Bill.
3	Sections 7, 13 and 44 of Bill.
4: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
5	Section 41 of Bill.
6	Section 42 of Bill.
7	Section 3 of Bill.
8: definition of "Sadr Court"	Not reproduced. See the General Clauses Act, I of 1868.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:	
Section 1	Sections 26 and 36 of Bill.
2, paragraph 1	Section 8 of Bill.
paragraph 2 / proviso: who to institute or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
3	Section 8 of Bill.
4	Section 9 of Bill.
5, paragraph 1	Section 11 (*1*) of Bill.
paragraph 2	Section 13 of Bill.
proviso	Section 40 of Bill.
6	Sections 7 and 8 of Bill.
7	Section 40 of Bill.
Sections 8, 9 and 10, paragraphs 1 and 2, and proviso.	Sections 7 and 14 (*2*) of Bill. See paragraph 20 of the Statement of Objects and Reasons.
Section 10, paragraph 3	Section 28 (*f*) of Bill.
10, paragraph 4	Section 28 (*e*) of Bill.
11: when Collector may be directed to take charge of estate	Unnecessary, as section 7 is framed.
12	Section 28 (*a*) of Bill.
13	Section 44 of Bill.
14: procedure when proprietor of estate under Collector's charge comes of age.	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector.	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (*b*) of Bill.
paragraph 2	Section 28 (*c*) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (*d*) and 45 (*e*) and (*f*) of Bill.
18, paragraph 1	Section 26 (*3*) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21	Sections 33 and 35 (*3*) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence	Section 35 (*3*) and (*4*) of Bill.
24	Sections 28 (*f*) and 45 (*g*) of Bill.
25	Sections 20, 28 (*e*) and 36 of Bill.
26	Sections 20, 22 (*1*) and 36 of Bill.
27	
28	Section 28 (*e*) of Bill.
29: marriage of minors	Compare sections 20, 24 and 28 (*e*) of Bill.
30	Section 4 (*1*) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
31, paragraph 1: as to guardians of married females.	Section 16 of Bill.
paragraph 1: as to guardians of females being themselves females.	Not reproduced. See paragraph 19 of Statement of Objects and Reasons.
paragraph 2: guardianship to cease when husband attains majority.	Section 35 (*1*) (*d*).

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—concld.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:—*contd.*	
Section 32: saving of Act XXXV of 1858 (*Lunatics*).	Not reproduced.
33	Section 41 of Bill.
34, paragraph 1	Sections 4 (*4*) and 9 of Bill.
paragraph 2	Section 3 of Bill.
paragraph 3 (*number and gender*)	Not reproduced. See the General Clauses Act, I of 1868.
ACT XIII OF 1874:	
Section 1 (Formal)	.....
2 "Minor"	Section 4 (*1*) of Bill.
"Guardian"	Section 4 (*2*) of Bill.
"Court"	Sections 4 (*4*) and 9 of Bill.
3	Section 5 of Bill.
4, paragraph 1	Section 7 of Bill.
paragraph 2	Section 14 (*3*) of Bill.
paragraph 3	Section 14 (*4*) of Bill.
5, paragraph 1	Sections 8 and 10 (*1*) of Bill.
paragraph 2	Section 10 (*2*) of Bill.
paragraph 3	Section 11 (*1*) of Bill.
6	Section 12 of Bill.
7	Sections 7, 13 and 44 of Bill.
8, paragraph 1, first and second sentences: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
third sentence	Section 41 of Bill.
paragraph 2 (Forms)	Not reproduced.
paragraph 3	Section 45 of Bill.
9	Section 42 of Bill.
10, clause (*a*)	Section 15 (*1*) and (*3*) of Bill.
clause (*b*)	Section 15 (*4*) of Bill.
clause (*c*)	Section 15 (*2*) of Bill.
11	Section 20 of Bill.
12	
13	Section 21 of Bill.
14, paragraph 1	Section 22 (*1*) of Bill.
paragraph 2	Section 37 of Bill.
15	Section 23 of Bill.
16	Sections 24 and 25 of Bill.
17	Section 28 (*e*) of Bill.
18, clauses (*a*) to (*d*)	Section 28 (*a*), (*c*), (*d*) and (*f*) of Bill.
18, clause (*e*)	Section 18 (*3*) of Bill.
19	Section 19 of Bill.
20	Sections 26 (*1*) and 36 (*1*) of Bill.
21	Section 32 of Bill.
22	Section 33 of Bill.
23	Section 34 of Bill.
24	Sections 33 (*2*) and 34 (*2*) of Bill.
25, paragraph 1	Section 35 (*1*) of Bill.
paragraph 2	Section 35 (*2*) of Bill.
Schedule (Forms)	Not reproduced.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

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CALCUTTA, SATURDAY, APRIL 3, 1886.

☞ 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 19th March, 1886, and was referred to a Select Committee:—

No. 5 OF 1886.

THE GUARDIANS AND WARDS BILL, 1886.

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THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to Consolidate and amend the law relating to Guardian and Ward.

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Guardians and Wards Act, 1886.

(*2*) It extends to the whole of British India except the Scheduled Districts; and

(*3*) It shall come into force on the first day of January, 1887.

(*4*) Any power conferred by this Act to make rules or issue orders 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.

2. (*1*) On and from the day on which this Act comes into force, the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

(*2*) But all proceedings had, certificates granted, allowances assigned, obligations imposed and applications, appointments, orders and rules made under any of those enactments shall, so far as may be, be deemed to have been respectively had, granted, assigned, imposed and made under this Act.

(*3*) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

[Act XL, 1858, s. 2, and Act IX, 1861, s. 7.]

Saving of jurisdiction of Courts of Wards and Chartered High Courts.

3. This Act shall be read subject to every enactment heretofore or hereafter passed relating to any Court of Wards by the Governor General in Council or by a Governor or Lieutenant-Governor in Council; and nothing in this Act shall be deemed to affect, or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four (*an Act for establishing High Courts of Judicature in India*).

Definitions.

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

[cf. Act IX, 1872, s. 11.] (*1*) "minor" means a person who has not reached the age of majority according to the law to which he is subject:

(*2*) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property:

(*3*) "ward" means a minor for whose person or property, or both, there is a guardian:

(*4*) "the Court" means the Court having jurisdiction to entertain an application under this Act for the appointment, or declaration of the title, of a guardian; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or the High Court to which that Court is subordinate, or, in any matter relating to the person of the ward, the High Court having jurisdiction in the place where the ward for the time being resides:

(*5*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes any officer whom the Local Government, by notification in the official Gazette, may, from time to time, by name or by virtue of his office, appoint to be a Collector in any local area, or with respect to any class of persons, for all or any of the purposes of this Act:

(*6*) "prescribed" means prescribed by rules made by the High Court under this Act.

CHAPTER II.

APPOINTMENT OF GUARDIANS.

Power of parents to appoint in case of persons subject to Indian Succession Act.

[Act XIII, 1874, s. 3. cf. Act X, 1865, s. 47.] **5.** Where a minor is a person to whom the Indian Succession Act, 1865, applies, a guardian of his person or property, or both, may be appointed by will or other instrument to take effect on the death of the person appointing— X of 1865.

(*a*) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(*b*) if the minor is illegitimate, by the mother.

Saving of power to appoint in other cases.

[New.] **6.** Where a minor is a person to whom the Indian Succession Act, 1865, does not apply, nothing in this Act shall take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which he is subject. X of 1865.

Power of the Court to make order as to guardianship.

[Act XL, 1858, ss. 7 and 9; Act IX, 1861, s. 3: Act XX, 1864, ss. 6 and 8: Act XIII, 1874, ss. 4 and 7.] **7.** Where it appears to the Court that provision ought to be made—

(*a*) for appointing a guardian of the person or property, or both, of a minor, or

(*b*) for declaring the title of a person claiming to be such a guardian,

the Court may make an order accordingly.

Persons entitled to apply for order.

[Act XL, 18[illegible] ss. 3 and 4; Act IX, 1[illegible] s. 1: Act [illegible] 1864, ss. [illegible] and 3 Act 18[illegible] **8.** An order may be made under the last foregoing section on the application of—

(*a*) the person desirous of being, or claiming to be, the guardian of the minor, or

The Guardians and Wards Bill, 1886.

(Chapter II.—Appointment of Guardians.—Sections 9-14.)

(*b*) any relative or friend of the minor, or

(*c*) the Collector of the district or other local area within which the minor resides or has property, or

(*d*) the Collector having authority with respect to the class to which the minor belongs.

[Act XL, 1858, s. 29. Act IX, 1861, s. 1. Act XX, 1864, s. 34. Act XIII, 1874, s. 2. Act X, 1865, s. 264. Act V, 1881, s. 87.]

Court having jurisdiction to entertain the application.

9. (*1*) The application shall be made either to the High Court having jurisdiction in the place where the minor resides or has property, or to the District Court having jurisdiction in that place.

[Tagore Law Lectures, 1877, 156 and 157.]

(*2*) An application with respect to the guardianship of the person of a minor shall ordinarily be made to the Court having jurisdiction in the place where the minor resides.

[Act X, 1865, s. 241, and Act V, 1881, s. 57.]

(*3*) If an application with respect to the guardianship of the person or property, or both, of a minor is made to a Court other than that having jurisdiction in the place where the minor resides, the Court may refuse the application if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

[Act XIII, 1874, s. 5.]

Form of application.

10. (*1*) The application shall be by petition setting forth the grounds of the application, and stating—

(*a*) the age and residence of the minor;

(*b*) the nature and value of his property (if any);

(*c*) where the person or property of the minor is not in the custody or possession of the petitioner, the person (if any) having the custody or possession of the person or property of the minor;

(*d*) what relations the minor has, and where they reside;

(*e*) whether an application has at any time been made to the Court or to any other Court with respect to the guardianship of the person or property, or both, of the minor, and, if so, when, to what Court and with what result;

(*f*) where the application is to appoint a guardian, the qualifications of the proposed guardian and his willingness to act;

(*g*) where the application is to declare the title of a guardian, the grounds on which that title rests; and

(*h*) such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(*2*) The petition shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may be received as evidence of the facts stated therein.

Procedure on admission of application.

[Act XL, 1858, s. 6, and Act XX, 1864, s. 5.] **11.** (*1*) If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

(*a*) to be served, in the manner directed in the Code of Civil Procedure, on the person (if any) named in the petition as having the custody or being in possession of the person or property of the minor, and on any other person to whom, in the opinion of the Court, special notice of the application should be given; and [Act XIII, 1874, s. 5.] XIV of 1882.

(*b*) to be posted on some conspicuous part of the court-house, and otherwise published in such manner as the Court, subject to any rules made by the High Court under this Act, thinks fit.

[Circular Order No. 30 of 1880—High Court, North-Western Provinces.]

(*2*) When any part of the property described in the petition is of such nature that a Court of Wards could assume the superintendence thereof, the Court shall also cause a notice as aforesaid to be served on the Collector in whose district the minor resides, and on every Collector in whose district any portion of that part of the property is situate, and the Collector may cause the notice to be published in any manner he deems fit.

Power to make interlocutory order for production of minor and interim protection of his person and property.

[Act IX, 1861, s. 2, and Act XIII, 1874, s. 6.] **12.** The Court may direct that the person (if any) having the custody of the minor shall produce him at such place and time as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

Hearing of evidence before making of order.

[Act IX, 1861, s. 3 and Act XIII, 1874, s. 7.] **13.** On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

Appointment of several guardians.

[Act XIII, 1874, s. 21.] **14.** (*1*) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

(*2*) Separate guardians may be appointed or declared of the person and of the property of a minor.

[Act XIII, 1874, s. 4.] (*3*) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

[Act XIII, 1874, s.

(*4*) If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall accept the guardian as duly appointed or declared and give effect to the order appointing or declaring him.

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(Chapter II.—Appointment of Guardians.—Sections 15-17.)

(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 18-22.)

[Act XIII, 1874, s. 10.]

15. (*1*) In appointing or declaring the guardian of a minor the Court shall be guided by the law to which the minor is subject and by what appears to be, consistently with that law, for the best interest of the minor with respect to his mental, moral and temporal welfare.

Matters to be considered by the Court in appointing guardian.

(*2*) In considering what will be for the best interest of the minor, the Court shall have regard to his age, his relationship to the proposed guardian, the wishes of a deceased parent (if any), and any existing or previous connection of the proposed guardian with the person or property of the minor.

(*3*) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

X of 1865.

(*4*) In the case of persons to whom the Indian Succession Act, 1865, applies, as between parents adversely claiming the guardianship, neither parent is entitled to it as of right; but, other things being equal in such case, if the minor is of tender years, he should be given to the mother, and if he is of an age to require education and preparation for labour and business, then to the father.

[New.]

(*5*) Where the minor is a member of an undivided Hindu family, special weight is to be attached to any claim which the managing member of the family may make to be appointed or declared guardian, and to any objection which he may take to an appointment or declaration asked for in an application.

(*6*) The Court shall not appoint a person to be guardian against his will.

[Act XL, 1858, s. 27: Act XX, 1864, s. 31: Act XIII, 1874, s. 25: and Act XVII, 1885, s. 3.]

Guardian of the person not to be appointed by the Court in certain cases.

16. Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the person of a minor—

(*a*) who is a married female cohabiting with her husband, or

(*b*) whose father is living and is not a minor or, in the opinion of the Court, unfit to perform, or incapable of performing, the duties of a guardian of the person of the minor, or

(*c*) whose property is under the superintendence of a Court of Wards competent to appoint a guardian of his person.

[New.]

Guardian of property to be appointed by the Court subject to restrictions in case of certain minors.

17. Where under this Chapter the Court appoints or declares a guardian of the property of a minor who is a member of an undivided Hindu family, it shall, except where it is proved to the satisfaction of the Court that the interests of the minor have been actually imperilled, appoint or declare the guardian subject to such restrictions as will prevent him from interfering with the powers of the managing member of the family.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

Fiduciary relation of guardian to ward.

18. (*1*) A guardian must act for the benefit of his ward. [Seton's Decrees, 789, and Act XIII, 1874, s. 18.]

(*2*) He cannot make any profit out of his office.

(*3*) With respect to the property of the ward, he stands in the position of trustee for the ward, and is responsible for any loss occasioned to the property by his wilful default or gross negligence.

(*4*) This fiduciary relation extends to and affects purchases by a guardian of the property of his ward immediately or soon after the ward has ceased to be a minor, and generally all transactions between them while the influence of the guardian still lasts or is recent.

Minor incompetent to act.

19. A minor is incompetent to act as guardian. [Act XIII, 1874, s. 19.]

Guardian of the Person.

Duties of guardian of the person.

20. A guardian of the person of a ward is charged with the custody of the ward, and must look to his support, health and education, and such other matters as the law to which the ward is subject requires. [Act XIII, 1874, ss. 11 and 12.]

Title of guardian to custody of ward.

21. (*1*) If a ward leaves the custody of his guardian, he may be compelled by order of the Court to return to that custody. [Act XIII, 1874, s. 25.]

(*2*) But the Court may refuse to make an order for his return to the custody of the guardian if it appears—

(*a*) that the ward has been ill-treated by the guardian; or

(*b*) that the conduct of the guardian in any other respect has rendered him unfit to have the custody of the ward; or

(*c*) that the ward is, on reasonable grounds not inconsistent with the law to which he is subject, unwilling to return, and, having attained to years of discretion, is capable of exercising a wise choice as to the custody in which he will remain.

(*3*) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship. [Eversley's Domestic Relations, 691-93.]

Removal of ward from jurisdiction.

22. (*1*) A guardian of the person appointed or declared by the Court shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction, except for such temporary purposes as may be prescribed or for the purpose of placing him beyond those limits at an educational institution appointed by the Local Government administering the territories [Act XIII, 1874, s. 14.]

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(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 23-27.)

within which the Court is established as an institution to which a guardian may send a ward without the leave of the Court.

(*2*) The leave granted by the Court under sub-section (*1*) may be special or general, and may be defined by the order granting it.

Guardian of Property.

[Act XIII, 1874, s. 15.]

Duties of guardian of property.

23. (*1*) A guardian of the property of a ward must keep that property safely.

(*2*) In the case of immoveable property, he must not suffer any waste, but must maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property.

[Act XL, 1858, s. 18: Act XX, 1864, s. 18: and Act XIII, 1874, s. 16.]

Limitation of powers of guardian of property appointed or declared by the Court.

24. Where a guardian of the property of a ward has been appointed or declared by the Court, he shall not, without the previous permission of the Court,—

(*a*) borrow for his ward; or

(*b*) mortgage, charge or transfer by sale, gift, exchange or otherwise any part of the immoveable property of his ward; or

(*c*) lease any part of that property for a term exceeding three years; or

(*d*) transfer any Government securities belonging to the ward, or the shares or other interest of the ward in any company; or

(*e*) dispose of any other part of the principal of the property of the ward:

[Cf. Act V, 1881, s. 90.]

Provided that the Court may, subject to any rules made by the High Court under this Act, exempt a guardian from the necessity of obtaining the permission of the Court under this section, either generally or in special circumstances, and as to either the whole or any specified part of the property of the ward.

[New.]

Practice with respect to limitation of powers of guardian of property.

25. (*1*) Permission to the guardian to do any of the acts mentioned in the last foregoing section shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

[New.]

(*2*) The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach to the permission; and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

(*3*) The Court may in its discretion attach to the permission the following among other conditions, namely:— [New.]

(*a*) that a sale shall be made to the highest bidder by public auction, before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made by the High Court under this Act, directs;

(*b*) that a lease shall not be made in consideration of a premium, or shall be made for such term of years and subject to such rents and covenants as the Court directs;

(*c*) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian to be invested by the Court on prescribed securities or otherwise disposed of as the Court directs.

(*4*) Before granting permission to a guardian to do an act mentioned in the last foregoing section the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear, and record the statement of, any person who appears in opposition to the application. [New.]

[Act XL, 1858, s. 2: Act XX, 1864, s. 1: and Act XIII, 1874, s. 24.]

General powers of guardian of property.

26. (*1*) Where a guardian of the property of a ward has been appointed or declared by the Court, the Court may from time to time, by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

(*2*) Subject to any such order and subject also to sections 17 and 24, a guardian appointed by or under a will or other instrument shall, with respect to the property of his ward, have such powers and be subject to such restrictions as are conferred or imposed on him by that instrument.

(*3*) Subject to the foregoing provisions of this section, a guardian of the property of a ward may do all acts which are reasonable and proper for the realization, protection or benefit of the property of the ward and are allowed by the law to which the ward is subject. [Act II, 1882, s. 36.]

[Act II, 1882, s. 34.]

Right of guardian to apply to the Court for opinion in management of property of ward.

27. (*1*) A guardian may apply by petition to the Court for its opinion, advice or direction on any present questions respecting the management or administration of the property of his ward, other than questions not proper, in the opinion of the Court, for summary disposal.

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(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 28-33.)

(2) 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.

(3) The guardian stating in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as guardian in the subject-matter of the application.

[Act XIII, 1874, s. 18.]

28. Where a guardian of the property of a ward has been appointed or declared by the Court, he shall—

Obligations on, and privileges of, guardian of property.

[Act X, 1865, s. 256, and Act V, 1881, s. 78.]

(*a*) if so required by the Court, give a bond, as nearly may be in the prescribed form, to the Judge of the Court to enure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

[Act XL, 1858, s. 16, and Act X 1864, s. 16.]

(*b*) deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, a statement of the immoveable property belonging to the ward, of the money and other moveable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

[Act XL, 1858, s. 16, and Act XX, 1864, s. 16.]

(*c*) exhibit his accounts in the Court at such times and in such form as the Court directs;

[Act XL, 1858, s. 17, and Act XX, 1864, s. 17.]

(*d*) if the Court so directs, pay into the Court the balance due from him on those accounts, or so much thereof as the Court directs, in the manner in which money is required by any rules for the time being in force to be paid into that Court;

[Act XL, 1858, s. 11: Act XX, 1864, s. 10: and Act XIII, 1874, s. 17.]

(*e*) apply for the maintenance, education and advancement of the ward such portion of the income of the property of the ward as the Court directs, and, if the Court so directs, the whole or any part of the principal of that property; and

[Act XL, 1858, s. 24, and Act XX, 1864, s. 24.]

(*f*) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

[Act X, 1865, s. 257, and Act V, 1881, s. 79. I. L. R. 5 All. 248.]

29. Where a guardian has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may at any time, on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that the money received be paid into the Court, or otherwise, as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, the full amount recoverable in respect of any breach thereof.

Suit against guardian where administration-bond was taken.

[Act XL, 1858, s. 19, and Act XX, 1864, s. 19.]

30. Where a guardian has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his legal representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, the full amount found in the suit to have been received by the guardian and not to have been duly accounted for.

General liability of guardian as trustee.

[Act XL, 1858, s. 19, and Act XX, 1864, s. 19.]

31. Nothing in either of the last two foregoing sections shall be construed to deprive a ward or his legal representative of any remedy against his guardian, or the legal representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his legal representative would have against his trustee or the legal representative of the trustee.

Termination of Guardianship.

Right of survivorship among joint guardians.

[Act XIII, 1874, s. 21.]

32. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until a further appointment is made by the Court.

Removal of guardian.

[Act XL, 1858, s. 21: Act XX, 1864, s. 21 and Act XIII, 1874, ss. 23 and 24.]

33. (*1*) The Court may, on the application of any person interested, or of its own motion, remove a guardian for any of the following causes, namely:—

(*a*) for abuse of his trust;

(*b*) for continued failure to perform its duties;

(*c*) for incapacity to perform its duties;

(*d*) for gross immorality;

(*e*) for having an interest adverse to the faithful performance of his duties;

(*f*) for removal from the local limits of the jurisdiction of the Court;

(*g*) by reason of the arrival within those limits of some person whose guardianship the Court may think likely to be more beneficial to the ward than that of his guardian; or

(*h*) in the case of a guardian of the property, for insolvency.

(*2*) When a guardian has been removed for any such cause, the Court may appoint a successor to him under the provisions of Chapter II.

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(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 34-35.)

(Chapter IV.—Supplemental Provisions.—Sections 34-41.)

[Act XL, 1858, s. 23: Act XX, 1864, s. 23: and Act XIII, 1874, ss. 23 and 24.]

34. (*1*) If a guardian desires to resign his office, he may apply to the Court to be discharged.

Discharge of guardian.

(*2*) If the Court finds that there is some other proper person whom it may appoint to be guardian under the provisions of Chapter II, it shall discharge the applicant from the guardianship and appoint the other person in his place.

[Act XL, 1858, s. 27: Act XX, 1864, s. 31: and Act XIII, 1874, s. 25.]

35. (*1*) The power of a guardian of the person ceases—

Cessation of authority of guardian.

(*a*) by his removal or discharge;

(*b*) by the Court of Wards assuming superintendence of the person of the ward;

(*c*) by the ward ceasing to be a minor;

(*d*) in the case of a female ward, by her marriage followed by cohabitation with her husband; or

(*e*) in the case of a ward whose father was a minor, or deemed unfit to perform, or incapable of performing, the duties of a guardian of the person of the ward, by the father ceasing to be a minor or, as the case may be, to be deemed unfit or incapable as aforesaid.

(*2*) The power of a guardian of the property ceases—

(*a*) by his removal or discharge;

(*b*) by the Court of Wards assuming superintendence of the property of the ward; or

(*c*) by the ward ceasing to be a minor.

[Act XL, 1858, s. 21, and Act XX, 1864, s. 21.]

(*3*) When for any cause a person ceases to be a guardian, the Court may require him to deliver as it directs any property in his possession belonging to the ward.

[Act XL, 1858, s. 23, and Act XX, 1864, s. 23.]

(*4*) When he has delivered as the Court directs the property, if any, in his possession belonging to the ward, the Court may declare him to be discharged from his liabilities as guardian, save as regards any fraud which may subsequently be discovered.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

[Act XL, 1858, s. 2: Act XX, 1864, s. 1: Act XIII, 1874, s. 20: and Act XIV, 1882, s. 492.]

36. (*1*) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian who has not been appointed by a Court of Wards, whether the guardian has been appointed or declared by the Court under this Act or not.

Orders for regulating conduct or proceedings of guardians, and enforcement of these orders.

(*2*) In case of disobedience to an order made under sub-section (*1*), the order may be enforced in the same manner as an injunction granted under section 492 or section 493 of the Code of Civil Procedure, as if the guardian were the defendant and the ward the plaintiff.

[Act XIII, 1874, s. 14.]

37. If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, the guardian of the ward removes him from the limits of the jurisdiction of the Court in contravention of the prohibition contained in section 22, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

Penalty for removal of ward from jurisdiction.

[Act XL, 1858, s. 22, and Act XX, 1864, s. 22.]

38. If a guardian fails to deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, the statement mentioned in clause (*b*) of section 28, or to exhibit his accounts in the Court, as required by clause (*c*) of that section, or to pay into the Court the balance due from him on those accounts, as required by clause (*d*) of that section,

Penalty for failure to account.

or if a person who has ceased to be a guardian fails, on the requisition of the Court, to deliver as the Court directs any property in his possession belonging to the ward,

he shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and, in case of recusancy, to further fine not exceeding fifty rupees for each day after the first during which the default continues and to detention in the civil jail until he consents to deliver the statement, or exhibit the accounts, or pay the balance, or deliver the property, as the case may be.

[Act V, 1881, s. 14.]

39. Nothing in this Act shall prevent a person liable to punishment from being prosecuted under any other law for an act or omission which constitutes an offence against this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act:

Saving of prosecution under other laws.

Provided that a person shall not be punished twice for the same offence

[Act XL, 1858, ss. 6 and 8, and Act XX, 1864, ss. 5 and 7.]

40. The Court may call upon the Collector, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Act and treat the report as evidence.

Reports by Collectors and Subordinate Courts.

[Act XL, 1858, s. 28: Act XX, 1864, s. 33: and Act IX, 1861, s. 5.]

41. An appeal shall lie to the High Court from an order made by a District Court—

Orders appealable.

(*a*) under section 7, appointing or declaring or refusing to appoint or declare a guardian; or

(*b*) under section 9, sub-section (*3*), refusing an application; or

(*c*) under section 21, making or refusing to make an order for the return of a ward to the custody of his guardian; or

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(*Chapter IV.—Supplemental Provisions.—Sections 42-46.*)

(*The Schedule.—Enactments repealed.*)

(*d*) under section 24, refusing to grant permission to the guardian to do an act mentioned in that section; or

(*e*) under section 26, sub-section (*1*), defining, restricting or extending the powers of a guardian; or

(*f*) under section 33, sub-section (*1*), removing a guardian; or

(*g*) under section 34, refusing to discharge a guardian; or

(*h*) under section 36, regulating the conduct or proceedings of a guardian, or enforcing the order; or

(*i*) under section 37 or section 38, imposing a penalty.

[Act IX, 1861, s. 6, and Act XIII, 1874, s. 9.] XIV of 1882.

42. Save as provided by the last foregoing section and by section 622 of the Code of Civil Procedure, an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

Finality of other orders.

[Act X, 1865, s. 241, and Act V, 1881, s. 57.]

43. The High Court may refuse an application made to it under this Act if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

Power of High Court to refuse applications capable of being dealt with by another Court.

[Act XL, 1858, s. 13, and Act XX, 1864, s. 13.]

44. The costs of any proceeding under this Act shall, subject to any rules made by the High Court under this Act, be in the discretion of the Court in which the proceeding is held.

Costs.

[New cf. Act XIII, 1874, s. 8.]

45. In addition to any other power to make rules conferred expressly or impliedly by this Act, the High Court may from time to time make rules—

Power of High Court to make rules.

(*a*) as to the procedure to be followed with respect to applications of guardians for permission to do acts mentioned in section 24;

(*b*) as to the security to be required from guardians;

(*c*) as to the preservation of statements and accounts delivered and exhibited by guardians;

(*d*) as to the inspection of those statements and accounts by persons interested;

(*e*) as to the custody of money, and securities for money, belonging to wards;

(*f*) as to the securities on which money belonging to wards may be invested;

(*g*) as to allowances to be granted to guardians for their care and pains in the execution of their duties; and

(*h*) generally, for carrying out the purposes of this Act.

[New.]

46. A guardian appointed by, or holding a certificate of administration from, a Civil Court under any enactment repealed by this Act shall, save as may be prescribed, be subject to the provisions of this Act, and of the rules made under it, as if he had been appointed under Chapter II.

Applicability of Act to guardians already appointed by Court.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Number and year.	Title or subject.	Extent of repeal
	Acts of the Governor General in Council.	
XIV of 1858	Minors (Madras) . .	The whole.
XL of 1858	Minors (Bengal) . .	So much as has not been repealed.
XX of 1864	Minors (Bombay) . .	The whole.
IX of 1861	Minors . . .	The whole.
VII of 1870	Court-fees . . .	Section 19 H, and article 10 of Schedule I.
IV of 1872	Punjab Laws . .	So far as it relates to Act XL of 1858.
XIX of 1873	North-Western Provinces Land-revenue.	Section 258.
XIII of 1874	European British Minors .	The whole.
XV of 1874	Laws Local Extent . .	So far as it relates to any enactment repealed by this Act.
XVII of 1875	Burma Courts . .	Section 96.
XX of 1875	Central Provinces Laws .	So far as it relates to Act XL of 1858.
XVIII of 1876	Oudh Laws . . .	So far as it relates to Act XL of 1858.
	Madras Regulations.	
V of 1804	Court of Wards . .	Section 20 and so much of sections 21 and 22 as relates to persons and property of minors not subject to the superintendence of the Court of Wards.
X of 1831	Minors' Estates . .	Section 3.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill to consolidate and amend the law relating to Guardian and Ward is based on opinions elicited by a reference to Local Governments and High Courts on the subject of certain defects in the law relating to the guardianship of minors, and its object is to provide a law of Guardian and Ward applicable as far as possible to all classes of Her Majesty's subjects in British India.

2. Among the enactments which the Bill will supersede are Act XL of 1858 and portions of the Madras Code, relating to minors in the Presidencies of Bengal and Madras who are not European British subjects and are not under the superintendence of a Court of Wards; Act XX of 1864, relating to minors in the Presidency of Bombay who are not European British subjects; Act IX of 1861, relating to the custody and guardianship of minors who are not European British subjects; and Act XIII of 1874, relating to the guardianship of European British minors in territories beyond the jurisdiction of the chartered High Courts.

3. The Bill, which follows generally the frame of Act XIII of 1874, is drawn as applicable to all District Courts and High Courts (including the chartered High Courts) and to minors of all creeds and races. But it does not take away any of the powers at present possessed by the chartered High Courts, and it provides that, in the selection of guardians and other matters, regard shall be had to the personal law of the minor. The jurisdiction and authority of Courts of Wards are expressly saved and will not be in any way affected by the proposed law.

4. One effect of the assimilation of the law will be to do away with the rule, which obtains in the Presidencies of Bengal and Bombay, that no person shall be entitled to institute or defend any suit connected with a minor's estate of which he claims the charge until he has obtained a certificate of administration. It is proposed that suits by and against minors shall be regulated by Chapter XXXI of the Code of Civil Procedure, and that, in a Bill which is to be introduced to amend that Code, provision be inserted conferring, among other privileges, on a guardian who has been appointed, or whose title has been declared, under the Guardians and Wards law, a preferential right to be appointed next friend or guardian for the suit.

5. The several sections of the Bill which appear to call for remark will now be noticed in consecutive order.

6. *Section 4, clause (1).*—In connection with section 26, Act XL of 1858, section 30, Act XX of 1864, and section 2, Act XIII of 1874, the question arose whether the age of majority should be dealt with in the Bill. As there was no necessity to deal with it, it was considered expedient to avoid the difficulty of doing so by defining "minor," in the terms of section 11 of the Indian Contract Act, 1872, as a person who has not reached the age of majority according to the law to which he is subject.

7. *Section 4, clause (2).*—"Guardian" has been so defined as to mean any person having the care of the person of a minor or of his property, or of both his person and property. The Bill, therefore, relates to guardians generally except where it is expressed to relate to particular classes of guardians.

8. *Section 5.*—This section follows Act XIII of 1874, which, in recognising in certain circumstances the right of a mother to appoint a guardian, was based on the New York Civil Code. The section goes beyond section 47 of the Indian Succession Act and beyond the English law. But under the English law an appointment by a mother is not now wholly ineffectual, and is likely at no distant date to be declared to be valid except in so far as it may interfere with an appointment by the father.

9. *Sections 9 and 43.*—The High Court and District Court will have concurrent jurisdiction, but the High Court may refuse an application with respect to the guardianship of a minor if in its opinion the application would be disposed of more justly or conveniently by a District Court. Where the application is with respect to the guardianship of the person of a minor, it is ordinarily to be made to the Court having jurisdiction in the place where the minor resides, that being the Court which can most effectively discharge the duties incident to the appointment of a guardian to the person of the minor.

10. *Section 11, sub-section (2).*—The sub-section follows an order made by the High Court of Judicature for the North-Western Provinces with a view to facilitating the discharge by Collectors of their duty of ascertaining and reporting to the Court of Wards from time to time what proprietors may come within the description of disqualified landholders.

11. *Section 14, sub-section (4).*—The rule laid down in this sub-section is, as explained by Sir Arthur Hobhouse with respect to the corresponding section in Act XIII of 1874, based solely on grounds of convenience.

12. *Section 15, sub-section (5), and section 17.*—As regards a minor who is a member of an undivided Hindu family, it seems to be generally admitted that it is desirable, as a rule, to leave him to his natural guardians without interference. But such a minor has certain rights in respect of the family property, and those rights are capable of being protected by a guardian. The guardian could not assume the management of the common property, and possibly he would, owing to the constitution of the co-ownership, be debarred from taking directly even a share in the management, and be confined to a mere power of control from without and a right in the last resort to demand a partition. But even this limited authority might in some cases be of great importance.

As regards the view hitherto taken by the Courts on this subject, it has indeed been held by the High Courts at Fort William and Bombay that Acts XL of 1858 and XX of 1864 could not be applied where the minor had no rights except as a member of an undivided Hindu family (I. L. R. 5 Cal. 219 and 3 Bom. 431, and 12 Bo. H. C. Rep. 247). Some doubt has been thrown on this view by the case before the Privy Council reported in I. L. R. 8 Cal. 656 (I. L. R. 6 Bom. 595 and 8 Bom. 396); but in any case it is a view which seems to be based on the peculiar wording of those Acts, which have been construed as contemplating an actual and (perhaps) corporeal taking charge of and management of some tangible property. In other words, these cases merely decide that under the particular Acts a manager cannot be appointed for a minor member of a pure joint family, not that such a manager is a thing inconceivable or impossible (I. L. R. 7 Cal. 369).

As regards the provisions of certain enactments which allow the Court of Wards to take charge only of the estate of a minor who is a sole owner (Act IV, 1872, section 35, Act XVII, 1876, section 161, and Bengal Act IX, 1879, section 7), they are to be accounted for by the fact that these enactments were designed mainly to guard against the risk of loss of revenue from an estate being left without any competent person in charge of it. That it was not considered impossible to take charge of the interest of a minor shareholder is manifest from Madras Regulations V of 1804, section 20, and X of 1831, section 3, and from the circumstance that section 14 of Act XL of 1858 and other similar enactments provide for the Collector taking charge of the share of a co-owner who is still a minor on the estate escaping from the management of the Court of Wards owing to the other co-owners having come of age. The Courts of Wards in the North-Western Provinces (Act XIX of 1873) and Central Provinces (Act XVII of 1885) are not precluded from assuming superintendence of the interest of a disqualified person who is a co-owner in an estate with other persons who are not disqualified.

It may be gathered from the proceedings of the Legislative Council, 1854-55, pages 672 *et seq.*, that it was the intention of the framers of Act XL of 1858 that the Civil Court should appoint guardians for minors owning shares in estates, and it would seem that it is only owing to the peculiar wording of the Act, coupled perhaps with a natural disinclination on the part of the Courts to interfere between joint-owners, that that intention has been defeated.

13. *Section 18.*—This section lays down certain general propositions based on the fact that guardianship is a trust, and that the relationship between guardian and ward is one *uberrimæ fidei*, not only while it lasts, but even after it has ceased to exist.

14. *Sections 24 and 25.*—These sections are based on section 18 of the Acts of 1858 and 1864 and the corresponding section of the Act of 1874, on certain provisions in the Code of Lower Canada, and on suggestions received for the amendment of the Acts of 1858 and 1864. They provide that a guardian who has been appointed, or whose title has been declared, by the Court, shall not borrow for his ward, or transfer any part of the principal of his property, without the permission of the Court, and that the Court, before granting its permission, shall satisfy itself that the transaction proposed is either necessary or for the evident advantage of the ward, and, when granting the permission, shall itself record an order setting forth the necessity or advantage and the conditions subject to which it permits the loan to be taken or the transfer to be effected (I. L. R. 5 Cal. 363 and 6 Cal. 161).

These sections will be supplemented by rules made by the High Court under section 44.

15. *Section 28, clause (a), and section 29.*—These provisions are suggested by the case reported at I. L. R. 5 All. 248.

16. *Section 32.*—The rule contained in this section follows from guardianship being a trust. Though the right of survivorship is not acknowledged in England in the case of guardians appointed by the Court of Chancery, yet in practice the survivor or survivors will be re-elected by the Court without a reference. In America there is the right of survivorship among guardians appointed by the Court of Chancery.

17. *Section 33.*—A testamentary guardian may be removed under this section.

18. *Section 41.*—The cases reported at 15 W. R. 492 and 22 W. R. 479 have suggested the specification of the orders from which an appeal shall lie.

19. Acts XL of 1858 and XX of 1864 provide, in sections 27 and 31, respectively, that nothing in those Acts shall authorise the appointment of any person other than a female as the guardian of the person of a female. The cases reported at I. L. R. 10 Cal. 15 and 11 Cal. 574, and the remarks at pages 213-14 of Sayyid Amir Ali's *Personal Law of Muhammadans*, seem to render the re-enactment of the provision inexpedient. Section 15 of the Bill specifies the matters by which the Court is to be guided in appointing a guardian, and one of those matters is the law to which the minor is subject.

20. The provision of Act XX of 1864, that the legal heir of a minor, or the person next in succession to his property, may not be appointed guardian of the person of the minor, has not been repeated. It is considered that the appointment of such persons should not be absolutely prohibited. This was the opinion of the Supreme Council when Act XL of 1858 was about to be enacted (Proceedings of Legislative Council, 1858, pages 576-77), and is the opinion of the Hon'ble Mr. M. Melvill.

21. If the Bill becomes law in its present form, article 10 of Schedule I of the Court-fees Act, 1870, which applies only to the Presidencies of Bengal and Bombay, will become obsolete. It has, therefore, been included in the schedule of enactments to be repealed.

22. A table is appended showing how the principal enactments scheduled for repeal have been reproduced in the Bill or otherwise dealt with.

C. P. ILBERT.

The 12th March, 1886.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XIV OF 1858:	
Section 1	Sections 20, 28 (*e*) and 36 of Bill.
2	Sections 20, 28 (*e*) and 36 of Bill.
3	Section 21 of Bill.
4	Sections 41 and 42 of Bill.
ACT XL OF 1858:	
Section 1	Repealed by Act XIV of 1870.
2	Sections 3, 26 and 36 of Bill.
3, paragraph 1	Section 8 of Bill.
paragraph 2 } who to institute or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
proviso } who to institute or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
4	Section 8 of Bill.
5	Section 9 of Bill.
6, paragraph 1	Section 11 (*1*) of Bill.
paragraph 2	Section 13 of Bill.
proviso	Section 40 of Bill.
7	Sections 7 and 8 of Bill.
8	Section 40 of Bill.
Sections 9, 10 and 11, paragraphs 1 and 2	Sections 7 and 14 (*2*) of Bill.
Section 11, paragraph 3	Section 28 (*f*) of Bill.
paragraph 4	Section 28 (*e*) of Bill.
12: when Collector may be directed to take charge of estate. (*Repealed in Lower Provinces by Bengal Act IX of 1879.*)	Unnecessary. The Court of Wards can act in cases in which management by the Collector is desirable.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XL OF 1858:—contd.	
Section 13	Section 44 of Bill.
14: when Collector may be directed to retain charge of shares and persons of certain minors. (*Repealed in Lower Provinces by Bengal Act IX of 1879, and in Central Provinces by Act XVII of 1885.*)	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector. (*Repealed in Lower Provinces by Bengal Act IX of 1879.*)	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (*b*) of Bill.
paragraph 2	Section 28 (*c*) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (*d*) and 45 (*e*) and (*f*) of Bill.
18, paragraph 1	Section 26 (*3*) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21 (*Repealed in part in Lower Provinces by Bengal Act IX of 1879.*)	Sections 33 and 35 (*3*) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence	Section 35 (*3*) and (*4*) of Bill.
24	Sections 28 (*f*) and 45 (*g*) of Bill.
25 (*Repealed in part in Lower Provinces by Bengal Act IV of 1870, section 86.*)	Sections 20, 28 (*e*) and 36 of Bill.
26	Section 4 (*1*) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
27, paragraph 1, first sentence	Section 16 of Bill.
second sentence: guardians of females to be themselves females.	Not reproduced. See paragraph 19 of Statement of Objects and Reasons.
paragraph 2	Section 35 (*1*) (*d*) and (*e*) of Bill.
28	Section 41 of Bill.
29, paragraph 1, first sentence	Sections 4 (*4*) and 9 of Bill.
second sentence	Section 3 of Bill.
paragraph 2 (*number and gender*)	Not reproduced. See the General Clauses Act, I of 1868.
ACT IX OF 1861:	
Section 1, first sentence	Sections 7, 8, 9 and 10 of Bill.
second sentence	Section 11 (*1*) of Bill.
2	Section 12 of Bill.
3	Sections 7, 13 and 44 of Bill.
4: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
5	Section 41 of Bill.
6	Section 42 of Bill.
7	Section 3 of Bill.
8: definition of "Sadr Court"	Not reproduced. See the General Clauses Act, I of 1868.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:	
Section 1	Sections 26 and 36 of Bill.
2, paragraph 1	Section 8 of Bill.
paragraph 2, proviso: who to institute or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
3	Section 8 of Bill.
4	Section 9 of Bill.
5, paragraph 1	Section 11 (*1*) of Bill.
paragraph 2	Section 13 of Bill.
proviso	Section 40 of Bill.
6	Sections 7 and 8 of Bill.
7	Section 40 of Bill.
Sections 8, 9 and 10, paragraphs 1 and 2, and proviso.	Sections 7 and 14 (*2*) of Bill. See paragraph 20 of the Statement of Objects and Reasons.
Section 10, paragraph 3	Section 28 (*f*) of Bill.
10, paragraph 4	Section 28 (*e*) of Bill.
11: when Collector may be directed to take charge of estate	Unnecessary, as section 7 is framed.
12	Section 28 (*a*) of Bill.
13	Section 44 of Bill.
14: procedure when proprietor of estate under Collector's charge comes of age.	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector.	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (*b*) of Bill.
paragraph 2	Section 28 (*c*) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (*d*) and 45 (*e*) and (*f*) of Bill.
18, paragraph 1	Section 26 (*3*) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21	Sections 33 and 35 (*3*) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence	Section 35 (*3*) and (*4*) of Bill.
24	Sections 28 (*f*) and 45 (*g*) of Bill.
25	Sections 20, 28 (*e*) and 36 of Bill.
26	Sections 20, 22 (*1*) and 36 of Bill.
27	
28	Section 28 (*e*) of Bill.
29: marriage of minors	Compare sections 20, 24 and 28 (*e*) of Bill.
30	Section 4 (*1*) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
31, paragraph 1: as to guardians of married females.	Section 16 of Bill.
paragraph 1: as to guardians of females being themselves females.	Not reproduced. See paragraph 19 of Statement of Objects and Reasons.
paragraph 2: guardianship to cease when husband attains majority.	Section 35 (*1*) (*d*).

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—concld.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:—*contd.*	
Section 32: saving of Act XXXV of 1858 (*Lunatics*).	Not reproduced.
33	Section 41 of Bill.
34, paragraph 1	Sections 4 (*4*) and 9 of Bill.
paragraph 2	Section 3 of Bill.
paragraph 3 (*number and gender*)	Not reproduced. See the General Clauses Act, I of 1868.
ACT XIII OF 1874:	
Section 1 (Formal)	.....
2 "Minor"	Section 4 (*1*) of Bill.
"Guardian"	Section 4 (*2*) of Bill.
"Court"	Sections 4 (*4*) and 9 of Bill.
3	Section 5 of Bill.
4, paragraph 1	Section 7 of Bill.
paragraph 2	Section 14 (*3*) of Bill.
paragraph 3	Section 14 (*4*) of Bill.
5, paragraph 1	Sections 8 and 10 (*1*) of Bill.
paragraph 2	Section 10 (*2*) of Bill.
paragraph 3	Section 11 (*1*) of Bill.
6	Section 12 of Bill.
7	Sections 7, 13 and 44 of Bill.
8, paragraph 1, first and second sentences: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
third sentence	Section 41 of Bill.
paragraph 2 (Forms)	Not reproduced.
paragraph 3	Section 45 of Bill.
9	Section 42 of Bill.
10, clause (*a*)	Section 15 (*1*) and (*3*) of Bill.
clause (*b*)	Section 15 (*4*) of Bill.
clause (*c*)	Section 15 (*2*) of Bill.
11	Section 20 of Bill.
12	Section 20 of Bill.
13	Section 21 of Bill.
14, paragraph 1	Section 22 (*1*) of Bill.
paragraph 2	Section 37 of Bill.
15	Section 23 of Bill.
16	Sections 24 and 25 of Bill.
17	Section 28 (*e*) of Bill.
18, clauses (*a*) to (*d*)	Section 28 (*a*), (*c*), (*d*) and (*f*) of Bill.
18, clause (*e*)	Section 18 (*3*) of Bill.
19	Section 19 of Bill.
20	Sections 26 (*1*) and 36 (*1*) of Bill.
21	Section 32 of Bill.
22	Section 33 of Bill.
23	Section 34 of Bill.
24	Sections 33 (*2*) and 34 (*2*) of Bill.
25, paragraph 1	Section 35 (*1*) of Bill.
paragraph 2	Section 35 (*2*) of Bill.
Schedule (Forms)	Not reproduced.

PRÉCIS OF THE OPINIONS REFERRED TO IN PARAGRAPH 1 OF THE STATEMENT OF OBJECTS AND REASONS OF THE GUARDIANS AND WARDS BILL.

IN correspondence* with the Government of Bombay in the year 1881, several points were brought to notice on which an amendment of the law relating to the guardianship of the persons and property of minors in that Presidency (Act XX of 1864) was shewn to be required. Before proceeding to carry out these amendments, the Government of India issued a Resolution† inviting the opinions and suggestions of Local Governments and Administrations on the following selected points, with a view to the consolidation of the several Acts and Regulations relating to minors in force in the three Presidencies:—

I.—Whether the provision of Act XX of 1864, section 2, clause 2 (and of the Bengal Act, XL of 1858, section 3, clause 2), prohibiting any person (except in certain cases in which the Court is allowed to direct otherwise) from instituting or defending any suit connected with the estate of which he claims charge unless he has obtained a certificate of administration from the Civil Court, should not be repealed.

II.—Whether a next friend or a guardian ad litem *should (by an extension of section 461 of the Code of Civil Procedure) be allowed to execute a decree or receive money or property in the course of litigation, it being made clear that a next friend or guardian* ad litem, *who is also a guardian appointed under the Minors' Act with power to receive money on behalf of the minor, shall not be required to give security.*

III and IV.—Whether the following proposals made by the Hon'ble Mr. Justice Melvill with a view to rendering it unsafe for any person to enter into any transaction affecting immoveable property, except with a certificated administrator, should be accepted, namely:—

(a) that any alienation or incumbrance of, and any abandonment of the rights of the minor in, any immoveable property, by a guardian, should be made void, unless he holds a certificate under the Minors' Act; and

(b) that the provision in the second clause of section 18 of Acts XX of 1864 and XL of 1858, which requires the previous sanction of the Civil Court to any alienation or incumbrance of immoveable property by a certificated guardian, should be repealed.

V.—Whether, assuming it to be the intention of the legislature (see sections 464, 440 and 441 of the Code of Civil Procedure) that a guardian appointed under the Minors' Act possesses no right as such to appear on behalf of a minor, but that he must sue as next friend or be appointed to defend as guardian ad litem, *the Code of Civil Procedure should not be amended so as to make this more clear.*

VI.—Whether the first clause of section 18 of Acts XX of 1864 and XL of 1858 should not be amended so as to provide that a guardian by appointment or relationship should, when his title is declared by the Court, possess simply the same powers which he possessed before procuring a declaration of title, and that the order of the Court should have no effect except that of declaring his status; and, further,

(a) whether, if the powers of a guardian who owes his status to the mere act of the Court are defined at all, they should not be defined in some way which would indicate that persons having transactions with him should bear in mind his representative character, and should not deal with him as they would if he were acting on his own account.

VII.—Whether (if clause 2 of section 18 of Acts XX of 1864 and XL of 1858 is retained) it should not be made clear that the effect of the Court's sanction to sell, alienate, &c., any immoveable property is to give the purchaser a good title to such property, in the absence of fraud or collusion on his part.

VIII.—Whether, if it should be decided to consolidate the law for the whole of British India, the new Act should not be extended to the original local jurisdiction of the Presidency High Courts; and

(b) whether the Courts in appointing guardians of property should not be given power to make appointments limited to particular property.

IX.—Whether the proposed new Act should not be confined to Hindus, Muhammadans and Buddhists, and other persons who have definite personal laws, and the European British Minors' Act, XIII of 1874, made applicable to all other classes of persons and its operation extended to the whole of British India, including the Presidency-towns, the jurisdiction of the High Courts in respect of European British Minors being abolished.

2. Local Governments and Administrations were also requested to submit their opinions on any other points which they might desire to bring forward for consideration in connection with the proposed legislation.

3. In the following paragraphs (4 to 240) the views of the Government of India and the remarks of Local Governments and officials on Points I to IX are noted.

I.—Whether the provision of Act XX of 1864, section 2, clause 2 (and of the Bengal Act, XL of 1858, section 3, clause 2), prohibiting any person (except in certain cases in which the Court is allowed to direct otherwise) from instituting or defending any suit connected with the estate of which

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* Home Department's Judicial Proceedings, Nos. 8 to 17 and 18 for August, 1881, and Nos. 167 to 172 for October 1882.

† No. $\frac{22}{1520\text{-}1530}$, dated 17th October, 1882 (Home Department's Judicial Proceedings, No. 171, for October, 1882).

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

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he claims charge unless he has obtained a certificate of administration from the Civil Court, should not be repealed.

4. This proposal was put forward by the Government of India, with reference to difficulties arising on the construction of the clause in question in connection with Chapter XXXI of the Code of Civil Procedure (*Suits by and against Minors, &c.*), and also with reference to a proposal made by the Hon'ble Mr. Justice Melvill that every person who requires the assistance of the Court should be compelled to take out a certificate of administration. The reasons by which the Government of India's proposal was supported are as follow:—

"The fact that a person asserts a claim to be the guardian of a minor, whether by appointment or by relationship, seems scarcely to afford any sufficient reason for absolutely precluding him from acting as next friend or guardian *ad litem* under the provisions of the Civil Procedure Code until he has established his claim to the guardianship under the Minors' Act. If such person is actually entitled to the guardianship by virtue of appointment or relationship, it may be urged that he should certainly be allowed, in preference to any other person, to act for the limited purposes of litigation; but, on the other hand, if he is not so entitled, the circumstance of his having asserted his claim to the guardianship need not apparently be made an absolute disqualification. There are doubtless cases in which the circumstance that a person sets up an unfounded claim to the guardianship of a minor might properly be treated as unfitting him to act as next friend or guardian *ad litem*; but this point might be left to be settled by the Courts, it being understood that the decision should not in any way be made to depend on the circumstance whether the person concerned did or did not put forward a claim to guardianship in connection with the particular suit in which it was proposed that he should act."

5. MR. P. P. HUTCHINS, DISTRICT JUDGE OF MADURA (AFTERWARDS JUDGE OF THE HIGH COURT, MADRAS),—

says there is no provision in the Madras law corresponding to section 2, clause 2, of Act XX of 1864. He agrees, however, with the Government of India in thinking that the provision in the Bombay and Bengal laws might be repealed.

6. MR. C. G. PLUMER, JUDICIAL COMMISSIONER OF COORG,—

suggests that for section 2, clause 2, of Act XX of 1884 should be substituted the provision of Rule 13 of the Rules for the custody and guardianship of Minors, &c., in Mysore,* which requires that any guardian or manager appointed under the rules shall be admitted by the Courts as guardian *ad litem*.

7. MR. E. BARCLAY, GOVERNMENT SOLICITOR, MADRAS,—

would go further even than Mr. Justice Melvill proposed, and provide that every person should be prohibited from interfering with the estate of any minor, within a limit of value to be fixed by Government, without obtaining a certificate of administration. From this rule, however, he would except undivided shares of minors who are members of a joint Hindu family; in which cases he would provide for the Collector being *ex officio* manager unless and until a certificate is issued to some qualified private person. He suggests that the rule should embrace moveable as well as immoveable property, and he does not think it would affect so large a number of estates as the Government of India seem to anticipate (see paragraph 7 of the Resolution of 17th October, 1882).

With regard to the proposal put forward by the Government of India, Mr. Barclay writes as follows:—

"I think Chapter XXXI of the Code of Civil Procedure should be amended, and that no person should be allowed to institute a suit on behalf of a minor unless such person be manager of his estate (the Collector) or the holder of a certificate of administration. Such manager or the holder of a certificate, as he will sue in his representive character only, should not, I think, be made personally liable for costs, unless the Court finds by its decree that the suit was brought vexatiously; but provision might be made for his giving security for costs by depositing cash or Government securities belonging to the estate of the minor. With regard to suing for debts due by the estates of minors, the manager of the estate of a minor or the holder of a certificate of administration of his estate, as the case might be, could be made defendant in the same way as the executor of a will or the administrator of the estate of a deceased person is now made defendant in a suit to recover a debt due by the estate of a testator or intestate. The amendment of Chapter XXXI of the Code of Civil Procedure would apply only to such cases as might come within the provisions of the new Minors' Act."

8. MIR ANSAR-UD-DIN, PRESIDENCY MAGISTRATE, MADRAS,—

knows many cases in which persons entitled by virtue of relationship to the guardianship of a minor act as next friend or guardian *ad litem* already, and he thinks it desirable that this arrangement should, in view of difficulties arising from attending the Courts to take out a certificate, be continued.

9. MR. J. W. HANDLEY, CHIEF JUDGE OF THE MADRAS COURT OF SMALL CAUSES,—

thinks the clause in question should be repealed, because its tendency is, in all minors' suits of small value, and in all cases where minors are defendants, to cause a deadlock.

10. MR. G. MUTTUSWAMY CHETTIAR, JUDGE OF THE MADRAS COURT OF SMALL CAUSES,—

agrees with Mr. Handley.

11. THE MADRAS BOARD OF REVENUE—

concur with the Government of India.

12. MR. JUSTICE WEST—

thinks no person wishing to sue as next friend on behalf of a minor should be subjected to any restriction other than those involved in proper rules as to costs.

* See *Gazette of India*, 27th April, 1872, Part I, p. 453.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

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13. SIR CHARLES SARGENT, CHIEF JUSTICE, BOMBAY,—

considers the clause in question should be repealed, both because it is, generally speaking, in the interest of minors that *any* person properly qualified under section 445 of the Civil Procedure Code should be allowed to act for a minor as his next friend or guardian *ad litem*, and because a certificated administrator may not fulfil the conditions prescribed by that section. He suggests, however, that the practice now prevailing in the Bombay High Court of requiring persons wishing to institute a suit for a minor to obtain the consent of the Court should be adopted.

14. THE HON'BLE MR. PAUL, ADVOCATE GENERAL OF BENGAL,—

thinks the clause in question should be repealed, but that at the same time the Courts should exercise some control, and to this end suggests that the next friend should be required to obtain the sanction of the Court.

In regard to the Hindu joint family question, please see his remark in paragraph 380, *infra*.

15. MR. T. T. ALLEN, SUPERINTENDENT AND REMEMBRANCER OF LEGAL AFFAIRS, BENGAL,—

says the clause in question contains a perfectly intelligible and proper direction, which has long been acted upon with advantage to the people; and he thinks it should be maintained in spite of the rule in the Civil Procedure Code. He argues further that the two provisions are scarcely inconsistent, inasmuch as that contained in the Minors' Act very properly requires a regular guardian to have his authority for acting sanctioned by the District Judge, while that contained in the Civil Procedure Code merely authorises any other person at his own risk and where there is no regular guardian to act in behalf of a minor; the two provisions consequently referring to two different classes of cases.

16. MR. JUSTICE FIELD, OF THE CALCUTTA HIGH COURT,—

notes that there is a very important difference between suits brought under the clause in question and suits to which Chapter XXXI of the Civil Procedure Code is applicable; namely, that in the former case the person acting ought to appear as the plaintiff or defendant *upon the record*, while in the latter the minor himself appears as plaintiff or defendant on the record. The result he describes as follows:—

"Where a decree is made against a minor, he is bound by such decree, although there has been no enquiry whether the transaction is for his benefit, except in cases of fraud, collusion or error (see Daniell's Chancery Practice, 5th Edition, pp. 148, 149, 156, 157). Where, on the other hand, the person who has obtained the certificate of administration is the plaintiff or defendant upon the record, there may be a subsequent enquiry as to whether he acted in the interests of the minor or not, and this for more than one purpose."

Mr. Field suggests that it should be made clear that a person who has obtained a certificate under the Minors' Act should sue and be sued in his own name.

17. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) say Mr. Justice Melvill's proposal, that every person who requires the assistance of the Court should be compelled to take out a certificate of administration, would make it impossible for the provisions of Chapter XXXI of the Civil Procedure Code to be employed in certain cases, and they do not see any sufficient reason for adopting it.

They concur with the Government of India that there may be cases in which a person who, though entitled to claim the charge of the minor's estate, does not choose to claim it, and may yet be the fittest person to act as next friend or guardian to the minor for a particular suit; and they agree with the Government in considering that in such cases the question whether such person should be appointed next friend or guardian *ad litem* may properly be left to be decided by the Court which has the case before it, and can draw its own inferences from the conduct of the party as to his fitness for the appointment.

18. SIR ROBERT STUART, (LATE) CHIEF JUSTICE, NORTH-WESTERN PROVINCES,—

strongly objects to Mr. Justice Melvill's proposal to require certificates in all cases.

19. MR. JUSTICE OLDFIELD—

writes as follows:—

"Only guardians holding certificates should, as a rule, be permitted to institute suits or make applications on behalf of minors; but a discretion may be given to the Court to allow the next friend to appear when no certificate has been taken out. In regard to minors who are defendants, the provisions of Chapter XXXI, Civil Procedure Code, for appointing guardians *ad litem* are proper and adequate."

20. MR. JUSTICE STRAIGHT—

writes as follows:—

"There is undoubtedly much confusion caused by the concurrent existence of the second part of section 3 of the Bengal Minors' Act and the provisions of Chapter XXXI of the Civil Procedure Code, and we have more than once found considerable complication and difficulty caused thereby. I generally concur in the remarks made upon this matter in paragraph 6 of the Minute of the Government of India; and I think that, while the prohibition to suits being instituted without certificate might be done away with, amendments might be introduced into Chapter XXXI of the Code which would effectually protect the minor litigant's interests."

21. MR. H. J. SPARKS, JUDICIAL COMMISSIONER OF OUDH,—

approves of the Government of India's proposal.

22. MR. B. W. COLVIN, (LATE) JUNIOR MEMBER OF THE BOARD OF REVENUE, NORTH-WESTERN PROVINCES,—

approves of Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration. Most estates are, he says,

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point I.—Appearance of guardian in Court without certificate of administrations.*)

managed without any reference to the Courts; but in all cases which do come before a Court the Court is even now obliged to satisfy itself that the person claiming to act for the minor is duly qualified to represent his interests, and it seems better that when such an enquiry is once made it should confer a general protection upon the minor, rather than one limited to the particular case before the Court. Mr. Colvin would, however, except from such a rule all properties below a certain minimum of value, arbitrarily fixed, but open to reduction as experience is gained and the people become familiar with the rule.

23. MR. W. DUTHOIT—

sees no objection to the Government of India's proposal if his recommendations under Point II (see paragraph 57 of précis) are adopted. For his opinion on Mr. Justice Melvill's proposal, please see paragraph 291, *infra*.

24. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

concurs with the majority of the officers consulted by him in thinking that Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration should not be accepted, his reasons being that its adoption is not shown be required, and that it would increase litigation.

He agrees with the Government of India in thinking that any doubts regarding the correspondence of the second clause of section 3 of Act XL of 1858 with Chapter XXXI of the Civil Procedure Code should be set at rest; but he observes that the advisability of altogether omitting that clause to some extent depends on how far, if at all, the Revenue Courts of the North-Western Provinces are bound to follow the Code of Civil Procedure where the North-Western Provinces Rent Act (Act XII of 1881) prescribes no special procedure for their observance. On this subject, he says, there has been a recent Full Bench ruling of the High Court, which he has not however yet had an opportunity of considering; and at present he can only request that the position of minors in Revenue Courts be borne in mind in any proposed legislation affecting section 3 of Act XL of 1858.

25. MR. JUSTICE SMYTH, OF THE PUNJAB CHIEF COURT,—

says applications for certificates of administration are seldom made in the Punjab; that they are usually made only when rival claimants dispute the guardianship of the person or property of a minor relative; and that such disputes appear to be few in number. He would greatly regret any change which would have the effect of increasing the number of minors' cases in the Courts. (This, apparently with reference to Mr. Justice Melvill's proposal noted in paragraph 4, *supra*.)

Numerous suits are, he says, brought in which minors are either plaintiffs or defendants, and as a rule relatives have, under the *proviso* to section 3 of Act XL of 1858, without much difficulty been allowed to sue or defend without being required to obtain a certificate of administration; "and the same practice is continued under Chapter XXXI of the new Code of Civil Procedure." If section 461 is extended, as proposed by the Government of India (see paragraph 47 of précis), Mr. Smyth thinks the second clause of section 3 of Act XL of 1858 might safely be repealed, so far as the Punjab is concerned.

26. LALLA MADAN GOPAL, PLEADER, OF DELHI,—

thinks the second clause of section 3 of Act XL of 1858 should, as proposed by the Government of India, be repealed. He considers the limitation which it imposes is undesirable in the interests of minors; and, further, that it is rendered useless by Chapter XXXI of the Civil Procedure Code.

In another part of his memorandum, however, he expresses approval of Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration, thinking it should be adopted, in the interests of the minor, in spite of any inconvenience which might result.

27. LALLA GIRDHARI LAL, PLEADER, OF DELHI,—

thinks guardians should be compelled to take out a certificate of administration, excepting only in cases where the estate is of small value.

28. COLONEL C. A. MCMAHON, COMMISSIONER AND SUPERINTENDENT, AMRITSAR DIVISION,—

submits the following proposals on the subject of requiring guardians to take out certificates of administration:—

"I would leave it optional to a guardian to take out a certificate; but at the same time I would make it legal for a person indebted to a minor's estate to refuse to pay the money demanded from him to any person who had not taken out a certificate.

'I would not only retain the present power (see Mr. Justice Melvill's Minute, page 3, second paragraph on the page) of a minor to sue or defend a suit through his next friend or guardian, in cases in which the next friend or guardian does not profess to claim the charge of the property; but I would extend this liberty to all cases, whether the next friend or guardian claims charge of the property or not, giving the opposite party, however, the right in cases in which the minor's next friend or guardian claims the charge of the property to require the latter to take out a certificate of administration in separate proceedings. The law might provide for the suit being stayed or postponed for a sufficient time to enable this step to be taken."

He continues:—

"In cases in which a man's position as guardian, whether by reason of a provision in a will or by near relationship, is clear, I do not think it is desirable otherwise than as above provided to force the guardian to take out a certificate. As pointed out in the papers under reference, the taking out of a certificate is apt to foster undesirable litigation, and in the great majority of cases the necessity for taking out a certificate would not arise unless the necessity were artificially created by legislation."

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point I.—Appearance of guardian in Court without certificate of administration.*)

29. MUHAMMAD LATIF, EXTRA ASSISTANT COMMISSIONER OF JHANG,—

thinks the clause in question might safely be repealed, because it has been practically superseded by the beneficial rules enacted in Chapter XXXI of the Civil Procedure Code. If this is done, he suggests the insertion in the Code of a clause empowering the Court to accept as next friend or guardian *ad litem* any administrator certificated under the Minors' Act (apparently, in preference to any other person.)

30. UMAR BAKHSH, PLEADER, OF MULTAN,—

thinks the clause in question should be repealed, and that the Civil Procedure Code should be amended so as to provide that where a guardian has been appointed by a Civil Court (? certificated) he shall, in preference to others, be appointed next friend or guardian *ad litem*.

31. COLONEL E. P. GURDON, COMMISSIONER AND SUPERINTENDENT, MULTAN DIVISION,—

thinks the clause should be repealed, both in view of the provisions of Chapter XXXI of the Civil Procedure Code, and having regard to the fact that the proviso admits of wide and varied departures from the strict rule which the clause enacts. If the clause is repealed, he suggests that a clause should be inserted in the Civil Procedure Code legalizing the acceptance by the Civil Court of a certificated administrator as next friend or guardian *ad litem* wherever there is one.

32. MR. H. T. RIVAZ, GOVERNMENT ADVOCATE, PUNJAB,—

thinks the clause should be repealed and Chapter XXXI of the Civil Procedure Code amended so as to deal exhaustively with its subject-matter. He continues:—"I think it might be made clear that, where there is a guardian holding a certificate, the Court should accept such guardian as the person *primâ facie* entitled to represent the minor plaintiff or defendant, and that the claims of such guardian should only be postponed on proof of incapacity or unfitness. The chapter might then go on to lay down the procedure which is to govern cases where no certificated guardian has been appointed, with regard to which full provision is already made in Chapter XXXI as it at present stands, though I think it might be made more clear as to what is the exact effect of any omission by the Court to carry out the provisions of the chapter in their integrity. Several cases have occurred lately in this province in which a minor plaintiff or defendant has been represented throughout in the Lower Courts by an apparently competent representative, but where such representative appears to have been accepted by the Court without any enquiry or any formal proceeding under Chapter XXXI of the Code. In many of these cases the Chief Court, when the facts have been brought to its notice, has felt bound to cancel the whole of the proceedings and order a re-trial after proper steps have been taken by the Lower Court under Chapter XXXI; thus in some cases rendering void *ab initio* proceedings which have really been conducted throughout with due regard to the minor's interests, and in which the defects in the appointment of his representative are merely formal. I think, therefore, Chapter XXXI might attempt to point out what defects in the procedure prescribed must be considered fatal to the validity of the proceedings, and what may be considered mere irregularities not necessarily rendering the proceedings void, if no substantial injury to the interest of the minor can be shown to have resulted."

33. THE LIEUTENANT-GOVERNOR OF THE PUNJAB—

thinks it doubtful whether any amendment of the Civil Procedure Code is really required on the score of its conflict with Act XL of 1858, section 3, clause 2; and says that, so far as the Punjab is concerned, no practical difficulty seems likely to arise from the maintenance of both provisions of the law.

34. SARDAR GURDIAL SINGH, EXTRA ASSISTANT COMMISSIONER,—

thinks the clause should be removed, and a provision inserted in its place to the effect that where a guardian has been appointed under the Minors' Act no one else shall be allowed to act for the minor.

35. MR. R. J. CROSTHWAITE, JUDICIAL COMMISSIONER, CENTRAL PROVINCES,—

argues that clause 2 of section 3 of Act XL of 1858 and Chapter XXXI of the Civil Procedure Code are not in conflict, inasmuch as the Courts, being allowed a discretion under the latter enactment, would exercise it so as to secure the appointment of a certificated administrator, who has a legal right to represent the minor, where there is one and he is willing to act.

Where, however, the certificated administrator is not willing to act, the proviso to section 3 of Act XL of 1858 lets in another person, and the omission from the corresponding clause of Act XX of 1864 of the words "or for any other sufficient reason" is therefore undoubtedly an error.

He thinks clause 2 of section 3 of Act XL of 1858 might be repealed as proposed by the Government of India; but he would prefer to let it stand and to bring the corresponding clause of Act XX of 1864 into complete accord with it. If the clause is repealed, he says, suits might be brought by next friends merely for the purpose of substantiating a claim to the charge of a minor's estate.

Referring to Mr. Justice Melvill's proposal (*supra*, paragraph 4), he considers it should not be adopted, because it would greatly increase litigation and would put difficulties in the way of realising petty sums due by minors.

36. MR. BEHARI LAL BASU, PLEADER, OF HOSHANGABAD,—

writes:—

"In the Bombay Act it is incumbent on the creditor to take out a certificate before he can proceed against a minor, the claim exceeding Rs. 250; thus it entails great hardship on the creditor, who is bound to take some preliminary steps for the assertion of his claim, thereby incurring trouble and expense.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point I.—Appearance of guardian in Court without certificate of administration.*)

"But this section in the Minors' Act does not seem called for, as it is a matter of procedure, and any change which is conducive to the welfare of the minor can be introduced in the Procedure Code. Any guardian who has obtained a certificate under the Minors' Act should not be required to appear as next friend in civil cases. Chapter XXXI of the Civil Procedure Code should not be made applicable to a certificated guardian."

37. MR. J. W. CHISHOLM, OFFICIATING COMMISSIONER, NARBADA DIVISION,—

observes that the tendency of Mr. Justice Melvill's proposals mentioned in paragraphs 3 and 6 of the Resolution (Points I, III, and IV) is to make applications to the Courts for certificates of administration as numerous as possible. He is opposed to this policy for the following reasons:—

Certificates are at present rarely applied for, and to make them compulsory would be undesirable and would certainly be distasteful to the people. Nor would such a provision do much to protect the interests of minors, because these are as a rule well looked after by the immediate relations or natural guardians, and where loss occurs it results (in the Central Provinces) not from wrongful assumption of guardianship but from abuse of powers by rightful guardians, and it is not possible to follow up the grant of a certificate by controlling the proceedings of the guardian. The proceedings antecedent to the grant of a certificate would, moreover, cause much inconvenience and expense, which would not be compensated by any benefit to the estate of the minor; and another consequence of introducing such a procedure would be that, to avoid trouble, near relations of minors would continue to act without certificates, with the result that many of the transactions entered into by them would, if challenged, be declared void, and this would lead to much dishonest litigation.

For these reasons, Mr. Chisholm would prefer that the application for a certificate should continue to be optional, as provided in section 2 (? section 3) of Act XL of 1858. He would omit the latter clauses of that section as being separately provided for in Chapter XXXI of the Civil Procedure Code, and would clearly provide in that chapter for certificated guardians being allowed to appear in all cases in the Civil Courts on account of the minors whom they represent.

38. LIEUTENANT-COLONEL C. H. GRACE, DEPUTY COMMISSIONER, JABALPUR,—

approves of the Government of India's proposal, but suggests that the Court, in appointing a guardian [? *ad litem*] in "doubtful cases," should see that he is fit for the trust, that he has no interest adverse to that of the minor, and that he is a relation or kinsman of the minor.

39. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—

considers Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration is both unnecessary and impolitic. The experience of the Central Provinces is that it is not the usurpation of the office of guardian, but the abuse of its powers, that is the source of litigation; and the Chief Commissioner believes that the proposed provision would lead to inconvenience and increased litigation.

Referring to Mr. Crosthwaite's remarks [*supra*, paragraph 35] as to the supposed conflict between the provisions of the Minors' Act and those of Chapter XXXI of the Civil Procedure Code, the Chief Commissioner suggests that it would be well to get rid of any uncertainty on the subject by making it clear that, if the Court allows it, a person otherwise qualified to act may sue on behalf of a minor, even though he has not obtained a certificate.

40. THE RECORDER OF RANGOON—

discusses the relative bearing of section 3, clause 2, of Act XL of 1858, and Chapter XXXI of the Civil Procedure Code, and arrives at the following conclusions:—

"It would seem therefore that, so far as the institution and defence of suits is concerned, if any person obtains a certificate of administration under Act XL of 1858, such person, and such person only, could institute or defend a suit connected with the estate; creditors could deal with him and he could deal with debtors. No alteration of the law has been made in such a case by the passing of Chapter XXXI, except to make the guardian sue as next friend and to make him in some instances liable for the costs of a suit.

"But in cases where no person obtains a certificate under Act XL of 1858, or gets leave to sue without a certificate under its provisions, in such cases the passing of Chapter XXXI has made a great difference, for it enables any person who does not claim the charge of the minor's estate without applying for a certificate of administration to institute suits on his behalf as next friend, and any person to institute suits against his estate by getting a guardian for the suit appointed, and no person need claim the charge of the minor's estate unless he pleases.

"It seems to me to come to this, that the passing of Chapter XXXI of the Code of Civil Procedure enabled the estate of a minor to be got in and distributed without any certificate of administration being applied for under Act XL of 1858, unless on the application of some person interested in the minor that Act was put into force, in which case, if the application was granted, the estate would be administered under the provisions of the old Act, whereas before the Chapter XXXI became law the estate of a minor could not be got in or distributed without putting the provisions of Act XL of 1858 in force if any question had to be litigated.

"The Government of India appears to think that the effect of passing Chapter XXXI of the Code has been to make it applicable to a certain extent to persons who have obtained certificates under Act XL of 1858, and no doubt to a very limited extent it is, as under it the next friend, who would be the certificate-holder, may be ordered to pay costs personally; but I cannot see, as would seem to be implied by the 9th paragraph of the Resolution of the Government of India, that Chapter XXXI would so far apply to a certificate-holder as to render it necessary for him to be appointed a guardian *ad litem* under it: it seems to me that he has the position of guardian *ad litem* without it."

He does not approve of Mr. Justice Melvill's proposal (see paragraph 4, *supra*), regarding which he writes as follows:—

"It seems to me that it would not be for the benefit of minors or of persons who had claims against their estates that no person should be able to sue on their behalf, and no person should be able to sue them, without first getting out certificates of administration; and it seems to me that any danger which would attend dealing with the estates of minors by uncertificated persons is sufficiently guarded against by the fact that any person may come to the Court under section 4 of Act XL of 1858 and apply that a person may be appointed to guard the interests of the infant; and if the Court choose to grant the application and appoint a guardian, I take it that the power of the uncertificated person would at once cease, and that, if the litigation entered on by him was improper, he could be punished by being made to pay the costs."

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point I.—Appearance of guardian in Court without certificate of administration.*)

Nor does he think the proposal of the Government of India, to repeal the second clause of section 3 of Act XL of 1858, should be carried out. Regarding this he writes:—

"If that alteration is made, it seems to me that a safeguard which the law now provides for minors would become less effectual. Suppose a debtor to the estate of a minor forces a person interested in the minor to go to Court: if that person does not claim the charge of the minor's property, Act XL of 1858 does not stand in his way; he sues under Chapter XXXI of the Civil Procedure Code, and any benefit which may accrue from the suit would be secured to the minor. If the proposed alteration in the Civil Procedure Code is made, namely, that no next friend should be allowed to take any benefit on behalf of the minor unless he satisfies the Court that it will be applied for the benefit of the minor, the debtor thus secures the proper guarding of the rights of the minor. Again, if the person who makes the claim on behalf of the minor is also claiming the right to have charge of the property of the minor, the debtor can, and it seems to me rightly can, prevent him taking advantage of Chapter XXXI of the Code and compel him to take out an administration certificate, thus again securing the rights of the minor; but if the alteration suggested by the Government were made the debtor could not compel him to take out a certificate, and a proviso making him give security that any benefit accruing from the litigation should be applied on behalf of the minor is not nearly so effectual when taken from a person who claims a right to have charge of a minor's property as when taken from a person who claims no such right, but, without being interested in the minor's property, has merely asked the assistance of the Court to get him his rights.

"Again, take the case of a suit brought against a minor. If no person claims the right to have charge of the property, the creditor very rightly comes in under Chapter XXXI and secures his rights, and the rights of the minor are adequately represented by a guardian *ad litem*; but if any person does claim the right to have charge of the property of the minor, I do not think the rights of the minor are adequately secured by appointing such person guardian *ad litem*; it could not be done under the present state of the law; he would have to take out a certificate; but if the law was altered as suggested by the Government, it might be done and, as it seems to me, the rights of the minor be thereby prejudiced.

"I do not quite see that the alteration suggested by the Government is necessary to enable the person who thinks he has a right to take charge of the property of a minor to come in under Chapter XXXI; if no one challenges him he will make no claim to have the charge of the minor's estate, and he will act under Chapter XXXI; but if any one challenges him, it will no doubt have the effect, as the law now stands, of compelling him to take out a certificate.

"Another point of view which I submit may be worthy of consideration is the change which the alteration of law proposed by Government would have in cases where the person who claims the right to have charge of the minor's property wished to deal with it himself alone. At present he must establish to the satisfaction of the Court his right to so deal with it and that it will be dealt with for the benefit of the minor. Once he has done that no person other than he can represent the minor as a party in a suit, and no decrees could be got against the estate of the minor without making him a party. If the alteration suggested by the Government were carried out, and a person who claimed the right to have charge of the property of a minor was not bound to take out a certificate in order to be made a defendant in a suit against the minor, might not a fraud be committed by a person claiming the right to the property of a minor getting appointed a guardian *ad litem* and suffering a decree to be executed against the property of the minor? Such a case could not happen if the Government alteration is not carred out, because such a person would have to take out a certificate before being made a defendant."

41. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

considers that the clause in the Minors' Acts should be repealed, and the Courts allowed full discretion under the Civil Procedure Code. He observes that the interests of guardians appointed under the Minors' Acts may often, in special cases, be opposed to those of the minors.

42. THE CHIEF COMMISSIONER OF BRITISH BURMA—

invites attention to the remarks of the Recorder of Rangoon (*supra*, paragraph 40) regarding the construction of section 3, clause 2, of Act XL of 1858 and Chapter XXXI of the Civil Procedure Code, and suggests that the law should be so expressed as to convey the meaning there assigned to it.

He agrees that Mr. Justice Melvill's proposal (see paragraph 4, *supra*) should not be adopted; but he observes that, for the reasons given by the Recorder (see paragraph 40, *supra*), it appears desirable to maintain the second clause of section 3 of Act XL of 1858.

43. MR. J. KNOX WRIGHT, DEPUTY COMMISSIONER OF CACHAR,—

says the repeal of the second clause of section 3 of Act XL of 1858 would doubtless in some ways be a great boon to intending minor suitors, but that the ultimate effect would be that self-constituted guardians would seldom or never apply for a certificate of administration, except in cases where there is a dispute among rival guardians. He considers it desirable in the interests of minors that certificates should be taken out, and he is therefore opposed to the proposed repeal. To

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point II.—Execution of decrees, &c., by next friends and guardians* ad litem.)

remedy the anomaly pointed out in paragraph 5 of the Resolution, he would compel all guardians by virtue of relationship to take out a certificate before suing on behalf of minors.

44. MR. H. MUSPRATT, DISTRICT JUDGE OF SYLHET,—

considers the adoption of Mr. Justice Melvill's proposal (*supra*, paragraph 4) would cause great inconvenience.

45. BABU KOYLAS CHUNDER GHOSE, GOVERNMENT PLEADER, SYLHET,—

makes some remarks bearing on the conflict between clause 2 of section 3 of Act XL of 1858 and Chapter XXXI of the Civil Procedure Code.

46 THE RESIDENT AT HYDERABAD—

agrees in the remarks in paragraph 5 of the Resolution, as to the conflict between clause 2 of section 2 of Act XX of 1864 and Chapter XXXI of the Civil Procedure Code. But he suggests that instead of repealing that clause it should be amended so as to run as follows:—

"No person shall be entitled to institute or defend any suit connected with the estate of a minor unless and until he shall have obtained from the Civil Court a certificate of administration in respect of such estate:

"Provided that in cases when no such certificate has been granted, any Court having jurisdiction may, when the property in litigation is moveable property, or when the value of the property, in litigation does not exceed Rs. 500, allow any relative of a minor to institute or defend a suit in his behalf."

He "does not anticipate that the number of guardians by relationship who would have to take up certificates [under such a provision] would be materially larger than at present, except in the case of uncontested applications. In these there would probably be an increase, and attendance at Court would create a certain amount of hardship, which would, however, be minimized by a judicious resort to the proviso in section 5, Bombay Minors' Act." "It would," he says, "further be necessary to extend the provisions of section 464, Civil Procedure Code, by substituting 'section 440' for 'section 442.'"

Point II.—Execution of decrees, &c., by next friends and guardians ad litem.

II.—Whether a next friend or a guardian ad litem *should (by an extension of section 461 of the Code of Civil Procedure) be allowed to execute a decree or receive money or property in the course of litigation it being made clear that a next friend or guardian* ad litem, *who is also a guardian appointed under the Minors' Act with power to receive money on behalf of the minor, shall not be required to give security.*

48. MR. S. SUBRAMANIYA IYER, HIGH COURT VAKIL, MADRAS,—

is strongly of opinion that neither guardians nor next friends should be allowed to take money out of Court on behalf of a minor, whether before or after decree, without giving security.

49. MR. PLUMER—

would add to the clause which he proposes should take the place of clause 2 of section 2 of Act XX of 1864 [see paragraph 6 of précis] a proviso to the effect that no guardian *ad litem* who has not obtained a certificate from the Court shall be allowed to receive or take any money or other property due to the minor under a decree in any suit in which he has acted as guardian on behalf of the minor unless he has first obtained leave of the Court which passed the decree, &c., and gives satisfactory security that such money or other property shall be applied to the benefit and use of the minor.

50. MR. BARCLAY—

says that if his suggestion [see paragraph 7 of précis] that the right to sue for and to defend minors or their estates be given only to the managers of their estates (the Collectors) and the holders of certificates of administration, section 461 of the Code of Civil Procedure would, in cases coming within the provisions of the new Minors' Act, be unnecessary.

51. THE MADRAS BOARD OF REVENUE—

concur with the Government of India.

52. SIR CHARLES TURNER, (LATE) CHIEF JUSTICE OF MADRAS,—

suggests, in connection with section 461 of the Civil Procedure Code, that every Court obtaining control over property, of which there is no trustee, belonging to a minor for whom no guardian of the property has been appointed, should be required to give such directions as, having regard to the nature of the property, may sufficiently protect it from waste and secure its proper application.

A rule of this kind is, he says, already followed in the Madras High Court.

53. MR. JUSTICE WEST—

thinks the Court should have a discretion as to who may receive money or other property won for a minor by a next friend.

He further suggests specific provision being made that an administrator duly appointed should have power to receive and pay money for the minor under decrees, and also power to settle disputes in actual litigation or likely to lead to litigation; also that a proviso might be added affirming the general principle of the voidableness as against the minor of fraudulent and collusive transactions imputable to the person benefiting by them.

54. SIR CHARLES SARGENT AND MR. JUSTICE MELVILL—

approve of the Government of India's proposal.

55. MR. JUSTICE FIELD—

writes as follows—

"Section 461 sufficiently provides for the interests of the minor in respect of money or other things received or taken by the next friend or guardian *ad litem* in those suits to which the chapter of the Code of Civil Procedure applies. In suits brought by a certificated manager, he would have the same control over the money or property of the minor which he would exercise in matters unconnected with litigation, and the proper discharge of his duty should here be secured, as I have already pointed out (see paragraph 362 of précis), by requiring him to give security commensurate with the value of the property entrusted to his management. This is the rule in the case of receivers, mercantile agents and other persons discharging fiduciary duties. The same rule should be made applicable to persons discharging similar duties in respect of a minor's estate."

56. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) see no objection to the adoption of the Government of India's proposal; but they

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point III.—Voidance of alienations, &c., made by uncertificated Guardians.*)
(*Point IV.—Whether Court's Sanction should be required to alienations.*)

would require the next friend or guardian *ad litem* to give adequate security (in all cases, apparently).

57. MR. DUTHOIT—

supports the following proposals made by Messrs. Melvill and West (*J J.*):—

By Mr. Justice Melvill.—Execution of a decree in favour of a minor should not be granted to a "next friend" or a "guardian for the suit" until such person take out a certificate entitling him to the care of the minor's estate.

By Mr. Justice West.—When a decree is obtained in favour of a minor by a next friend, the next friend should be allowed to execute the decree either on terms of giving security, or leaving the money to be dealt with by the Court, or on terms of taking out a certificate of administration; but a certificated administrator should in all cases be entitled to obtain execution of a decree obtained in favour of a minor by a next friend.

He says he can see no objection to the first of these proposals, which "corresponds somewhat with the provision of the Roman law contained in the early part of *Dig. IV.*, 4, 7, § 2;" but he would "prefer to read into Mr. Justice Melvill's proposals that of Mr. Justice West, which closely corresponds with the later provision of the Roman law contained in the latter part of the same passage of the *Digest*." He adds "If the money is paid into Court, I would advocate a provision in the law allowing the Court to invest it in Government stock or promissory notes."

Mr. Duthoit prefers such a provision to that suggested by the Government of India.

58. MR. H. J. SPARKS AND THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

approve of the Government of India's proposal.

59. LALLA MADAN GOPAL—

suggests that it should be provided in section 461 of the Civil Procedure Code that "an application for execution of decree may be made by the next friend of a minor decree-holder, but he is not to take out the money without giving security."

60. COLONEL C. A. MCMAHON—

writes as follows:—

"I would repeal section 461 of the Civil Procedure Code. If the person who has to pay the money does not see the necessity, for his own protection, of forcing the guardian or next friend to take out a certificate, as provided for in my paragraph 4 [see paragraph 28 of précis], I do not see that the Civil Court need trouble itself about the matter."

61. MUHAMMAD LATIF—

suggests that the only change required in the law is the addition of a clause to section 461 of the Civil Procedure Code empowering a next friend or guardian *ad litem* to receive property in execution of a decree.

He also suggests that the provision in that section regarding security is unnecessary and should be removed altogether.

62. UMAR BAKHSH—

thinks a certificated guardian should have a right to execute a decree obtained either by himself or by any other person who has acted as next friend before his own appointment. He also thinks certificated guardians should not be required to give security, but that other persons should be so required, the Court, however, having a discretion to dispense with security in the case of near relatives acting as guardians.

He further suggests that it should be left optional with guardians desiring to execute a decree either to give security or to take out a certificate of administration.

63. COLONEL GURDON—

agrees with Muhammad Latif (paragraph 61, *supra*) that no security should be required from any guardian under section 461 of the Civil Procedure Code, adding that the provision is unnecessary if the Courts work section 443 properly.

64. SARDAR GURDIAL SINGH—

thinks no one should be allowed to receive money on behalf of a minor in execution of a decree unless he either holds a certificate of guardianship or tenders sufficient security.

65. MR. R. J. CROSTHWAITE—

says the proposed amendment of section 461 of the Civil Procedure Code would be an unquestionable gain.

66. LIEUTENANT-COLONEL GRACE—

approves of the Government of India's proposal.

67. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

approves of the proposed amendment of section 461 of the Civil Procedure Code, except that he would not fetter the discretion of the Courts as to taking security.

68. THE CHIEF COMMISSIONER OF BRITISH BURMA—

approves of the Government of India's proposal.

69. MR. H. MUSPRATT—

concurs in the proposed extension of section 461 of the Civil Procedure Code, but would not except the rule as to security.

[See also remarks by—
the Recorder of Rangoon, in paragraph 40 of précis; and
Mr. Wigram, in paragraph 370 of précis.]

Point III.—Voidance of alienations, &c., made by uncertificated guardians.
Point IV.—Whether Court's sanction should be required to alienations.

III and IV.—Whether the following proposals made by the Hon'ble Mr. Justice Melvill with a view to rendering it unsafe for any person to enter into any transaction affecting immoveable property, except with a certificated administrator, should be accepted, namely:—

(*a*) *that any alienation or incumbrance of, and any abandonment of the rights of the minor in, any immoveable property, by a guardian, should be made void, unless he holds a certificate under the Minors' Act; and*

(*b*) *that the provision in the second clause of section 18 of Acts XX of 1864 and XL of 1858, which requires the previous sanction of the Civil Court to any alienation or incumbrance of immoveable property by a certificated guardian, should be repealed.*

70. In regard to proposal (*a*), the Government of India pointed out that it would require very careful consideration with reference to the facts, peculiar to India, (1) that the number of minors owning immoveable property without the intervention of trustees is very large, and (2) that cases constantly arise in which it is necessary to deal with the immoveable property of minors by way of sale, mortgage, &c. These two facts would, if the proposal were adopted, necessitate a very la[illegible]

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point III.—Voidance of alienations, &c., made by uncertificated Guardians.*)

number of guardians by relationship taking out certificates, and this would entail much trouble on the people in attending the Courts, and would also tend, by reason of the business being made a Court matter, to foster acrimonious disputes. "Further, it may be observed that the Government does not possess any definite knowledge as to the supposed evils of the existing system, beyond the fact that a considerable amount of litigation arises regarding transactions effected by guardians; but whether this amount of litigation is large, considering the number of the transactions, may be open to doubt. In connection with this point, a further question presents itself, *viz.*, whether litigation of the kind under consideration usually arises from persons wrongfully usurping the position of guardian or from the rightful guardians abusing their powers. If the latter is the true cause, the plan suggested by Mr. Justice Melvill would scarcely afford a remedy, inasmuch as the guardian, after he had been granted the certificate, would, under the second of the two proposals embraced in that plan, be left to act without the sanction of the Court. On the other hand, if Mr. Justice Melvill's first proposal were adopted without his second, it may perhaps be anticipated that the number of cases coming before the Courts under the second clause of section 18 of Act XX of 1864, and the corresponding provision of the Act of 1858, would be so great as to render it doubtful whether it would not be beyond the power of the Courts to deal with them with that degree of care which is essential in such matters."

Point III.—Voidance of alienations, &c., made by uncertificated guardians.

71. MR. HUTCHINS—

is opposed to the adoption of proposal (*a*). He thinks the law as it stands already makes it "unsafe to enter into any transaction affecting a minor's immoveable property," and says it is only fair to the minor that persons buying such property should have to satisfy themselves that the transaction is an equitable one. This safe-guard would be removed if guardians were certificated, since the certificate would tend to inspire confidence in the mind of the purchaser as to the guardian having absolute power to deal with the property; and that would be an undesireable result, Mr. Hutchins's experience showing that litigation in these cases generally arises from the rightful guardian, who can easily obtain a certificate, abusing his powers.

Mr. Hutchins would except from his remarks the case of undivided families, "and perhaps even of some other joint proprietors."

72. Mr. S. SUBRAMANIYA IYER, HIGH COURT VAKIL, MADRAS,—

thinks it would be unwise to give guardians any absolute authority to bind minors by alienations of their estates.

73. Mr. PLUMER—

strongly protests against the adoption of proposal (*a*), for the reasons given in paragraph 7 of the Government of India's Resolution. He thinks there can be little doubt that litigation arises principally, if not entirely, from abuse of powers by rightful guardians, and that the proposal is therefore rendered useless by proposal (*b*), independently of the other objections to it.

He says with Mr. Hutchins (see paragraph 71, *supra*) that much keenness is displayed under existing circumstances by purchasers of minors' property, in ascertaining that the transaction is an equitable one and therefore ultimately binding on the minor.

74. Mr. W. WILSON, DIRECTOR OF REVENUE SETTLEMENT AND AGRICULTURE, MADRAS,—

does not think either proposal (*a*) or (*b*) should be adopted, remarking that, although they may be in the interest of the guardian and the alienee, he cannot see how they can be regarded as being in the interest of the minor, for whose protection the law is intended.

75. MR. E. BARCLAY, GOVERNMENT SOLICITOR, MADRAS,—

approves of proposal (*a*), as being in accordance with his suggestion (see paragraph 7 of précis) that no one but the manager or certificated administrator should have power to deal with a minor's estate.

76. THE MADRAS BOARD OF REVENUE—

concur in the Government of India's remarks.

77. SIR CHARLES TURNER—

writes:—

"For reasons which are fully stated in the Resolution of the Government of India, it does not appear expedient to prohibit guardians from dealing with the immoveable property of minors unless they have obtained a certificate.

"In no country is the compulsory recourse to Courts more distasteful to the people, and in no country is property in land more minutely subdivided or intersts in it more largely held by minors. The Mitakshara, which makes every son on his birth a co-owner with his father, obtains throughout this Presidency, except in Malabar and South Canara, and in those countries, in many Brahmin families and under the tarwad systems of Malabar and South Canara, minors on their birth become co-owners of the tarwad estates."

78. MR. JUSTICE MELVILL—

suggests that, to meet the Government of India's objections to his proposal (*a*), cases in which the minor's property does not exceed Rs. 500 should be excepted. With this limitation, and with the exclusion of managers of joint Hindu families (as to whom, see paragraph 379 of précis), the inconvenience to the public and the labour entailed upon the Courts would, he says, probably not be great, especially if the District Court were authorised to form its decision upon evidence taken by a Subordinate Court at no great distance from the residence of the parties. With these limitations, Mr. Melvill still thinks that it is desirable that every person who assumes a right to take charge of the property of a minor should be required to submit himself to an examination of his fitness; and that, when his fitness has been once ascertained and certified by the Court, he should then be left free to deal with the minor's property without further interference, but subject to the right of the minor to impeach, when he attains his majority, any alienations made by the administrator. * * The Court has good opportunities for ascertaining the general fitness of an administrator, but it has not the means of satisfying itself as to the advisability of any proposed alienation. It is very liable to be misled by a fraudulent administrator, and it might be very hard upon the minor if a sanction obtained from an imperfectly informed authority were to render the alienation unimpeachable.

"But the case is different when the administrator is the Collector or an officer of the Court. Here, at all events, the Court will not be wilfully misled, and it will have all the information which the administrator can afford. It might be advisable to provide for a proclamation or advertisement inviting persons to come forward who might have any objection to a proposed alienation. With these precautions, I think that the sanction of the Court to alienations might properly be given, and that transactions so sanctioned should not afterwards be liable to be impeached."

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point III.—Voidance of alienations, &c., made by uncertificated Guardians.*)

79. MR. T. T. ALLEN—

dissents from proposal (*a*). He says "it would cause great inconvenience to refuse powers of alienation to any but certificated guardians, and to deny them rights which their several systems of personal law give them. It would also inundate the Judge's Court with work of a trivial character."

80. THE JUDGES OF THE CALCUTTA HIGH COURT—

concur generally in the views expressed in paragraph 7 of the Government of India's Resolution. They cannot support Mr. Justice Melvill's proposal (*a*), thinking no sufficient cause is shown for adopting it, and that it would cause great hardship, and explaining particularly that it would involve a serious change in the Hindu law, under which alienations by the manager continually take place during the minority of some member of the family, although he holds no certificate of administration.

81. MR. JUSTICE OLDFIELD—

disapproves of Mr. Justice Melvill's proposal (*a*). He writes:—

"The objections to any such enactment, which are fully set out in the Resolution, appear to me conclusive. Such evils as exist are due not so much to persons usurping wrongfully the office of guardians, as to abuse of their powers by rightful guardians, and are nothing in comparison to those which would issue from insisting on certificates of administration being taken out: not only would the general inconvenience be great, but the interests of the minor would probably be neglected in numerous instances."

82. MR. JUSTICE STRAIGHT—

thinks the adoption of Mr. Justice Melvill's proposal (*a*) would not be satisfactory, and would certainly, in the North-Western Provinces, cause enormous inconvenience.

83. MR. B. W. COLVIN—

approves of Mr. Justice Melvill's proposal (*a*) provided estates of small value are excepted.

84. Mr. DUTHOIT—

says, with reference to the Government of India's remarks in paragraph 7 of the Resolution, (1) that he sees no reason to apprehend that the Courts would be swamped with minors-protection business; (2ndly) that in most districts of the North-Western Provinces and Oudh the subordinate Civil Courts are so distributed that, if the proposals which he has made elsewhere [see paragraph 291 of précis] should be approved, no appreciable hardship from having to attend Court need be caused to the people; and (3rdly) that he sees no reason to suppose that minors-protection business would, in the North-Western Provinces and Oudh, be in any large measure contentious.

It will be seen from paragraph 291 of this précis that Mr. Duthoit is inclined to support Mr. Justice Melvill's proposal (*a*). He suggests, however, that if it is adopted it should (besides being amended as there suggested) carry a proviso that it shall not apply to the case of a Hindu minor who is a member of an undivided family, wherein is an adult member capable of managing the family property.

85. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

invites attention to the opinions expressed by Messrs. Oldfield and Straight, *J J.* [paragraphs 81 and 82, *supra*]. He writes: "If this proposal were adopted, it might result that the number of guardians who would be obliged to take out certificates would be so large that the Courts might fail to deal effectively with the numerous cases that would come before them; or that the trouble and annoyance of having to take out certificates would deter many persons from undertaking the office of guardian, whereby the interests of minors would suffer. The inconveniences pointed out in paragraph 7 of the Resolution would undoubtedly follow the adoption of the proposal; and the facts stated by Mr. Duthoit [see paragraph 291, *infra*] and also by Mr. Justice Oldfield [see paragraph 81, *supra*] show that the proposal would fail to secure its object, since the litigation which arises on this subject is chiefly caused, not by persons wrongfully usurping the position of guardian, but by rightful guardians abusing their powers."

86. MR. JUSTICE SMYTH—

says suits in which minors after attaining their majority contest alienations made during their minority by their guardians are not numerous in the Punjab, and that his experience is that persons acting as guardians, whether they are the rightful guardians or not, do not often abuse their powers, but usually try to do what they think best for the minor. He adds that his impression is that it is the person who is rash enough to take a conveyance from the guardian rather than from the minor himself who suffers most under the present system, and observes that in such cases the remedy lies in the alienee's own hands.

He considers that, for the reasons stated in paragraph 7 of the Resolution, it would be very unwise to adopt Mr. Justice Melvill's proposal (*a*) in the Punjab, "where, on the whole, the people get on very well without having recourse to certificates."

87. MUHAMMAD LATIF—

is strongly opposed to Mr. Justice Melvill's proposal (*a*), on the grounds that it is unnecessary that the ignorance of the people would prevent their getting news of so serious a change having been made, and that it would increase litigation and unnecessarily impede the administration of justice. He adds that the ordinary law sufficiently provides for calling guardians to account for mal-administration of a minor's estate.

88. UMAR BAKHSH—

thinks the drawbacks attending proposal (*a*), resulting from requiring a large number of people to have recourse to the Courts, outweigh any advantages which it may possess.

Further on, however, he suggests that alienations by certificated guardians who are not relatives of the minor, in favour of persons with whom they have personal dealings, should be made unsafe, if not declared altogether void. Cases have come to his knowledge in which guardians have indirectly derived personal benefit from such transactions, and it is, he says, very hard in such cases to prove actual fraud.

89. COLONEL E. P. GURDON—

is strongly opposed to proposal (*a*), and agrees with Muhammad Latif [paragraph 87, *supra*]

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point III.—Voidance of alienations, &c., made by uncertificated Guardians.*)

that the Hindu and Muhammadan laws sufficiently guard the interests of minors in the matter in question.

90. MR. H. T. RIVAZ—

thinks proposal (*a*) would work great injustice in the Punjab, "in many parts of which the people still remain persistently ignorant of all enactments which conflict with their usual practices, and where no evils are apparent as the result of the existing system." Cases no doubt occasionally occur in the Courts where minors, on attaining majority, sue to contest alienations of their property made during their minority by persons purporting to act as their guardians. In these cases, which are not numerous, I should say that the alienations contested are upheld as often as they are set aside, and my experience is that in a very small minority of the cases does it appear that the guardian has really abused his powers as such, or seriously neglected the interests of his ward, or in fact acted otherwise than for the benefit of the minor. Any dishonesty which appears is usually that of the minor or his advisers, who, finding when the former comes of age that property which during his minority was sold for fair value and for his benefit has much increased in value of late years, immediately seek to repudiate the transaction with the sole view of preventing the *bonâ fide* purchaser from reaping the fruits of what has eventually turned out to be a profitable bargain. I therefore think that the objections so forcibly put forward in paragraph 7 of the Government of India Resolution deserve the greatest weight and consideration so far as the Punjab is concerned."

91. MR. R. J. CROSTHWAITE,—

referring to paragraph 7 of the Resolution, says litigation regarding transactions effected by guardians arises, according to his experience, almost entirely from rightful guardians abusing their powers, and occurs generally where the Hindu law is applicable, the question usually raised being whether the minor is bound by the act of the manager of the family property.

92. MR. BEHARI LAL BASU,—

referring to paragraph 7 of the Resolution, argues that the difficulties there stated as likely to be caused to guardians by the adoption of Mr. Justice Melvill's proposal (*a*) ought not to be allowed to prevent the enactment of any provision tending to the welfare of the minor, whose interests it is the duty of the State to protect; and he considers that proposal well calculated to check the proceedings of dishonest guardians.

He suggests that, if that proposal is adopted, something should be done to reduce court-fees chargeable on the certificates of guardians.

Referring to the possible objection that the general requiring of certificates would tend to upset the joint family system, he says "there is a marked change in the advanced parts of India, where the true notions of the joint family are disappearing."

93. LIEUTENANT-COLONEL GRACE—

says that in the Central Provinces "litigation does not arise from persons wrongfully usurping the position of a guardian, but it often arises from rightful guardians abusing their powers in respect to transactions effected by them."

He does not think it necessary to adopt proposal (*a*), observing that the interests of minors "are otherwise sufficiently guarded, inasmuch as they, on attaining majority, can, within the time allowed by the Statute of Limitation, question the acts of their guardians during their minority and take legal action; and guardians, purchasers, &c., on whom the *onus probandi* is thrown, have to justify and vindicate their doings."

94. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—

regards proposal (*a*) as unnecessary and impolitic. The taking out of a certificate, he says, affords no guarantee that the holder will not abuse his trust; while, on the other hand, such a provision as is proposed would tend to hasten unduly the disintegration of the joint family system, which is already proceeding fast enough.

95. THE COMMISSIONER OF THE TENASSERIM DIVISION—

considers that "any change in the direction of making the obligation to take out a certificate, &c., more stringent than at present, as suggested by Mr. Justice Melvill, is, in the present condition of this province [British Burma], much to be deprecated."

He continues: "My reasons for holding this opinion are so clearly stated in paragraph 7 of the Resolution, which, I think, is applicable to all legislation of this description, that it is unnecessary to go into them; but I may add that in this province, during the years when the Special Court maintained that the Indian Succession Act was practically applicable to all classes, the real hardship and unnecessary litigation which such measures really inflict on all, but especially on the poorer and more ignorant portion of the population, in a country like this, were very clearly brought to light."

96. THE RECORDER OF RANGOON—

agrees with the Government of India that the balance of considerations is in favour of not adopting proposal (*a*).

97. THE JUDICIAL COMMISSIONER OF BRITISH BURMAH—

does not approve of proposal (*a*).

He writes: "It seems to me that the time cannot be far distant when administrative arrangements could be made enabling a specific class of local officials corresponding to the *Juges de Paix* of the Code Napolean to watch over the interests of minors by controlling the appointment of guardians and nominating a *conseil de famille* and surrogate guardians in certain localities for every minor therein. Great hardship would, I consider, be involved in the general application of Mr. Melvill's principle so long as the District Judges' Courts are the only Courts which can deal with such matters."

98. THE CHIEF COMMISSIONER OF BRITISH BURMA—

considers the reasons stated in paragraph 7 of the Resolution justify the rejection of proposal (*a*).

99. MR. J. KNOX WIGHT—

fully concurs in the reasons advanced by the Government of India in paragraph 7 of the Resolution for rejecting proposal (*a*). That proposal, he says, involves a great change in existing customs for which no necessity has been made out.

100. MR. H. MUSPRATT—

concurs in the remarks in paragraph 7 of the Resolution.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point IV.—Whether Court's sanction should be required to alienations.*)

101. BABU KOYLAS CHUNDER GHOSE—

observes that the adoption of proposal (*a*) would seriously affect the interests of minors, especially in cases where there are numerous sub-divisions of an estate.

102. COLONEL W. HILL, COMMISSIONER OF COORG—

says the objections to proposal (*a*) which are stated in paragraph 7 of the Resolution apply fully to the circumstances of Coorg.

103. THE RESIDENT AT HYDERABAD—

says that if proposal (*a*) is adopted certificates would be necessary before almost any transaction affecting the immoveable property of a minor could be entered into. "The number of applications for certificates would be vastly increased; and the benefit accruing to the property of minors in a small minority of cases would be counterbalanced by the detriment to property for want of necessary action during the delay which the process of obtaining a certificate would entail. Nor would the adoption of this proposal avert that class of injury which arises from the abuse of their powers by lawful guardians."

[See also remarks by Mr. J. W. Chisholm in paragraph 37 of précis.]

Point IV.—Whether Court's sanction should be required to alienations.

104. In regard to Mr. Justice Melvill's proposal (*b*)* taken separately, the Government of India thought it might be partially adopted, even if proposal (*a*) were rejected (see paragraph 70 of précis). They wrote: "In cases in which no person has a legal claim to the guardianship, and the Court accordingly exercises a free choice in the selection of the guardian, it seems clear that the sanction of the Court to the sale or alienation of immoveable property should be required, as in such cases the Court is in a certain sense answerable for the guardian; but when the Court merely decides that a person is entitled to the guardianship by appointment, and also when it decides that a person is entitled thereto by virtue of relationship, the necessity of insisting upon such a restriction is perhaps open to doubt. In these cases it might suffice if the guardian were allowed the option of submitting the transaction to the Court for sanction, if he thought it necessary to do so for his own protection or for the satisfaction of an intending purchaser of the property."

105. MR. HUTCHINS—

sees no necessity for making a distinction between a certificated and an uncertificated guardian; but if any is to be made, he thinks that proposed by the Government of India is reasonable. He thinks every guardian should have the option of bringing *any* important matter before the Court, and should (for the particular purpose of the reference, apparently) be required to take out a certificate.

106. MR. S. SUBRAMANIYA IYER—

strongly approves of Mr. Hutchins's suggestion that all guardians should have the option of applying to the Court for advice.

107. MR. WIGRAM—

writes:—

"As regards the alienation, whether by gift, sale or mortgage, of property in which minors have a joint interest, I think that it would save much litigation to enact that no such alienation or relinquishment of a minor's right should be valid without the sanction of the District Court, and that if the sanction of the Court was obtained the alienation could not be challenged by the minor unless by a regular suit instituted on his behalf within six months. It would, of course, be requisite to provide that a formal inquiry should be held either by the District Court or through a Subordinate Court whether the alienation was necessary and expedient, and, if the mother was alive, her objection, if any, should be duly considered.

"I would expressly limit this jurisdiction to cases where a particular branch of an undivided family was represented by minors. The assent of the minor's father would, as now, imply the assent of the children."

108. MR. PLUMER—

thinks that in the case of certificated guardians the sanction of the Court should certainly be required, and that this is necessary in order to prevent derelictions of duty on the part of persons for whose conduct the Court is in a way responsible, and who would without such supervision be tempted to go wrong. He explains that this would not throw any great burden on the Courts, the number of certificated guardians not being large.

In the case of alienations, &c., by guardians whom the Courts have decided to be entitled by appointment or by virtue of relationship to act as guardian, he thinks it might be left optional to either the guardian *or the intending alienee himself* to apply to the Court to sanction the alienation.

109. MR. E. BARCLAY—

thinks that, at any rate in cases where it is proposed to sell immoveable property above a certain value, or to lease it beyond a certain term, or to encumber it beyond a certain amount, the sanction of the Court should be required (in the case of both certificated and uncertificated guardians, apparently). He points out that the case quoted by Mr. Justice Melvill (I. L. R. 5 Cal. 363) does not render alienations by certificated administrators absolutely unimpeachable, and that they can be set aside if fraud or illegality be shown; but he thinks the learned Judge's views might be met in the following way:—

"The Act might provide that in all instruments of alienation and incumbrance of a minor's immoveable property, the manager or certificated administrator should be described as such, and that the order of Court sanctioning the alienation or incumbrance should be recited, and that it should appear on the face of the instrument that it is made in pursuance of such order; and the Act might declare that the title of the purchaser, lessee or incumbrancer taking under an instrument containing such particulars shall, in the absence of fraud or illegality, be held conclusive as against the minor and all persons claiming under him."

110. THE MADRAS BOARD OF REVENUE—

concur with the Government of India.

111. SIR CHARLES TURNER—

thinks the sanction of the Court should be required only in the case of alienations and incumbrances of large amount, and that no sanction should be required in the case of properties of small value, because the attendant expenses would prove a serious burden to the estate.

*(*b*) That the provision in the second clause of section 18 of Acts XX of 1864 and XL of 1858, which requires the previous sanction of the Civil Court to any alienation or incumbrance of immoveable property by a certificated guardian, should be repealed.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point IV.—Whether Court's sanction should be required to alienations.*)

112. MR. JUSTICE WEST—

would, in the case of minors having a sole or separate estate, give all guardians the right to come into Court and get proposed transactions approved. As to guardians appointed by the personal law of the minor, he would not bind them any further than this; and as to those appointed—not merely recognized—by the Court, he would make them subject "to such restrictions as their certificates might impose."

113. SIR CHARLES SARGENT—

thinks "the consent of the Court should be required in all cases to give effect to alienations (except leases for a short term of years) and incumbrances of or upon the minor's immoveable property, as well as to any compromise of the minor's interest in that property, and that, too, as well by the certificated administrator as by any other person claiming to have charge of the property." He thinks "that the importance attached to the granting of a certificate is greatly exaggerated, and that the powers of such administrator without the consent of the Court should be confined to what is strictly management."

He suggests that the permission to alienate or encumber should be given by the Civil Court of the district in which the property in question is situated, where the minor has property in more than one district.

114. THE HON'BLE MR. PAUL—

thinks the modification suggested by the Government of India might perhaps be safely adopted, but that the relinquishment of control should not extend any further. He does not think purchasers should be protected any further than they are at present in their dealings with a minor's estate.

115. MR. T. T. ALLEN—

dissents from Mr. Justice Melvill's proposal (*b*). He considers it necessary to retain the second clause of section 18 of Act XL of 1858. Where a minor's property is considerable, he says, a certificate is almost invariably taken out, and the great value of the Act is in the protection which the clause in question affords the minor against improper alienation of the *corpus*; while when alienation is necessary the sanction of the Judge, which is almost conclusive evidence of the *necessity* of the sale, vastly strengthens the purchaser's security, so that a better price is realised.

116. THE JUDGES OF THE CALCUTTA HIGH COURT—

see no objection to repealing the second clause of section 18 of Act XL of 1858.

117. MR. JUSTICE STRAIGHT—

thinks clause 2 of section 18 should be retained, and that all guardians appointed by the Court, whether in right of a will or deed or by its own selection, should be brought within its purview.

118. MR. H. J. SPARKS—

approves of the Government of India's proposals. (Please also see his remarks in paragraph 180, *infra*.)

119. MR. B. W. COLVIN—

approves of Mr. Justice Melvill's proposal to repeal the clause. His experience shows that the Court is commonly unable to obtain evidence upon which to form an opinion with any confidence as to the necessity or expediency of a proposed alienation; and, on the other hand, the sanction is apt to become a dangerous screen to the misdoings of guardians. The only practical value of the clause, he says, is that it gives some publicity to a guardian's doings; but this is scarcely *necessary*, and the advantage, moreover, such as it is, is more than counterbalanced by the considerations stated above. The real checks are to be found in the intervention of the minor's other relatives and friends, and in the liability of the guardian to being hereafter called to account by the minor himself; and when these fail, the Court's sanction in particular cases supplies no effective substitute for them.

120. MR. DUTHOIT—

does not think Mr. Justice Melvill's proposal to repeal the clause altogether is well-advised; but he sees no objection to a modification of it by the substitution of the words "longer period than that of the minority of the proprietor" for the words "period exceeding five years."

(Please also see his remarks in paragraph 194, *infra*.)

121. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

is disposed to agree with Mr. Justice Melvill, though he thinks the matter does not seem so important as to require a special amendment of the existing law. He adds that "the suggestion made in paragraph 8 of the Resolution, that guardians by appointment or relationship should be allowed the option of submitting any transaction to the Court for sanction, seems open to the objection that it would be likely to produce on the part of guardians a disposition to produce for sanction only those transactions in which they wished to obtain an official screen to questionable proceedings."

(Please also see his remarks in paragraph 162, *infra*.)

122. MR JUSTICE SMYTH—

writes:—

"I am inclined to agree in the views of the Government of India as expressed in paragraph 8 of the Resolution. But where a guardian who owes his status merely to the act of the Court makes an alienation of immoveable property without the sanction of the Court, I am of opinion that the alienation should not be treated as absolutely void. If it appear that the parties to the alienation acted in good faith, and that the transaction was for the benefit of the minor, I do not think that the transaction should be held to be void merely because the guardian owed his status to the act of the Court and omitted to obtain the Court's sanction to the alienation. The *onus* of proving that the alienation was effected in good faith, and was for the minor's benefit, would be on the person who affirmed its validity."

123. LALLA MADAN GOPAL—

thinks the second clause of section 18 of Act XL of 1858 should be retained, and extended to all guardians, whether certificated or not.

He further suggests that an explanation should be added declaring that alientions made without sanction will be not absolutely void, but merely avoidable on proof that the guardain acted *male fide*, and that the transaction was not a proper one.

124. LALLA MOHAN LALL AND MIAN ABDULLA, PLEADERS, OF AMRITSAR,—

suggest that, in the case of guardians other than those who owe their status to the

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point IV.—Whether Court's sanction should be required to alienations.*)

mere act of the Court, the Court should be required to make a summary investigation as to the propriety of the alienation or encumbrance suggested; and further that a proviso be added declaring that "no such summary investigation should be held to be complete within the meaning of the Act unless the near relations of the minor, if any, or any friend interested in his welfare, have had an opportunity of protesting or objecting before the Court against the suggestions of the Public Curator or other administrator within a term to be fixed by the Court, of which due notice shall be given to them."

125. COLONEL C. A. MCMAHON—

writes:—

"I would leave the guardian to deal with the minor's property at his own risk. An *ex parte* reference by a guardian to a Civil Court for sanction to a proposed alienation might be very injurious to the minor's interests; for the Court would only have the *ex parte* representations of a possibly dishonest or interested man to go on.

"I do not think a reference of this character is worth the trouble and expense it involves, and I think it would be better for all concerned to leave the guardian to act on his own responsibility and risk."

126. MUHAMMAD LATIF—

considers it desirable to require the Court's sanction "where the Court exercises direct control over the property of the minor," but that sanction should not be required where the guardian holds his position by virtue of relationship or by virtue of a deed of appointment. In the latter cases the guardian ought, he thinks, to be held responsible to the minor for his acts.

127. UMAR BAKHSH—

suggests that every transaction involving property of the value of Rs. 1,000 and upwards should be declared invalid unless it has the sanction of the Court.

128. COLONEL GURDON—

writes:—

"Where of course there is no person with any legal claim to the guardianship of a minor, *e.g.*, no kinsman or other person who according to the personal law of the minor can claim as a right the guardianship, and when in such case the Court has selected a person to administer the minor's property, it may no doubt be advisable and just that the previous sanction of the Court should be required to render valid any alienation of a minor's immoveable property; but the application of this restriction to cases where there are persons legally entitled to guardianship according to Hindu and Muhammadan law, is, I think, to be deprecated; at any rate, if such a provision be retained, its application should only be obligatory upon guardians 'appointed by the Court.' All other guardians might be allowed at their option to apply to the Court or not, if required for the satisfaction of an intending purchaser of the property (*vide* paragraph 8 of Government of India's Resolution)."

129. MR. H. T. RIVAZ—

considers the Government of India's proposals reasonable and worthy of adoption.

He suggests that the effect of an alienation by a certificated guardian without the Court's sanction might be made clearer than it is at present. He writes: "I take it that a sale or mortgage by a certificated guardian without the sanction of the Court is not absolutely void, but voidable at the option of the minor when he attains majority, if he chose to repudiate the transaction, and subject to a refund by the minor of so much of the consideration money as has been expended for his benefit or for the benefit of his estate. If this is not the law under the section as it at present stands, I think the section should be at least modified to the extent above indicated, and I should be glad myself to see the section go further, and give the Court a discretion to refuse to set aside a sale (though the Court's sanction was wanting) if it was made clearly to appear that the transaction was a *bonâ fide* one made in the interests of the minor. This would cause no hardship to the minor, as in such cases it is a well established principle that the *onus* lies upon the party contracting with the minor's representative to show that the transaction was *bonâ fide* and for the benefit of the minor.'

130. Mr. R. J. CROSTHWAITE—

fully concurs in the Government of India's proposals.

131. MR. J. W. CHISHOLM—

would repeal the second clause of section 18, because in cases of alienation no real check can be applied by the Civil Court, and consequently the sanction contemplated by the clause is often given on incomplete information, and places additional difficulties in the way of a minor should he sue, on obtaining his majority, to set aside any alienation made by his guardian as unnecessary. Such suits can, he says, always be brought, and by this means minors often recover properties wrongfully alienated.

132. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—

concurs in the Government of India's proposals.

133. THE RECORDER OF RANGOON—

would retain the second clause of section 18. If it does not do much good, he says, at all events it does not do much harm.

134. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

thinks the clause should be retained. He writes:—

"It is quite true that in granting sanction under the Act the Court has nothing to guide it but the *ex parte* statements of the administrator himself, but in the absence of complete arrangements (such as those alluded to in the preceding paragraph)* the necessity of obtaining sanction acts as a wholesome though partial check, and should not, in my opinion, be done away with."

135. THE CHIEF COMMISSIONER OF BRITISH BURMA—

says there appears to be no sufficient reason for repealing the clause.

136. MR. J. KNOX WIGHT—

thinks the clause should be retained, because it tends to the benefit of the minor and the purchaser alike as well as to the protection of the guardian. The necessity for moving the Court, he says, prevents the making of improper bargains.

(Please also see his remarks in paragraph 179, *infra*).

137. COLONEL W. HILL—

agrees that "it will suffice if guardians are allowed the option of submitting transactions to the

* See paragraph 97 of précis.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(Point V.—Right of certificated administrator to appear in Court. Point VI.—Declaration as to powers of Guardians)

Court for their own protection or for the satisfaction of an intending purchaser of property."

138. THE RESIDENT AT HYDERABAD—

approves of the Government of India's proposals.

[See also remarks by—

Mr. W. Wilson, in paragraphs 74 and 151 of précis;

Mr. Justice Melvill, in paragraph 78 of précis;

the Hon'ble Mr. O'Sullivan, in paragraph 154 of précis;

Mr. Justice Oldfield, in paragraph 227 of précis;

Mr. Justice Field, in paragraph 258 of précis:

Khan Ahmad Shah, in paragraph 296 of précis; and

Sardar Gurdial Singh, in paragraph 297 of précis.]

Point V.—Right of certificated administrator to appear in Court.

V.—Whether, assuming it to be the intention of the legislature (see sections 464, 440 and 441 of the Code of Civil Procedure) that a guardian appointed under the Minors' Act possesses no right as such to appear on behalf of a minor, but that he must sue as next friend or be appointed to defend as guardian ad litem, *the Code of Civil Procedure should not be amended so as to make this more clear.*

139. MR. HUTCHINS—

would require that every one suing on behalf of a minor should either have taken out a certificate or obtained the previous leave of the Court—the latter provision to meet cases where the rightful guardian is the defendant or is interested in the defendant or is averse to taking legal proceedings.

He adds that where the minor is a defendant the intention seems to be that he should be sued as under the protection of his guardian, where one has been certificated or appointed by the Court of Wards or a Civil Court, section 443 of the Civil Procedure Code being to this extent controlled by section 464; and that it is only where there is no such guardian that the particular tribunal is to appoint a guardian *ad litem*.

140. THE HON'BLE MR. O'SULLIVAN, ADVOCATE GENERAL OF MADRAS,—

suggests that in all suits against a minor the administrator should be made a party as guardian *ad litem*, but that the Courts should have power to permit a friend or relative of the minor also to appear to defend the suit in cases in which such a course appears to be advisable; also that the administrator should have authority to institute suits on behalf of the minor, with power to the Court to give the conduct of any particular suit, or classes of suits, to any person named, other than the administrator.

141. THE MADRAS BOARD OF REVENUE, MR. H. J. SPARKS, LIEUTENANT-COLONEL GRACE AND THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

agree with the Government of India that the Code should be amended in the direction indicated.

142. SIR CHARLES TURNER—

suggests that "except where the conduct of the guardian is impugned or his personal interest is in conflict with that of the minor, the Court should be required to recognise as guardian *ad litem*, if he be willing to undertake the duty, the person who, by the personal law, is entitled to the charge of the minor's property by a Court of competent jurisdiction or by the Court of Wards."

143. MR. JUSTICE WEST—

thinks no person wishing to sue as next friend on behalf of a minor should be subjected to any restriction other than those involved in proper rules as to costs.

He further thinks it might be explicitly provided that an administrator duly appointed should, as such, be a tutor capable of representing the minor in all litigation without further appointment.

144. MR. B. W. COLVIN—

sees no reason why there should be any separate application to be appointed guardian *ad litem* in cases where there is a certificated guardian. The certificated administrator should, he thinks, be *ex officio* guardian *ad litem* to the minor in his charge.

145. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

"agrees that if any amendment of the law is to be undertaken, it would be well to amend the Code of Civil Procedure so as to make it clear what is the status of a guardian appointed under the Minors' Act in respect of suits instituted on behalf of or against the minor whom he represents."

146. MR. H. MUSPRATT—

says Chapter XXXI of the Civil Procedure Code "gives rise to no difficulty in the appointment of next friends or guardians *ad litem*, and nothing has yet come under notice so as to call for any modification of the provisions."

147. COLONEL W. HILL, COMMISSIONER OF COORG,—

writes:—

"Guardians who have obtained a certificate under the Minors' Act should be empowered to sue as such without the further intervention of the Court as required by section 443 of the Civil Procedure Code: at the same time an order of any Court appointing a guardian should not be held as giving any one who has not obtained a certificate any further authority over a minor."

[See also remarks by—

Mr. Plumer, in paragraph 6 of précis;

Sir Charles Sargent, in paragraph 13 of précis;

the Hon'ble Mr. Paul, in paragraph 14 of précis;

Muhammad Latif, in paragraph 29 of précis;

Umar Bakhsh, in paragraph 30 of précis;

Colonel E. P. Gurdon, in paragraph 31 of précis;

Mr. H. T. Rivaz, in paragraph 32 of précis;

Sardar Gurdial Singh, in paragraph 34 of précis;

Mr. Behari Lal Basu, in paragraph 36 of précis;

Mr. J. W. Chisholm, in paragraph 37 of précis;

Lieutenant-Colonel Grace, in paragraph 38 of précis;

the Recorder of Rangoon, in paragraph 40 of précis;

the Judicial Commissioner of British Burma, in paragraph 41 of précis; and

Mr. Wigram, in paragraph 370 of précis.]

Point VI.—Declaration as to powers of Guardians

VI.—Whether the first clause of section 18 of Act XX of 1864 and Act XL of 1858 should not be amended so as to provide that a guardian by appointment or relationship should, when his title is declared by the Court, possess simply the same powers which he possessed before procuring a declaration of title, and that the order of the Court should have no effect except that of declaring his status; and further,

(a) Whether, if the powers of a guardian who owes his status to the mere act of the Court are defined at all, they should not be defined in some way which would indicate that persons having transactions with him should bear in mind his representative character, and should not deal with him as they would if he were acting on his own account.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(Point VI.—Declaration as to powers of Guardians.)

148 The Government of India specially invited suggestions on the latter of these two points. The remarks contained in the following paragraphs which refer to this point are marked "[a]" on the margin.

149. MR. HUTCHINS—

observes that Madras Regulation V of 1804, section 21, clause fourth, gives no greater powers to a guardian appointed by the Court of Wards or the Zila Court than to other persons acting as guardian. As an indication of what the law should be on this point, he refers to his remarks noted in paragraph 71 of this précis.

150. MR. PLUMER—

says the legal powers and liabilities of guardians, whether acting by virtue of appointment, relationship or selection by the Court, are the same, and he sees no advantage in defining the powers of either class. Persons dealing with guardians may well, he thinks, be left to protect their own interests.

151. MR. W. WILSON—

writes as follows:—

"With reference to paragraphs 8 and 10 of the Resolution, I have to observe that where the instrument of appointment defines the powers of a guardian, he can deal with the property in accordance therewith without reference to the Courts. A guardian by relationship however and a guardian by appointment whose powers in respect of the property are not defined in the instrument of appointment are in precisely the same position as guardians appointed by the Court, and there is therefore no reason for relieving them of obligations—such as reference to the Court before sale—which are imposed on guardians appointed by the Court, nor of subjecting them to disabilities to which Court-appointed guardians are not liable. I think therefore that in the cases of guardianship by relationship and guardianship by appointment, where the instrument of appointment does not define the powers of the guardian, the order of the Court should operate merely as a declarator of status, but should, subject to the same conditions, confer on such guardians all powers possessed by Court-appointed guardians. I would further suggest that, where, in the case of guardianship by appointment, the instrument of appintment in the opinion of the Court restricts the powers of the guardian to the detriment of the minor, his powers should be extended in such manner as the Court may direct, the exercise of such extended powers by the guardian being subject to the provisions of section 18 [of Act XX of 1864]. From the operation of the second clause of this section all acts of guardians by appointment in pursuance of their instruments of appointment should be expressly exempted, but in all other cases the provisions of the section should in my opinion be strictly maintained."

152. MR. E. BARCLAY—

considers that, in cases where a Court decides that a person is entitled to a certificate of administration by virtue of appointment or by relationship, the same strictness should be required as to accounting for moveable property and as to the alienation or incumbrance of immoveable property, as in other cases excepting that in the former case, he would not require the administrator to furnish security. He would, however, expressely give the Court power to refuse a certificate for good cause shown.

He further thinks the duties of the manager (Collector) and the certificated administrator should be defined with as much particularity as possible, so as to prevent mistakes on the part of a Collector who might have to take temporary charge of a minor's estate, or on the part of others who might go wrong through ignorance.

153. MIR ANSAR-UD-DIN—

concurs in the Government of India's proposals. [a]

154. THE HON'BLE MR. O'SULLIVAN—

writes:—

"The Act should define and limit the powers of persons to whom certificates of administration may be granted with regard to managing, charging or alienating the property of minors, and I think the sanction of the Court should be required in order to render valid any alienation of immoveable property of a value exceeding Rs. 500."

And again,

"I think it of the utmost importance either that the power of the administrator to deal with the property of the minor should be defined in the Act, or that the sanction of the Court should be required, so that third persons may be able to rely upon the title of the administrator and his capacity to bind the interests of the minor; and, in order that the interests of the minor may not be sacrificed, the Court should be at liberty to entertain objections by a friend or relative of the minor against any proposal or application by the administrator."

155. MR. J. W. HANDLEY—

thinks that if the powers of guardians are to be defined at all, the definition given in Acts XX of 1864 and XL of 1858, section 18, should be considerably narrowed. He suggests that the Courts might be left to decide in every case, in accordance with the well-established rule, whether the action of guardians has been consistent with the proper discharge of their duties.

156. MR. G. MUTTUSWAMY CHETTIAR—

agrees with Mr. Handley.

157. THE MADRAS BOARD OF REVENUE—

"would suggest whether it might not with advantage be enacted that, in dealing with the property of their wards, guardians (including those owing their status to the mere act of a Court) should have the rights and powers, and be subject to the duties and liabilities, of a trustee, as laid down in the Indian Trusts Act, II of 1882."

158. SIR CHARLES TURNER—

recommends that, where the guardian derives his powers solely from the act of the Court, those powers should be defined.

He further suggests provision being made that, except when the powers of a guardian are extended by the personal law of the minor or a special direc-

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point VI.—Declaration as to powers of Guardians.*)

tion of the creator of the trust, his powers of investment shall be limited by the provisions of section 20 of the Trustee Act [? Trusts Act, II of 1882.] He says that applications are not unfrequently made and granted for the issue of certificates to collect debts to the guardians of minors who, if of age, would be entitled to represent this estate of the deceased, and that there is at present no statutory provision authorizing this procedure.

159. MR. JUSTICE FIELD—

says section 18 of Act XL of 1858 has given rise to a considerable amount of litigation.

He thinks the expression "may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a minor" has not been happily chosen, and that the powers of a manager ought to be defined in other language. "According to English law," he says, "a lease made by a testamentary guardian to last beyond the minority of the ward was absolutely void as soon as the infant came of age. A Statute was subsequently passed (11 Geo. IV and 1 Wm. IV, cap. 64) under which an infant or his guardian might, with the sanction of the Court, accept renewals of leases and grant leases which should be valid, although they exceeded the period of the minority of the infant. The practice under this Act will be found in Chapter XLV of Mr. Daniell's Chancery Practice, and the principle of these Statutes deserves consideration in considering any amendment of Act XL of 1858."

He also observes that the clause authorising certificated guardians to collect and pay all just claims, debts and liabilities due to, or by, the estate of the minor would seem to indicate that a person who has obtained a certificate under the Minors' Act is entitled to collect debts without any further authority, but that this view has not always been taken by the Courts. He gives a reference to *In re Raisanissa Begum*, 2 B.L.R., 129.

(Please also see his remarks in paragraph 258, *infra*.)

160. MR. H. J. SPARKS—

considers that guardians who owe their status to the mere act of the Court "should have power similar to those exercised by managers appointed by the Court of Wards, and should have no power to alienate or encumber the minor's immoveable property, or to dispose of any valuable moveable property, without the orders of the Court. They should, in fact, be servants of the Court."

161. MR. DUTHOIT—

writes regarding the Government of India's proposal as follows :—

"I do not think this proposition feasible further than that the guardian, when transacting business on the part of the minor, might be required to [a] describe himself as guardian of the minor. I am unable to distinguish, as regards the management of a minor's affairs, between the status of a 'legitimate' and the status of a 'dative' guardian. Unless the action of the guardian, in the absence of fraud or collusion, fully binds the minor, the interests of minors would suffer."

In this connection he refers to some remarks of Mr. Justice Markby pointing to the duty of persons dealing with representatives to satisfy themselves that the latter are acting for the benefit of their principals.

162. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER OF THE NORTH-WESTERN PROVINCES AND OUDH—

says it is clear that a guardian by appointment or relationship should acquire no fresh powers to deal with the estate through the act of the Court in recognising his title; and that a guardian by appointment should, in consequence of such recognition, lose no powers already vested in him; and that in this respect section 18 of the Minors' Act seems to require amendment.

He thinks there is reason for supporting the suggestions made by Mr. Sparks (paragraph 160, *supra*). He continues :—"Another suggestion may be made, namely, that if it be made clear that guardians by appointment or relationship acquire no new powers through the act of the Court in declaring their status, guardians appointed by the Court should be permitted to exercise, with respect to the property concerned, all the powers which the owner might exercise if not a minor, subject to the limitation already provided in the second clause of section 18, and subject also to any further limitations which the Court might think fit to impose at the time of granting the certificate. If the proposal made by Mr. Justice Oldfield [see paragraph 363, *infra*] for the taking of bonds for due administration of the trust be adopted, the powers that would thus devolve on guardians would not be unduly large."

In regard to the second point mentioned in paragraph 10 of the Government of India's Resolu- [a] tion, the Lieutenant-Governor and Chief Commissioner thinks no special provision is necessary, as it would be the duty of all interested persons to ascertain for themselves the extent of the guardian's powers, and they can do so at very small cost.

163. MR. JUSTICE SMYTH—

writes :—

"I think the form of certificate given to a guardian should be prescribed by the Act, and it should indicate clearly the extent of the powers conferred on the guardian. Two forms might be prescribed,—one for guardians who owe their status to appointment or relationship, and the other for guardians who owe their status to the mere act of the Court. In this way any person dealing with a certificated guardian will have only to ask him to produce his certificate, and will be able to ascer- [a] tain from it the nature of the powers which he exercises."

164. LALLA MADAN GOPAL—

submits a list of restrictions of sorts which he thinks should be placed on the powers of guardians.

165. LALLA GIRDHARY LAL, PLEADER, OF DELHI,—

thinks one of those restrictions, *viz.*, that a guardian should not be allowed to arrange for a ward's marriage without the permission of the Court, should not be prescribed, because it would cause unusual and unnecessary litigation.

166. LALLA MOHAN LALL AND MIÁN ASDULLA,—

think it right that the order of a Court should, in the case of guardians owing their status to the mere act of the Court, operate no further than as a declaration of status.

167. COLONEL C. A. MCMAHON—

writes :—

"I would limit the effect of taking out a certificate of administration to a mere authoritative declaration of status, leaving it to the minor, on attaining his majority, to contest the validity of the guardian's acts on their merits if so disposed. I think it most undesirable to place any restriction on the power of the minor to impeach the conduct

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(*Point VI.—Declaration as to powers of Guardians*)

of the guardian (see Mr. Justice Melvill's Minute, page 3) on the ground that the latter took out a certificate or obtained the sanction of the Civil Court to his proposed alienation of immoveable property."

168. MUHAMMAD LATIF—

says the first clause of section 18 gives the guardian greater powers than are allowed him under either the Hindu or the Muhammadan law; he thinks this very objectionable, and suggests that "a certificated guardian should be placed on no better footing, on the mere strength of the certificate he holds, than that which he held originally, namely, when he held no such certificate, and the effect of the certificate should be no more than to declare his status;" and further :—

"As to the definition of the powers of guardians who owe their status to the mere act of the Civil Court, I think it enough to say that these powers are well defined in the Hindu and Muhammadan law, and no change is desirable."

He also thinks it should be expressly declared (1) that the guardian in dealing with the minor's property is acting merely in his representative capacity, and (2) that his acts shall be open to objection by the minor, (*i*) if the latter, on attaining the age of puberty, finds his interests were prejudiced by the guardian's acts, whether sanction was obtained to the alienation of his immoveable property or not, or (*ii*) on the ground of fraud or collusion between the manager and the dealer, or (*iii*) on the ground of some misrepresentation of facts within the knowledge of the purchaser at the time the sanction was obtained.

169. UMAR BAKHSH—

thinks it very desirable that the powers of guardians of all kinds should be defined. He argues that unless this is done confusion will result, with reference to the varying rules of Hindu law, Muhammadan law and custom and the powers supposed to be derived from the Court making an appointment; also, that it is desirable that guardians appointed by the Court should be definitively given wider powers, for the benefit of the minor, than they would have under either the Hindu or the Muhammadan law.

His reason for placing all guardians on the same footing in this respect is that different rules supplying to different classes of guardians seem unnecessary and would cause complications.

He thinks the powers given by clause 1 of section 18 of Act XL of 1858 should be maintained with this amendment, that the minor shall have the right, on attaining his majority to impeach the acts of his guardian on the ground of fraud or gross carelessness on his part.

He agrees with the Government of India that the powers of all guardians should be defined in some way which would indicate that they should not be dealt with as if they were acting on their own account.

170. COLONEL GURDON—

says "there is much truth in Muhammad Latif's arguments [paragraph 168, *supra*] against the retention of section 18 of Act XL of 1858, especially with reference to the different relative powers which a guardian of a minor and the minor himself, if he were not thus disqualified, possess."

171. MR. H T RIVAZ—

considers the first of the Government of India's proposals good, but doubts the advisability of attempting to carry out the second. He says the general principles of law requiring that in dealing with representatives special caution should be exercised are well understood, and he fears that "an attempt to exhaust this subject in a single section of a legislative enactment might lead to complications and difficulties instead of serving any useful end."

172. THE LIEUTENANT-GOVERNOR OF THE PUNJAB—

agrees with Mr. Rivaz. [a]

173. SARDAR GURDIAL SINGH—

thinks the powers conferred by section 18, clause 1 of Act XL of 1858 are too wide.

He suggests that a simple provision should be made to the effect that guardians "appointed under the Act" [? certificated] have, subject to the general control of the Court, power to do all acts necessary for the proper management and protection of the minor's estate.

174. MR. J. W. CHISHOLM—

writes :—

"It is no doubt important that transactions entered into by guardians in good faith should not be liable to be set aside except for fraud or other adequate cause. Section 18, however, confers on a certificated guardian practically all the powers of a proprietor. As in point of fact the guardian only represents the proprietor owing to his temporary disability as a minor, and as there are circumstances under which the action of guardians in regard to the property can be subsequently set aside, in my opinion the wording of the section should be altered in the sense suggested in paragraph 10 of the Government Resolution."

175. LIEUTENANT-COLONEL GRACE—

approves of the Government of India's pro- [a] posals. He thinks the dealings of guardians with other persons in respect of the minor's property should be held to be those of a "trustee."

176. THE RECORDER OF RANGOON—

sees no objection to the Government of India's [a] proposals.

177. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

writes :—

"There can, in my opinion, be no doubt that the first portion of section 18 of Act XL of 1858 should be amended. The status of the guardian and the powers vested in him should be much more clearly defined; and I cannot but think that section 8 of Chapter II, Tit. X, Lib. I, of the Belgian Code might with advantage be consulted on this subject."

178. THE CHIEF COMMISSIONER OF BRITISH BURMA—

considers clause 1 of section 18 might with advantage be amended as suggested by the Government of India.

179. MR. J. KNOX WIGHT—

writes :—

"With reference to paragraph 10 of the Resolution, I am of opinion that the first clause of section 18, Act XL of 1858, should be so amended as to make the powers of the certificated guardians equal to those of non-certificated ones. I think section 18 is quite exhausted, and does not require any amendment; but if it is to be

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(*Point VII.—Effect of Court's sanction to alienations.*)

interpreted in the way Mr. Justice Melvill has done,* words may be added to it to make the powers of certificated guardians co-extensive with those of guardians appointed by virtue of relationship, excepting only in this point that the latter have uncontrolled power, whereas the former must secure the sanction of the Court in some cases.

[a] "As regards the concluding portion of paragraph 10, I think there is no necessity for introducing any technical provision in the matter indicated therein. Although no such provision is contained in the existing Act, no difficulty is said to have arisen in practice."

180. MR. H. MUSPRATT—

thinks it is necessary to define what powers guardians should exercise, whether by virtue of a certificate of appointment or of relationship.

181. BABU KOYLAS CHUNDER GHOSE—

[a] considers it is necessary to make any provision such as that suggested in the second clause of paragraph 10 of the Resolution.

COLONEL W. HILL—

[a] concurs in the Government of India's proposals.

183. THE RESIDENT AT HYDERABAD—

concurs in the Government of India's proposal regarding the first point. He further makes the following suggestions:—

"The powers of a guardian who owes his status to the mere act of the Court should be especially defined at the time of his appointment, and should be limited to all acts necessary for the efficient management of the estate, the best lines to follow probably being those laid down for the duties and liabilities of trustees.† Any alienations extending beyond short leases, and any expenditure from the estate upon marriage or other ceremonies, should be prohibited except under the order of the Court."

[Please also see remarks by Mr. Justice West in paragraph 112, *supra*.]

Point VII.—Effect of Court's sanction to alienations.

VII.—Whether (if clause 2 of section 18 of Acts XX of 1864 and XL of 1858 is retained) it should not be made clear that the effect of the Court's sanction to sell, alienate, &c., any immoveable property is to give the purchaser a good title to such property, in the absence of fraud or collusion on his part.

184. The Government of India explained that if such is not the effect the sanction would, from the purchaser's point of view, afford little or no protection, and the minor's property would consequently be depreciated in value.

184A. MR. HUTCHINS, THE MADRAS BOARD OF REVENUE, MR. H. J. SPARKS, THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH, MR. H. T. RIVAZ, THE CHIEF COMMISSIONER OF BRITISH BURMA and THE RESIDENT AT HYDERABAD—

concur in the Government of India's proposal.

185. THE RECORDER OF RANGOON—

sees no objection to it.

186. MR. PLUMER—

thinks no hard-and-fast rule should be laid down as to the effect of the Court's sanction.

The mere sanction, without any declaration as to its effect, he says, is useful in affording a check on dishonest or incapable guardians; and he does not think it necessary to protect the alienee by declaring its effect, because the law as it stands affords him a sufficient guide.

187. MR. R. RY. A. L. V. RAMANA PUNTULU GARU, SUBORDINATE JUDGE OF MADURA,—

agrees with Mr. Justice West "that *bonâ fide* transactions affecting the immoveable property of minors, entered into by certificated administrators with the previous sanction of the District Court, should bind minors to the same extent as alienations made by the managing members of undivided Hindu families."

188. THE HON'BLE MIR HUMAYUN JAH, BAHADUR,—

agrees with the Government of India, but would say "in the absence of fraud (or collusion) on the part either of the guardian or of the purchaser."

189. SIR CHARLES TURNER—

writes as follows:—

"The 2nd clause of section 18, Act XL of 1858, does not confer on purchasers a title which the minor may not dispute. The sanction of the Court implies that the transaction as presented to it appeared to be for the interest of the minor. In order that the property of minors may not be depreciated by the difficulty of making as valid a title as can be made by an owner, it may be desirable to enact that where the Court is satisfied that the full market-value has been given for the property and [? that the guardian] has secured the investment of the price in certain specified securities, the title of the purchasers shall be defeated only on proof of fraud."

190. SIR CHARLES SARGENT—

thinks the title acquired by the alienee with the consent of the Court should be conclusive against the minor.

191. THE HON'BLE MR. PAUL—

discusses the case reported in I. L. R., 5 Cal., 363, quoted by Mr. Justice Melvill, which, he says, he does not understand to have decided that a sanctioned sale cannot be impeached on ordinary grounds, Mr. Paul "conceives that the object of clause 2 of section 18 of the Acts was to prevent any such dealings as those prohibited without sanction, and that the sanction is required for the benefit of the minor, and has no reference to the security of the purchaser." He "doubts the wisdom of discharging guardians from responsibility for such transactions or of protecting purchasers in them, unless the transactions are capable of bearing full scrutiny," and he "does not see how the depreciation of price in such a transaction can be avoided without accepting the risk of affirming transactions injurious to infants, and so doing more harm than any such depreciation in price can do."

192. MR. JUSTICE STRAIGHT—

thinks sanction should, except where it has been obtained by fraud or misrepresentation, be conclusive of the vendee's or mortgagee's title.

193. MR. B. W. COLVIN—

would do away altogether with the necessity for sanction (see his remarks in paragraph 119 of précis).

194. MR. DUTHOIT—

writes with reference to the Government of India's proposal as follows:—

"I would have a separate section in the Act enunciating this principle; but I would not confine it to cases in which immoveable property is alienated with the sanction of the Court. I think that guardians should be allowed to dispose of moveables, and to make temporary alienations of immoveables, without the sanction of the Court, and to alienate immoveables permanently with the sanction of the Court; and that as regards both sets of cases the full authority of the guardian to bind the minor, except of course in the event of fraud and collusion, should be declared."

(Please also see his remarks in paragraph 161, *supra*.)

195 LALLA GIRDHARI LAL—

considers that "an alienation made by a guardian with the Court's permission should be held conclusively binding on the minor unless he proves fraud."

196. UMAR BAKHSH—

suggests that the sanction of the Court should have no more effect than this, that the transaction shall be presumed to be binding on the minor unless he proves that both the guardian and the purchaser were guilty of fraud, or that the sanction was obtained by misrepresentation which was known to the purchaser.

197. MR. BEHARI LAL BASU—

suggests that the enquiry made by the Court before giving sanction should not be a summary one; and that friends and well-wishers of the minor should be given an opportunity to oppose an application for sanction, and should be allowed to prefer an appeal against the sanction when given. With these safeguards, he would enact that the sanction makes the transaction vaild to all intents and purposes, and that the minor may impugn it, on reaching his majority, only on the ground of fraud or collusion.

198. LIEUTENANT-COLONEL GRACE—

approves of the Government of India's proposal, but would also insert "want of necessity" as a ground for disputing an alienation.

199. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

deprecates the amendment suggested by the Government of India. He writes:—

"The materials after the examination of which sanction is given are very unsatisfactory, and mistakes are often made. Looking to these circumstances, the title now given under the Act seems to me quite sufficient, and not too precise to be dangerous."

200. MR. H. MUSPRATT—

says the Court merely acts upon a one-sided statement or on proofs adduced by the applicant; and he would not, therefore, treat the sanction as conclusive evidence of the real necessity for the transfer when the ward, after attaining majority, desires to impeach the alienation.

Regarding the question of sanction, he further writes as follows:—

"I have found it a good plan to direct a Civil Court amin to make enquiries and to see that the creditors really do hold bonds, &c., duly executed by the previous owners.

"I think it would be advisable also to allow the District Judge to give his consent to the minor's representative jointly with the co-sharers creating under-tenures or giving long leases to parties wishing to employ capital on great industries such as tea, coffee, chinchona, quarrying, &c., on portions of an estate from which little or no profit is derived. The powers to the Judge on all these matters should be clearly defined, and he should have to sit with, say, two Assessors unconnected with either party when deciding such matters. Before any decision was given, the Judge and the Assessors should determine in what way publicity should be given to the applications to enable the reversioners or friends or any one to show cause against the said applications."

201. BABU KOYLAS CHUNDER GHOSE—

considers it unnecessary to make any such amendment as that proposed by the Government of India, because it is, he says, always understood that the Court's sanction will avail nothing if it was obtained by fraud or collusion.

[See also remarks by—

Mr. Justice Melvill, in paragraph 78 of précis;

Mr. Wigram, in paragraph 107 of précis;

Mr. E. Barclay, in paragraph 109 of précis;

Mr. J. W. Chisholm, in paragraph 174 of précis;

Mr. Justice Field, in paragraph 258 of précis; and

Khan Ahmed Shah, in paragraph 296 of précis.]

Point VIII.—Extension of new law to Presidency-towns.

VIII.—Whether, if it should be decided to consolidate the law for the whole of British India, the new Act should not be extended to the original local jurisdiction of the Presidency High Courts.

202. The Government of India thought this might be done, a section like section 150 of Act V of 1881 being inserted to abolish the old jurisdiction. One advantage would be that the Government would be placed in a better position than at present for dealing with the question of the local operation of a guardian's appointment, and this might be arranged for by the insertion of a section like section 59 of Act V of 1881, making the appointment of a District Court operative throughout the province and giving the High Courts power to make an appointment to hold good throughout the entire local extent of the Act. A further question would, it was said, arise in connection with this point, namely:—

(*b*) *whether the Courts in appointing guardians of property should not be given power to make appointments limited to particular property.*

The remarks contained in the following paragraphs which refer to this last point are marked "[*b*]" on the margin.

203. MR. E. BARCLAY—

thinks it might be advisable to make the new Act applicable "to the Presidency-towns and to the High Courts;" but says that if this is done some difficulty might be felt in declaring who should be the temporary manager of a minor's estate in a Presidency-town pending an application for a certificate of administration.

He suggests that a certificate of administration should be made to extend throughout the province in which it is granted, and where specially so ordered by the Court granting it throughout the local extent of the Act; the powers of a temporary manager (in the mufassal, the Collector), however, extending only over his own district.

He thinks the suggestion on point (*b*) should not be adopted, because questions might arise as to who should represent the minor on legal proceedings being taken in respect of property not comprised in the limited appointment. [*b*]

* See Home Department's Proceedings No. 168 for October, 1882, page 24.

† "Chapter III, Indian Trustees Bill." [? Indian Trusts Act, II of 1882.]

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point IX.—Personal application of new law.*)

204. THE MADRAS BOARD OF REVENUE—

have nothing to urge against the proposal to extend the new Act to the Presidency-towns.

205. MR. JUSTICE WEST—

approves of that proposal.

206. MR. JUSTICE MELVILL—

approves of all the Government of India's proposals under this head.

207. THE HON'BLE MR. PAUL—

thinks the law for the Presidency-towns and the law for the Mufassal should only be assimilated if the former is found suitable for adaptation to the Mufassal, as, being the more comprehensive, it should in his opinion form the model for legislation.

Referring to sections 2, 4, 5 and 10, *et seq.*, of Act XL of 1858, he argues that there is no local limit to the operation of certificates under the present law. He continues: "Consequently I do not see any objection to making the guardian's power extend generally to all the minor's property. It does not, of course, follow that the authority of the Court should be required to warrant dealing with a minor's property in all parts of the country; but where a guardian of the estate is required, I do not see why all the property of the minor in India, or at least in the Presidency, should not be in his charge. Any inconvenience which might arise from the property being widely scattered might be remedied by giving the Court power to limit its appointment to special property."

208. MR. JUSTICE STRAIGHT—

says the proposal to enact a provision similar to the proviso to section 59 of Act V of 1881 would obviate difficulties of a kind which have more than once arisen in the North-Western Provinces.

209. MR. H. J. SPARKS—

approves of all the Government of India's proposals under this head.

210. MR. B. W. COLVIN—

approves of the proposal to enact a provision similar to the proviso to section 59 of Act V of 1881.

211. MR. DUTHOIT—

considers there can be no objection to the proposal that a District Court certificate should hold good for a province, while applications for a certificate to hold good for the whole of British India should be made to the High Court.

212. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

approves of the proposal to insert a section like section 59 of Act V of 1881, and also of the proposal on point (*b*).

213. MR. BEHARI LALL BASU—

considers it desirable that the special procedure of the Presidency-towns should be abolished and the proposed Act made applicable to them as well as to the Mufassal.

In regard to point (*b*), he says there may be instances in which a provision like that proposed by the Government of India may be required, but he thinks it preferable that one person only should have the responsibility of managing the entire estate of a minor.

214. THE RECORDER OF RANGOON—

sees no objection to any of the Government of India's proposals under this head. [*b*]

215. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

sees no objection to the extension of any general consolidated Minors' Act to the Presidency-towns, or to the proposal on point (*b*). [*b*]

216. MR. J. KNOX WIGHT—

considers the Government of India's proposals a move in the right direction. [*b*]

[See also remarks by—

Sir Charles Turner, in paragraph 221 of précis;

the Judges of the Calcutta High Court, in paragraph 226 of précis;

the Hon'ble Mr. O'Sullivan, in paragraph 248 of précis;

Sir Charles Sargent, in paragraph 254 of précis; and

Lalla Madan Gopal, in paragraph 351 of précis.]

Point IX.—Personal application of new law.

IX.—Whether the proposed new Act should not be confined to Hindus, Muhammadans and Buddhists, and other persons who have definite personal laws, and the European British Minors' Act, XIII of 1874, made applicable to all other classes of persons and its operation extended to the whole of British India, including the Presidency-towns, the jurisdiction of the High Courts in respect of European British minors being abolished.

217. The Government of India's views on this question were stated as follows:—

"As regards the classes of persons to whom the proposed Act should apply, it may be observed that the division which the law at present makes into European British subjects on the one hand, and all other persons on the other, involves the continuance of a state of things which is now passing away, and appears, moreover, to be based on no intelligible principle. It is not clear, for instance, why an Eurasian, who, though not a European British subject, is for all practical purposes on exactly the same footing, should be placed in the matter of guardianship in a different position from a European British subject. In this matter the only true distinction appears to be that recognized in the Succession Act, namely, between such persons as Hindus, Muhammadans and Buddhists, who have definite personal laws which the Government are bound to respect, and other persons who possess no such laws. From this point of view it appears to the Governor General in Council that the present opportunity might also conveniently be taken to make Act XIII of 1874 (the European British Minors' Act, 1874) applicable to the latter class of persons in the same way as the Succession Act is made applicable to them. If this were done, Act XIII of 1874 might be extended to the whole of British India, including the Presidency-towns, the jurisdiction of the High Courts in respect of European British minors being at the same time abolished. The proposed new Act would then be applicable to Hindus, Muhammadans, Buddhists and other persons exempted from Act XIII of 1874, and the law in regard to minors would be rendered simple and complete."

218. MR. W. WILSON—

approves of these proposals.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Point IX.—Personal application of new law.*)

219. MR. E. BARCLAY—

thinks the new Act should apply to all minors being British subjects and possessed of property in British India, except infant members of an undivided Hindu family possessing merely an undivided share in the family property. "It would," he continues, "probably be thought advisable to incorporate some of the provisions of the European British Minors' Act, 1874, in the new Act, but I think, as a general rule, the certificated administrator should be appointed guardian of the minor's person. It would not, I should say, be desirable to appoint the temporary manager guardian of the person."

Mr. Barclay raises a question as to the power of the Indian legislature to abolish the jurisdiction of the High Courts over infants.

220. THE MADRAS BOARD OF REVENUE—

concur with the Government of India.

221. SIR CHARLES TURNER—

writes as follows:—

"An Act similar to Act XIII of 1874 might be framed, applicable to all Courts, including the chartered High Courts, and dealing with minors of all creeds and races, provided that it does not abridge any of the useful powers at present possessed by the chartered High Courts, that it contains a declaration that in the selection of guardians regard shall be had to the personal law of the minor, and that in making provision for the custody of the property of the minor who is a member of an undivided Hindu family, the Court shall, except in a case in which it is established that the interests of the minor have been actually imperilled, abstain from interference with the powers of the managing member.

"The object of the law is to provide for the maintenance and education of the minor in a manner suitable to his means and position and to protect his property, and the same measures which would secure these results in the case of Europeans, Eurasians and Native Christians would ordinarily be appropriate to the case of persons of other races or creeds."

222. MR. JUSTICE WEST—

writes:—

"A new Act should, I think, extend to all classes of the community. I cannot see why this scope might not be given to it. It would take for granted that under different laws there were natural or legal guardians, and proceed on that basis to prescribe their general duties and define their rights."

223. SIR CHARLES SARGENT—

thinks that as regards the separate property of a Hindu minor, and all the property of other minors "the general provisions of the Act of 1864 might be retained and extended to Europeans as well as natives." (His suggestions for the amendment of the Act in detail are noted elsewhere).

224. MR. JUSTICE MELVILL—

approves of the Government of India's proposals.

225. THE HON'BLE MR. PAUL—

does not see that any distinction need be made between the various races, except as to the persons to be selected or recognized as guardians.

226. THE JUDGES OF THE CALCUTTA HIGH COURT—

concur in the views of the Government of India, and, if they are carried into effect, consider there would be no objection to extending the provisions of both Acts (that for Hindus, &c., and that for all other persons, including European British subjects) to the Presidency-towns, care being, however, taken to preserve any special jurisdiction at present vested in the High Courts.

227. MR. JUSTICE OLDFIELD—

writes as follows:—

"I think Act XIII, 1874, might, as suggested in the Resolution of the Government of India, be made applicable to [? persons other than] Muhammadans, Hindus and Buddhists in the same way as the Succession Act, with such modifications as may appear called for.

"The powers in section 16 [of Act XIII of 1874] conferred on guardians would be generally too restricted, and I see no object in requiring the Court's sanction to alienations, except in the cases referred to in paragraph 8 of the Resolution."

228. MR. JUSTICE STRAIGHT—

considers the principle put forward by the Government of India is a sound one.

229. MR. B. W. COLVIN—

thinks the Government of India's proposals correct.

230. MR. W. DUTHOIT—

contests the views expressed by the Government of India, as to the propriety of having separate enactments for Hindus, &c., and for Europeans and the like. He sees no necessity for making any such classification, and disapproves of the proposal on the ground of its being open to the objections attending "class legislation." He advocates the enactment of a single general law applicable to all classes; and he suggests that it should be based on Act XIII of 1874 (see paragraph 291, *infra*).

231. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

says the proposals made by the Government of of India require full and mature consideration.

In regard to the proposed extension of Act XIII of 1874, he writes:—

"The special jurisdiction of the chartered High Court of these provinces over European British subjects seems to stand thus. Section 12 of the Letters Patent of the Court confers on it the like power and authority with respect to the persons and estates of infants within the North-Western Provinces as that which is exercised in the Lower Provinces by the Calcutta High Court. It is believed that the Calcutta High Court exercises over infants the same jurisdiction that was conferred on the Supreme Court by section 25 of the Letters Patent of 1874. This section authorised and empowered the Supreme Court to appoint guardians and keepers for infants and their estates according to the order and course observed in England. The Lieutenant-Governor is aware that Act XIII of 1874 is in most respects a reproduction of the law of England regarding minors, and he recognises the great advantage of having that law codified in a readily accessible form. The advisability of conferring on the District Courts a jurisdiction concurrent with that of the High Court over European British minors may, perhaps, also be conceded. But if, in the exercise of their jurisdiction, the chartered High Courts now have regard to domicile in determining the period of

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nonage and other matters, Sir Alfred Lyall would, in the event of the proposed legislation being proceeded with, preserve the existing practice of those Courts, and extend it, in the case of European British minors, to those portions of British India to which Act XIII of 1874 now applies."

In regard to the proposal to pass two separate Acts, *viz.*, one for Hindus, &c., and one for Europeans and the like, he writes:—

"The division of the population into two classes—(*a*) those possessed of definite personal laws which the Government is bound to respect, and (*b*) other persons who possess no such laws—seems open to objection. It is true that this division was adopted in the case of Act X of 1865 and Act V of 1881; but the subject now under discussion and that covered by the two Acts just named differ in some important respects, and in any case it would seem that the appropriateness of the proposed division should be decided on its merits, and that it should not be adopted merely on the ground of analogy. It would seem to be considered that European British subjects, Eurasians, Pársís, Jews and the other miscellaneous classes of persons to whom Act V of 1881 [? X of 1865] applies have no definite personal laws which the Government is bound to respect. But it has already been shown that European British minors have a definite personal law, *viz.*, the law of England; and it seems hardly appropriate to place these persons in the category of those who have no personal laws which the Government is bound to respect. Besides, the distinction, as now worded, seems likely in practice to offend the susceptibilities of some of those classes of persons who are considered to have no personal laws that the Government is bound to respect, since it might create an impression that the Government regards itself as bound to respect the special laws of Hindus and Muhammadans more than those of Europeans and other classes of the community. If a measure were passed on the lines now indicated, it would be difficult to secure to any of the classes affected the enjoyment of their own personal law, by the insertion in the contemplated Act of a section similar to section 332 of Act X of 1865, which empowers the Governor General to exempt any race or tribe from the operation of the Act. Such a section might, indeed, be used to exempt a race or tribe which might be found to have a definite personal law which the Government was bound to respect; but its effect would be to bring the tribe so exempted under the second Act referred to in paragraph 13 [of the Resolution], which would apply primarily to Hindus, Muhammadans and Buddhists. For these reasons it seems desirable that the distinction recognized in the Succession Act should be not applied in the present instance without a full consideration of all the consequences that may flow from it."

232. COLONEL C. A. MCMAHON—

approves of the proposals of the Government of India.

233. SARDAR GURDIAL SINGH—

approves of the proposed class distinction.

234. LIEUTENANT-COLONEL GRACE—

thinks that "if it should be decided that a general consolidated Act is necessary for the protection of the person and property of minors throughout British India, it should be on the lines of the Succession Act, and apply to Hindus, Muhammadans, Buddhists, &c., as mentioned in paragraph 13 of the Resolution."

235. THE RECORDER OF RANGOON—

sees no objection to the Government of India's proposals.

236. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

thinks it would be in every way desirable to carry out the proposals made by the Government of India.

237. THE CHIEF COMMISSIONER OF BRITISH BURMA—

thinks it would doubtless be desirable to carry out the Government of India's proposals if any consolidated Act is passed.

238. MR. J. KNOX WIGHT—

considers the Government of India's proposals a move in the right direction.

239. COLONEL W. HILL—

agrees with the Government of India as to following the precedent of the Succession Act.

240. THE RESIDENT AT HYDERABAD—

agrees with the Government of India.

[See also remarks by—
the Hon'ble Mr. O'Sullivan, in paragraph 248 of précis; and
Mr. R. J. Crosthwaite, in paragraph 273 of précis.]

Proposed consolidation and necessity for new legislation.

241. In the following paragraphs (242 to 282) are noted the remarks and suggestions of Local Governments and officials relative to the proposed consolidation of the law relating to minors, and to the necessity for new legislation on this subject at the present time.

242. MR. H. WIGRAM—

considers it highly desirable to consolidate the law. He mentions that the Madras law is contained in the following enactments:—

Madras Regulation V of 1804,
Madras Regulation X of 1831,
Act XIX of 1841,
Act XXI of 1855,
Act XVI of 1858,
Act XXVII of 1860, and
Act IX of 1861.

In regard to some of these enactments he considers it desirable that amendments should be made as indicated below:—

He refers to a decision of the Madras High Court that under Madras Regulation X of 1831 the Civil Courts had no jurisdiction to appoint a guardian where the Court of Wards might take an estate in hand but did not do so; and suggests "that in the case of all large estates, whether they pay revenue to Government or not, the Court of Wards should continue to exercise jurisdiction, and that in smaller estates, where the minor is the sole heir, or where a distinct branch of an undivided family becomes, by the death of its head, represented by minors only, the District Court should have jurisdiction to appoint a guardian, and that preference should be given to the mother, if of sufficient capacity;" and further, as regards the custody of minors, "that the Courts should follow the same rule in the case of those subject to the Succession Act as in the case of those not subject to it, namely, that the Court should do in every case what it considers best for the interests of the minor."

He says Act XIX of 1841 is very rarely used because application under it must be made within six months.

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And in regard to Act IX of 1861, he says:—

"Applications under this Act have been made to me regarding the custody of Muhammadan children whose parents were dead and disputes had arisen between the paternal and maternal relatives. I always felt a difficulty in deciding whether I ought to follow the Muhammadan law, or refuse to appoint as guardians persons excluded by section 19 of Regulation V of 1804."

243. MR. HUTCHINS—

gives a list of the enactments in force in the Madras Presidency regarding minors.

244. MR. PLUMER—

also gives a list, and says his experience has been that the law in Madras (so far as it refers to minors not subject to the Court of Wards) has been practically inoperative.

He agrees that a case has been made out for the amendment of the Bombay and Bengal Acts.

245. THE HON'BLE MIR HUMAYON JAH—

approves of the proposal to consolidate and amend the law.

246. MR. E. BARCLAY—

approves of the proposed consolidation and re-enactment of Madras Regulation V of 1804, Act XL of 1858, Act XX of 1864 and Act XIII of 1874.

247. MIR ANSAR-UD-DIN—

quotes the Regulations and Acts in force in Madras, and says he does not think they require any amendment. If the proposed consolidation is carried out, he recommends that the Madras law should not be modified during the process.

248. THE HON'BLE MR. O'SULLIVAN—

thinks "an Act, founded upon Act XL of 1858, might be applied to the whole of British India and to all classes of minors, except in cases where the Court of Wards has intervened."

249. MR. J. W. HANDLEY—

doubts whether any amendment of the Regulations (which he cites) in force in Madras is required. He thinks all that is necessary would be a short Act giving the Courts power to appoint guardians for all minors for whom none have been otherwise appointed (*i.e.*, those who have not been taken in hand by the Court of Wards), and this only in the event of the High Court, to whom the question had been referred, deciding that Madras Regulation X of 1831 cannot be construed so as to give this extended power as it stands.

He deprecates any legislation which would further facilitate the interference of the Courts with the action of guardians by relationship or appointment, thinking it best, for reasons which he gives, that suits against them should not be encouraged.

250. MR. P. SREENAVASA RAO, JUDGE OF THE MADRAS COURT OF SMALL CAUSES,—

agreeing with Mr. Handley, "deprecates any legislation which would unnecessarily interfere with the liberties of the people," and shows that the policy of the Madras legislature has always been to avoid such interference. On the question of the power of the Courts to appoint guardians for minors who have not been taken in hand by the Court of Wards, he quotes authorities showing that the Courts have full powers in such cases, but he would not object to a short Act declaring the law.

251. MR. G. MUTTUSWAMY CHETTIAR—

cites the law in force in Madras, and says he considers further legislation unnecessary. The only point in which that law fails, he says, is that it does not reach small estates; but this is unavoidable, both because of the peculiar constitution of Hindu families, and because the Collectors are already overworked.

He agrees with Mr. Handley in thinking a short declaratory Act might be passed of the nature, and in the circumstances, noted in paragraph 249 of this précis.

252. THE MADRAS BOARD OF REVENUE—

say the necessity for amending the law relating to minors *and other disqualified persons* in the Madras Presidency has long been acknowledged, and that some years ago a Bill was drawn up to introduce the requisite amendments, among which were some of those suggested in the Government of India's Resolution. The Board concur with the Government of India's proposal to consolidate the whole law for British India, and suggest (paragraph 8 of their Proceedings) that the new Act should extend not only to minors but to all persons incapacitated by sex, infirmity or imprisonment from managing their property.

They note that on the passing of the new Act the law relating to the Madras Court of Wards will require re-casting; they remind the Government of India that the Madras law relating to minors is contained in the following enactments:—

Mad. Reg. III of 1802	Act XIX of 1841
Mad. Reg. V of 1804	Act XXI of 1855
Mad. Reg. X of 1831	Act XIV of 1858,

and Act IX of 1861;

and they suggest that care should be taken to declare in the new Act that its provisions shall not extend to such estates, under the jurisdiction of the Court of Wards, as the Court of Wards may think proper to take under its protection.

253. SIR CHARLES TURNER—

gives a review of the law in force in the Madras Presidency, showing (1) that it is, as interpreted by the Courts, defective in that it leaves certain minors without adequate protection, and (2) that it fails to provide sufficiently for the representation and protection of minors whose property becomes the subject of litigation. His remarks on the second of these points will be found abstracted in other parts of this précis: his remarks on the first point show—

(*a*) that "the Civil Courts in the Madras Presidency have, in the matter of guardianship, such general powers as are inherent in Courts which have jurisdiction to try all suits of a civil nature except where such jurisdiction is limited by enactment, and the District Courts have the powers conferred on them by the Regulations and Acts;"

(*b*) that under a High Court ruling of 1871, section 3 of Madras Regulation X of 1831 is held to give no power to appoint guardians for minors whose estates the Court of Wards could have, but has not, taken under its management, or for minors entitled as co-parceners to estates paying revenue or rent directly to Government;

(*c*) that under section 3 of Madras Regulation V of 1804 the Local Government may decline to pass an order bringing an estate under the Court of Wards, although the Collector has made a report with a view to such an order being passed, and that it is obviously unreasonable to expect the Local Government to pass such an order in the case of

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raiyátwari estates (supposing the term "property" to include such estates), while there are other cases, too, in which the Local Government might, for excellent reasons, decline to pass such an order.

Sir Charles Turner says it cannot be desirable that in the cases mentioned the persons and property of minors should be left without protection, and that the necessity of affording protection has been shown by experience. He suggests, as regards estates held in co-parcenary, that, excepting only in those cases where the co-parcenery consists of a father and a son, the District Court should have power to appoint guardians where the Collector has satisfied himself of the necessity for intervention.

He also points out that Act IX of 1861 makes no express mention of the *property* of minors, and does not empower the Court to confer power to deal with such property on the person whom it recognizes or appoints as guardian; also that it is defective in that it makes no express provision for the supersession or removal of a guardian once appointed. In regard to the first of these two points, he suggests that, in view of possible misapprehensions in the past as to the effect of recognizing or appointing a guardian, it may be desirable that in the contemplated legislation the acts of such guardians done *bonâ fide* in the interests of minors should be validated; and further that, in any case, it is obviously desirable that there should be an express declaration of the powers which, independently of the personal law of the minor, the Court is authorized to confer on a guardian in respect of a minor's property; also that the Court should have power to interfere and appoint guardians of the persons and managers of the property of minors either on the report of the Collector or of its own motion in cases subject to the jurisdiction of the Court of Wards in which the Government has declined to authorize the Court of Wards to take charge of the estate, or in other cases where there is no guardian or manager, and it is proved to be desirable in the interests of the minor that an appointment should be made.

In view of the defects mentioned in the foregoing clauses of this paragraph and the abstracts from his Minute noted in other paragraphs of this précis, Sir Charles Turner concurs in the proposal to consolidate and amend the law. He mentions that the Madras High Court in November, 1871, advised the Government of Madras that it would be desirable "to repeal the old enactments and by new legislation provide for the proper guardianship of minor proprietors and the management of their property," and further points out that "in view of the circumstances that the Regulations and Acts dealing with minors and their property are so numerous, and that the High Courts have in addition to administer the written and unwritten law of England in the case of European minors, the Indian Law Commission of 1879 indicated this branch of the law as specially calling for codification."

254. SIR CHARLES SARGENT—

thinks it highly desirable that there should be but one Act regulating the care and administration of the persons and property of all minors throughout British India.

He considers that an Act framed on the lines indicated in his Minute, with such other provisions as the English Law may suggest, would be a valuable addition to the Indian Codes.

255. THE HON'BLE MR. PAUL—

thinks it would be desirable to assimilate the law for Bengal and Bombay, but cannot advise as to Madras. The fact that the Mitakshara law prevails in that Presidency should, he suggests, be taken into consideration.

Further on he remarks that Acts XL of 1858 and XX of 1864 are "obviously open to great improvement, both in language and substance."

256. MR. T. T. ALLEN—

says the points taken up in Mr. Justice Melvill's Minute of August, 1881, in every instance refer to matters wherein either the Bombay Act differs from the Bengal Act or the circumstances of Bombay differ from those of Bengal.

The Bengal Act, he says, works well and is now well known and understood, and he can see no good reason for interfering with it. He adds, "I think nothing can be so mischievous as, from a hankering after symmetry, to repeal a good law against which no complaints have been made, in order to re-enact it with some slight variations that are certain to escape notice by parties concerned, and thus lead to future loss and confusion." He is therefore opposed to any change being made in the law.

257. THE GOVERNMENT OF BENGAL—

concur generally in the views expressed by Mr. Allen, and see no sufficient reason for interfering with Act XL of 1858.

258. MR. JUSTICE FIELD—

thinks it desirable that an amended and consolidated Act should be passed for the whole of (British) India, and recommends that the provisions of Act IX of 1861 be incorporated. Speaking generally, he considers the following are the main lines upon which the new Act ought to be framed:—

"*First.*—All persons dealing with the property of minors without any certificate obtained from the Civil Court should be left to the general law applicable to persons of their class and to those transactions into which they may have entered. It would be extremely difficult and, to my mind, dangerous to attempt to reduce to propositions in the form of sections of an Act those principles applicable to Hindus, Muhammadans and other classes in India which regulate the power of dealing with property belonging to minors or in which minors have an interest, in the numerous cases in which questions as to the extent of that power may arise. Take, for example, the case of alienations made by the guardians of minors in cases of alleged necessity (see this question discussed in the Privy Council case above referred to—*Doorga Prosad* v. *Kesho Proshad Singh*). The question under what circumstances such alienations are justified has been repeatedly before the Privy Council (see the case of *Hunooman Proshad Panday* v. *Mussamut Babooi Munraj Koonwari*, 6 Moore's I. Ap. Cases, 393), and has been repeatedly in various forms before the High Courts in India. It would be extremely difficult to formulate in a single proposition or series of propositions the various cases in which alienation on the ground of necessity can be justified or otherwise."

"*Secondly.*—It should be enacted generally that persons dealing with the estate of an infant and taking the profits thereof are responsible at the suit of the infant suing through a next friend while under age, or in person after attaining majority, such responsibility being determined according to the law applicable under section 24 of the Bengal Civil Courts Act, VI of 1871, and the corresponding provisions in force in other parts of India. 'If a man,' says Mr. Daniell, 'intrudes on the estate of an infant, and takes the profits thereof, he will be treated as a guardian, and held responsible for the same to the infant in a Court of Equity.' (Daniell's Chancery Practice, Vol. II, p. 1204). In those cases in which a certificate had been obtained under the provisions of the Act the person who obtained such certificate should of course be under the general control of the Court; should be bound to give security, if the Court saw fit to require it, and to render an account. His powers of leasing might be regulated by statutory provisions, while his power of alienation should be subject to the direction of the Court to be obtained in a summary way. In this latter case, his act, so far as third parties were affected, ought to be valid except in cases of fraud or collusion."

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Proposed consolidation and necessity for new legislation.*)

259. MR. JUSTICE TOTTENHAM—

agrees with Mr. Justice Field that it is desirable to pass a consolidated Act for the whole of (British) India.

260. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectivey) consider Act XL of 1858 is "in several respects defective; that its language is, in some instances, indistinct; and that legistation is desirable for the purpose of amending the Act, bringing it into more complete accordance with Chapter XXXI of the Civil Procedure Code, and placing the whole law on the subject on a clearer and better defined footing."

They also "concur with the Government of India in thinking that the opportunity might advantageously be taken to consolidate the Acts and Regulations which at present govern the subject in various parts of the country in a single enactment applicable to the whole of British India."

261. SIR R. STUART—

urges that Act XL of 1858 should be left alone.

262. MR. JUSTICE STRAIGHT—

considers it would be highly desirable to consolidate the law relating to minors for the whole of British India in one well-considered and comprehensive Act.

263. MR. H. J. SPARKS—

approves of the proposal to consolidate the law for the whole of British India.

264. MR. W. DUTHOIT—

thinks it desirable that the law for the whole of British India should be consolidated if, as appears to be the case, that course is practicable.

[For his suggestions regarding such consolidation, see paragraph 291, *infra*.]

265. MR. JUSTICE SMYTH—

is not aware that any practical difficulty has arisen in the Punjab in the working of Act XL of 1858. The Act is not, however, much used, he says, in that Province.

266. MUHAMMAD LATIF—

agrees that Act XX of 1864 requires amendment.

He is "sure the country will hail with satisfaction and gratitude a consolidated Minors' Act extending over the whole of British India and embodying the provisions of Acts IX of 1861, XXVII of 1860 and IX of 1875, in regard to each of which much uncertainty prevails at present."

267. UMAR BAKHSH—

agrees that Act XX of 1864 requires amendment.

He suggests that the new Act should incorporate Acts IX of 1861 and IX of 1875 (Majority), as well as Act XL of 1858.

268. COLONEL GURDON—

thinks the time has arrived for a general consolidated Act applicable to the whole of British India.

He thinks Umar Bakhsh's suggestion to include Act IX of 1875 (Majority) in the new enactment is worthy of consideration.

269. MR. H. T. RIVAZ—

writes:—

"So far as I know, no serious inconvenience has been felt in the Punjab with reference to the working of Act XL of 1858. The reported cases under the Act are, so far as this province is concerned, few in number, and disclose no particular difficulties experienced in applying the Act; and the result of my experience, so far as it goes, is that the machinery of the Act is very seldom set in motion in this province, and when it is set in motion amply meets the requirements of the case. The proposal therefore to extend the application of the Act and confer wider powers on the Court appears to me, so far as the Punjab is concerned, to be unnecessary."

270. THE FINANCIAL COMMISSIONER OF THE PUNJAB—

writes:—

"The general tendency of the proposed legislation is to make the relation of guardian and minor much more legal than it has hitherto been in the Punjab, and to give occasion to greatly increased resort to the Civil Courts for certificates of administration. The Financial Commissioner thinks that both these changes are neither required nor desirable in the Punjab. The present system works easily, gives little trouble either to the people or the Courts, does not, Colonel Davies believes, give occasion to any large amount of litigation, and appears to be generally acceptable. In many cases it may work as an actual family bond.

"There seems to the Financial Commissioner, therefore, little necessity for fresh legislation, but, if a new enactment be determined upon, it should be merely one declaring and making clear the present practice, and not innovating upon or making it more stringent."

271. THE LIEUTENANT-GOVERNOR OF THE PUNJAB—

writes:—

"The alterations which are suggested by the learned Judges of the Bombay High Court, and discussed in the Resolution under reply, would have a tendency to bring the question of guardianship and minority more under the control of the Civil Courts than is at present the case in the Punjab. * * * It will be seen that the authorities who have been consulted are generally in favour of maintaining the practice which now exists in the Punjab. No difficulty or inconvenience has hitherto been experienced in working the provisions of the existing law, and the Lieutenant-Governor, concurring in the opinions which have been offered, would prefer to leave guardianship, its duties and responsibilities, to be controlled and worked in accordance with custom and public feeling, rather than

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*General suggestions for the amendment of the Minors' Acts.*)

to bring it under the active interference of the Civil Courts. So long as negotiations regarding the property of minors are conducted in accordance with general principles of equity, there is great advantage in their being carried on out of Court. Sir Charles Aitchison understands that this is practically the view expressed in paragraphs 5, 7 and 8 of the Resolution, and it will be seen that Mr. Justice Smyth and the Government Advocate would go even further and would not allow the alienation of the immoveable property of a minor by a certificated guardian to be voided otherwise than reason of bad faith."

272. SARDAR GURDIAL SING—

agrees that Act XX of 1864 requires amendment, though he does not concur in all the amendments proposed by the Judges of the Bombay High Court.

He also thinks Act XL of 1858 stands in need of revision.

He suggests that the new law should consolidate Acts XL of 1858, XX of 1864, IX of 1861, and IX of 1875.

273. MR. R. J. CROSTHWAITE—

considers "the law might with advantage be consolidated in the way proposed by the Government of India."

274. MR. L. NEILL, OFFICIATING COMMISSIONER, NAGPUR DIVISION,—

writes:—

"The Law [Act XL of 1858] appears to me to work well, and I am not prepared to advocate any change in it.

"With regard to acts done by guardians or representatives of minors, our Courts at present act on the equitable understanding that third parties, who profit by their dealings with minors, shall strictly satisfy themselves that the guardians or representatives act *bonâ fide* and with due respect to the minors' interests."

275. MR. BEHARI LAL BASU—

says "Act XL of 1858 is not complete by itself and the reported cases tend to show that the Act needs amendment;" and again, "I am inclined to think the Act needs amendment. It is expedient and desirable that a general consolidated Act be passed for the whole of British India."

276. MR. J. W. CHISHOLM—

writes:—

"I agree in the view that the Act [XL of 1858] is defective, and that amendments should be introduced to remedy defects pointed out which in practice have been found to exist. The best course, as suggested, is to have a general consolidated revised Minors' Act applicable to the whole of British India."

277. LIEUTENANT-COLONEL GRACE—

agrees that the defects pointed out by Mr. Justice Melvill in Act XX of 1864 (and Act XL of 1858) should be amended.

278. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—

approves of the proposal to consolidate the various enactments relating to minors.

279. THE CHIEF COMMISSIONER OF BRITISH BURMA—

says no practical necessity has shown itself in British Burma for any amendment of the law, and that, in fact, the law is very little used there.

280. Mr. J. KNOX WIGHT—

considers it very desirable to pass a consolidated Act remedying defects and bringing the whole law relating to minors within the scope of one enactment. The new Act should, he suggests, embody Act IX of 1861 and the enactments relating to Courts of Wards, as well as other enactments dealing with the subject of the rights and duties of guardian and ward.

281. MR. H. MUSPRATT—

considers it desirable that the existing laws should be re-enacted, with the necessary modifications, in the form of a general consolidated Act applicable to the whole of British India.

282. BABU KAYLAS CHUNDER GHOSE—

remarks:—"The defects pointed ont in Act XX of 1864 no doubt require amendment."

283. In the following paragraphs (284 to 297) are noted suggestions of a general kind for the amendment of the law and suggestions which are not referred by their authors to any particular section of any Act, on points not directly connected with the Government of India's proposals. *General suggestions for the amendment of the Minors Acts.*

284. THE HON'BLE MR. O'SULLIVAN—

suggests that "upon the minor attaining majority, the administrator should be entitled to be discharged from his liabilities, acts of fraud, subsequently discovered, being excepted."

285. SIR CHARLES TURNER—

suggests that, in the new Act, the Courts should be given a discretion to appoint more guardians of a minor's property than one, where the circumstances of the case so require.

286. THE GOVERNMENT OF BOMBAY—

submit correspondence dating from 1865 relative to a proposal to amend the Act by constituting the Taluqdari Settlement officer in Gujarat a Court of Wards. It is requested that the Government of India should consider this question in connection with the contemplated legislation.

287. THE BOARD OF REVENUE, LOWER PROVINCES,—

bring to notice the following point which they say has practically hampered the free exercise of a discretion which the law intended to leave to the Court of Wards as to taking properties under charge of the Court, and which they suggest should be cleared up when the new Act is framed:—

"Whether, under the provisions of Act XL of 1858, a Judge has the power to appoint a manager of the property of a minor and a guardian of his person, if the estate of the minor consists in whole or in part of land or any interest in land (as mentioned in the repealed section 12* of the Act), or whether (if the property is not such as to fall within the purview of section 10 of the Act) the Judge has no other alternative than to apply to the Court of Wards to take charge of the person and property of the minor under section 10 of the Bengal Wards Act, 1879; and whether in the event of the Court of Wards refusing to take such charge, the Judge is powerless to make other arrangements for the management of such property."

It is stated that the Legal Remembrancer expressed the following opinion on the point:—

"The last sentence of section 2, Act XL of 1858, placing the property of minors under the protection

* Repealed in the Lower Provinces by Bengal Act IX of 1879.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*General suggestions for the amendment of the Minors' Acts.*)

of the Civil Courts imposes on those Courts the necessity of making provision for the management of that property when properly applied to."

288. MR. JUSTICE FIELD—

brings to notice a case illustrating the difficulty mentioned by the Board of Revenue.

[In regard to a similar difficulty felt under the Madras law, see paragraphs 242 and 249 to 253 of précis.]

289. MR. BIHARI LALL BASU—

suggests that a clear distinction should be made between estates which may be taken up by the Court of Wards and estates for which a guardian may be appointed under the Minors' Act.

290. MR. B. W. COLVIN—

suggests that some provision should be made, as in section 10 of Bengal Act IX of 1879 (Court of Wards), for giving the Court of Wards discretionary powers as to assuming charge of an estate made over to it by the Civil Court.

291. MR. DUTHOIT—

quotes statistics and states certain facts from which he draws the inferences "that hitherto in the North-Western Provinces, Act XL of 1858 has been, comparatively speaking, inoperative, and that neither the personal benevolence of the friends of minors, nor the public benevolence of the district officer, can be trusted to secure for the persons concerned the benefits of the existing law."

He thinks it is desirable that, in the North-Western Provinces and Oudh (of which Provinces alone he writes), greater protection should be to minors than is given by the present law, though he would not go so far in this direction as some of the proposals made by the Judges of the Bombay High Court would tend. The proposals made by Mr. Justice West in his Minute dated 21st August 1881 (Home Department's Judicial Proceedings No. 169 for October 1882) are, he gathers, intended to prevent the hardship arising from litigation, but he shews that the amount of litigation (in the North-Western Provinces and Oudh) is not large. Referring to the remarks of the Government of India in paragraph 7 of its Resolution, he says this litigation is mainly due to a total disregard shewn by guardians of the rights of minors who are members of an undivided family, and adds that it is of a very debasing kind. He writes:—

"During the minority of a member of a joint Hindu family the adult coparceners alienate the family property; and when the minor member attains his majority the family combines to oust the alienee on the ground that the alienation was invalid, as made to the prejudice of the minor without legal necessity. What constitutes 'necessity' sufficient to justify the alienation of Hindu family property is a difficult question to decide, and in most cases of this kind the value of the property, or more, is absorbed in the litigation regarding it.

* * The law as it stands does not touch them; for (Mayne's *Hindu Law and Usage*, section 307) the Mitákshara theory of a coparcenary is that all the coparceners are joint owners of the property, but only as members of a corporation in which there are shareholders but no shares; and there is consequently no specific property vested in the minor to which the provisions of Act XL of 1858 can be applied."

He then proceeds to show certain objections, having regard to the Hindu law, to the adoption of Mr. Justice West's proposals (*i*) that, where there is imminent danger of the common property being dissipated, the District Court should be given power on its own motion, or on cause shown, to "take measures for securing the infant's share of it;" and (*ii*) that the Court should be allowed, "even when no such apprehension exists, to provide, when the necessity is obvious, for the minor's nurture and education according to his station in life."

He approves, however, of the principle of Mr. Justice Melvill's proposals (Minute, dated 23rd August, 1881, Home Department's Judicial Proceedings, No. 168 for October, 1882):—

(1) that in the case at least of every considerable estate, and especially when it consists of immovable property, every administrator should be obliged to show his fitness before he meddles with the property; and

(2) that this object should be effected—

(*a*) by compelling everyone who requires the assistance of the Court to obtain a certificate, and

(*b*) by rendering it unsafe for any person to enter into any transaction affecting immoveable property except with a certificated administrator;

except that in clause (1) he would read "in the case of every estate not below Rs. 250 in value, every administrator," &c., and in clause (*b*) he would omit "immoveable."

He does not approve of Mr. Justice West's proposal to oust the Revenue-authorities from jurisdiction under the Minors' Act or of the proposal to bar the interference of the High Court except on a point of law or on a reference made by the District Court, or of the proposal to require proceedings to be initiated in the District Court, and by it delegated to some other Court. Regarding Sir Michael Westropp's suggestion (Minute, dated 19th November, 1881, Home Department's Judicial Proceedings No. 170 for October 1882), to meet the case of the Hindu joint family, he considers it does not require legislation.

He further criticises certain other proposals made in Mr. Justice West's Minute, on points which are not taken up in the Government of India's Resolution.

Mr. Duthoit's own views as to what is required for the protection of minors he describes as follows:

"*First*—We want to make the assistance of the State readily accessible to the public; and not force people, as is done at present, to the expense or trouble of going to the head-quarters of a district for the settlement of a minor's protection, excepting under special circumstances.

"*Secondly*—We want to lead people to apply for certificates, and not to feel the doing so, or the acceptance of the care of a minor's property a burden.

"*Thirdly*—We want, on the one hand, to calm the sensitiveness of the Revenue-authorities as to the danger of being overwhelmed with minor's affairs * * and we want, on the other hand, to engage their sympathies in those affairs, and to obtain from the Revenue-authorities in regard to them such limited assistance as it may be possible for those authorities to give."

For the carrying out of these views he submits the following proposals:—

"I would work up into the new law the provisions of the existing law for curators in cases of

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*General suggestions for the amendment of the Minors' Acts.*)

succession (Act XIX of 1841), for the care of the persons and property of minors (Act XL of 1858), for the custody of minors (Act IX of 1864), for the Court of Wards (Chapter VI, Act XIX of 1873, and Chapter VIII, Act XVII of 1876), so far at any rate as minors are concerned, and those of the 'European British Minors Act, 1874, the arrangement of which last-named Act I would take as the basis of the arrangement of the new statute."

"In cases in which European British subjects are concerned, or in which an estate of R10,000 or upwards is involved, the application for protection of the minor's interests should, I think, be made to the District Court. In all other cases the Munsifs' Courts should, I think, have jurisdiction.

* * * * *

"I would extend the provisions of section 4, Act XL of 1858, and would allow the Collector to move the Civil Court in all cases, whether the property does, or does not, consist, wholly or in part, of land or an interest in land.

"I would give to the Civil Courts power to consult the Revenue-authorities as to the fitness of persons proposed as guardians or managers, and as to whether it would, or would not, be advisable that the manager should be a public officer; and I would give to the Local Government power to oust the jurisdiction of the Civil Courts by a declaration in the *Gazette* that it is advisable that the property and person of a particular minor should be cared for by a public officer to be named by it. * * * With the exception noted, I would have all business connected with the protection of minors brought in the first instance into the Civil Courts, and would leave to those Courts discretion as to the mode in which such protection should be afforded, whether through a private person or through a public officer.

* * *

"I would remunerate, by a percentage on the value of the estates protected, all persons, whether private or public—in the latter case Government would take the remuneration and pay the salaries—who might be appointed curators.

"I would have one or more public curators in each district. I would leave the appointment and the superintendence of these officers to the Revenue-authorities. I would make Collectors and Deputy Commissioners Courts of Wards. The present system, under which the Board of Revenue is in the North-Western Provinces the Court of Wards, is, I think, cumbrous and unduly burdensome to the estates placed under it.

"I would leave it to the Court which is possessed of the application to say whether the care of the person and the property of the minor should be vested in a private person, in a public curator or in the Court of Wards. But I would make the orders of the Munsif appealable in this behalf to the District Judge, and I would further give to the Collector power to appeal to the District Judge against a Munsif's order making over an estate to the Court of Wards, and to Government a right of appeal to the High Court from an order of the District Judge to that effect.

"I would levy on each final order passed upon an application for protection an *ad valorem* stamp-duty at somewhat less than the present rate, whether the order be for administration by a private person, by a public curator or by the Court of Wards; but I would remit the duty altogether when the value of the property in respect of which the order is made does not exceed R1,000.

"I would direct that, except in special circumstances, the reason for finding which should be recorded by the Court, all costs of a successful application should be payable out of the estate."

He continues:—

"I do not think that the labours of district officers would be increased if the scheme I have proposed were adopted. With public curators, and remunerated private persons available for the charge of estates of minors, the duties of the district officer as a Court of Wards would, I think, be so diminished as to more than counterbalance the extra supervisional labour which my scheme would throw upon him.

"The system which I have proposed may possibly be unsuited to the circumstances of other parts of India. If, as is most probable, the varying circumstances of the country require a varying agency for the protection of minors, it will be easy to leave the assignment of such agency to the Local Governments subject to the sanction of the Governor General in Council. But I venture to suggest that the principles of directing the costs of a successful application to be paid out of the estate, and of remunerating all guardians of the property of minors, should find a place in the Act, and that in the assignment of the agency of working the Act, the necessity of bringing its benefits as near to the door of the people as possible should not be lost sight of."

Mr. Duthoit further submits the following suggestions:—

"A.—I would require, to each application made by a private person for the issue of a certificate of guardianship, a declaration of the age of the minor verified as provided by sections 51 and 52 of the Code of Civil Procedure; and I would require a public officer when making an application under the statute to certify that he has made inquiry as to the age of the minor, and that such age has been found to be as stated in the application. The age of a minor is easily ascertained when he is *infans, infanti proximus*, or even *pubertati proximus*; but as 'full age' is approached the difficulty becomes greater, and I have known an instance of great trouble and expense caused by the omission to ascertain the age of the child when the application for an Act XL of 1858 certificate was made, and the consequent doubt as to the time at which the child's minority ceased.

"B.—I would provide that, in default of guardians appointed by testament, the guardians-at-law should, in the absence of special reasons to the contrary, be appointed guardians of the person, and that an order of a subordinate Civil Court setting aside testamentary guardians, whether of the person or property, or guardians-at-law of the person, should require the confirmation of the District Court before it takes effect; and that from an order of a District Court setting aside testamentary or 'natural' guardians of the person an appeal should lie to the High Court.

"C.—I would sugegst that advantage be taken of this opportunity to consolidate into one enactment the entire law of *Tutela* and *Curatela*; in other words, that the necessary provisions of Act XXXV of 1858 and of the various Courts of Wards and care-and-custody-of-minors enactments should be gathered up into the new statute.

"D.—And if this be done, I would suggest that the case of spendthrifts should be treated along with that of lunatics, and that, as regards both these classes of persons, use should be made of a family council constituted somewhat in the manner provided by sections 407 to 410 of the French *Code Civil*. It is notorious that the state of the law as regards what are called in this part of India '*dadá potá* cases'—suits by sons or grandsons of the tenor of *Dindyal Lal* v. *Jagdip Narayan Singh*, L. R. 4 I. A., 247—is unsatisfactory; and the aid of the legislature is, I think, greatly needed regarding it. By means of provisions analogous to those of the French Code (sections 513 to 515—the Collector or Deputy Commissioner should take the place of the *tribunal de première instance* in section 492 *et seq.*, and the Commissioner that of the *Cour d'appel* in sections 500 *et seq.*), protection might, I think, be afforded to minor members of an undivided Hindu family without shocking the prejudices of the people. The Courts of Wards in the North-Western Provinces and Oudh already (*cf.* section 194, Act XIX of 1873, and section 162, Act XVII of 1876) undertake the protection of estates from the management of which the proprietors apply to be disqualified; and managing members of undivided families (as a father with male issue) are practically treated as proprietors. With the safeguard of a family council, I do not think that there would be political danger in allowing the Government to disqualify a spendthrift, for whose property a curator might thereupon be applied for, and given, under the statute."

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*General suggestions for the amendment of the Minors' Acts.*)

292. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

forwards copy of a volume of the Proceedings of the North-Western Provinces and Oudh Government (in file), containing some correspondence which, it is suggested, may be of interest in connection with the proposed amendment of the law.

293. MR. BEHARI LAL BASU—

suggests that "District Court" should be used instead of "Civil Court" throughout the new Act, and the definition in section 29 of Act XL of 1858 removed.

294. MR. H. J. SPARKS—

suggest that some principles might be laid down for the guidance of the Court in appointing a guardian of the person or property, as has been done in section 10 of Act XIII of 1874.

295. UMAR BAKHSH—

suggests that regular suits for the guardianship or custody of minors should be distinctly prohibited, on the ground that if they are allowed the object of the special Minors' Act will be defeated.

296. KHAN AHMAD SHAH, EXTRA ASSISTANT COMMISSIONER, HOSHIARPUR,—

submits remarks and recommendations to the following effect for consideration in connection with the amendment of the law:—

It would be next to impossible to insist on every guardian being certificated, both because of the large numbers of minors owning property, and because of the small value of that property in many cases. At the same time, the interests of minors do at present suffer from the dishonesty of guardians by relationship who are uncertificated, and therefore free from control; and as regards other guardians no proper enquiry is made to ascertain whether they are entitled (? fit) to receive certificates.

Recommendations—

(1) Guardians should be compelled to take out certificates in every case where the minor's property exceeds Rs. 3,000 in value or yields an income of more than Rs 30 per month:

(2) certificated guardians should be required to submit half-yearly accounts to the Court, and the sanction of the Court should be required to certain of their acts, such sanction to have a binding effect:

(3) persons wishing to call in question the acts of certificated guardians should be allowed to examine their accounts as filed in Court, and to submit their complaints to the Court, but should be debarred from bringing suits, as next friends of the minor, against the guardian:

(4) in considering applications for certificates the Court should have regard to the following points:—

1st, nearness of relationship (of the applicant to the minor):

2ndly, the wishes of the deceased parent the minor:

3rdly, any present or previous connection of the applicant with the property of the minor:

4thly, whether the death of the minor would be beneficial to the guardian (? applicant):

(5) where a minor's property does not exceed Rs. 3,000 in value or does not yield an income of more than Rs. 30 per month, it should be optional with guardians to take out a certificate or not, and certain restrictions should be placed on the power of all guardians in such cases:

(6) all guardians should be made responsible for the health, maintenance, education and religious instruction of minors under their charge:

(7) the Court should be empowered to remove any guardian on any of the following grounds:—

"(1) using trust *mala fide*;

(2) continued failure to perform his duties;

(3) gross misconduct;

(4) insolvency:"

(8) the Court empowered to appoint or remove a guardian should be the District Court.

297. SARDAR GUBDIAL SINGH—

writes at some length to show that the near relatives of minors in his district usually squander and misappropriate to their own use the income of minors under their care, and that for various reasons the minor refrains from calling the guardian to account on attaining his majority. He also hints that even the persons of minors are not always secure from danger. To check these evils he thinks the Civil Courts should have more extended authority than they at present possess for interfering for the protection of minors, and to that end suggests that [? *inter alia*] the Courts should have a discretionary power to interfere whenever they think proper, instead of being empowered, as at present, to act only when specially moved. He suggests that the law should provide "that the Civil Court may appoint guardians to manage the property of a minor and to take charge of his person whenever—

"(*a*) on its own motion,

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Madras Regulations V of 1804 and X of 1831.*)

"(*b*) on receiving any report or information from any person acquainted with the state of the minor's property or person, or

"(*c*) on the application of any relative or friend of the minor for appointment of a guardian,

"it appears to the Court, after hearing the persons having charge of the minor's person or [? and] property, and after making any further enquiries that may be necessary, to be advisable to do so."

He would require the Court to issue a notice to appear to the persons having charge of the property and person of the minor, and would also, as a further safeguard, make the Court's order appealable.

He further thinks Act XL of 1858 is wanting in clearness in regard to the appointment of guardians of the property on the one hand, and guardians of the person on the other, and suggest that the new Act should contain provisions like the following :—

As regards the appointment of guardians for the management of property :—

"The Court shall have power to appoint any person manager of the property of the minor who in its opinion appears to be fit: Provided that if any person has been nominated a guardian in the will of the last owner of the property, and such will has duly been proved, he shall be appointed a guardian if he accepts the trust, and if the Court does not for any special reason think him to be unfit: Provided also, that preference is to be shown to the friends and *near* relations of the minor, if otherwise fit for the trust.

"In the case of land assessed with land-revenue or the land-revenue of which has been assigned to some one by the Government, the management may be made over to the Collector, who shall be competent to manage it in the manner prescribed by law for the management of property subject to the jurisdiction of Court of Wards; and in the case of moveable or immoveable property other than land assessed with land-revenue, the Public Curator, if there be such an officer in the district, may be appointed guardian."

As regards the appointment of guardians of the person, he would make it a rule that the guardian should be a person of the same class and religion as the minor, and would prohibit the appointment of any person having any interest of his own adverse to that of the minor, or who would be next in succession to the minor, were he dead; and, lastly, would provide that none but a female should be the guardian of a female. With these restrictions, he would give the Courts full discretion.

He would also add a section providing that no person is to be appointed guardian against his will, and that no one is liable to punishment for refusal to act as guardian when required by the Court to do so.

He thinks Act XL of 1858 does not provide sufficiently for the control of guardians. Some guardians certainly might safely be trusted to manage estates without any great control from the Courts; but others would require very close supervision. He accordingly suggests that the Courts should be allowed full discretion in this matter; but would, at the same time, enact provisions to the following effect :—

(1) All guardians of property appointed by the Court should be bound to report before the expiry of three months after the close of each year the *net financial results* of their management, so as to enable the Court in any case in which it suspects anything wrong to set on foot timely enquiries.

This would, he says, afford a great check on fraud, for, the statement being filed in Court, the guardian would not be able to alter it afterwards, or set up anything contrary to it when he is subsequently called upon to render accounts. The guardian need not file complete accounts; a statement of the sort indicated would be quite sufficient to show the Court the result of the administration.

(2) The Court should have power to call upon any guardian—

"(*a*) to file such periodical statements, returns and accounts as it may direct;

"(*b*) to make such reports on any points connected with the management of the estate as it may require;

"(*c*) to carry out such directions as to the management as it may give;

"(*d*) to invest or deposit the surplus or the balance in hand in such place of security (Government Securities, Government Treasury, Government Savings Banks) as it may direct."

He also suggests that provisions to the following effect should be made regarding the duties of guardians of property :—

"That every guardian should—

"(*a*) obey all directions given by the Court under the provisions of the Act;

"(*b*) consult the Court (i) before making any alienation of the minor's property; (ii) before compounding in any suit in which the minor may be a party; (iii) before abandoning any right belonging to the minor; and (iv) on any other important occasion, or on an any difficulty arising in the management; and

"(*c*) report to the Court any severe loss that any portion of the minor's property may have suffered from any cause."

With respect to the duties of guardians for the person, he suggests that the following should be imposed upon them :—

They must—

"(*a*) consult the Court (1) on the arrangements made or to be made for the education of the minor, and (2) regarding matters affecting the marriage of the minor;

"(*b*) report all cases of protracted illness of and accidents to, the minor, and

"(*c*) obey all directions given by the Court regarding the above matters."

He also suggests that guardians of the person should, subject to the general control of the Court, have power to do all acts calculated to advance the well-being of the minor; for instance, acts connected with his education and his proper moral and physical training.

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298. In the following paragraphs (299 to 373) are noted suggestions for the amendment of the law on particular points directly connected with provisions already existing in the Acts and Regulations.

299. As to Madras Regulation V of 1804, see remarks by Sir Charles Turner in paragraph 253 of précis. *Madras Regulation V of 1804.*

300. As to Madras Regulation X of 1831, see remarks by— *Madras Regulation X of 1831.*

Mr. H. Wigram, in paragraph 242 of précis;
Mr. J. W. Handley, in paragraph 249 of précis;

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Act XIX of 1841. Act XL of 1858, ss. 3—7.*)

Mr. P. Srinivassa Rao, in paragraph 250 of précis;
Mr. G. Muttuswamy Chettiar, in paragraph 251 of précis;
the Madras Board of Revenue, paragraph 252 of précis; and
Sir Charles Turner, in paragraph 253 of précis.

Act XIX of 1841.

301. As to Act XIX of 1841, see remarks by—
Mr. H. Wigram, in paragraph 242 of précis; and
Mr. Duthoit, in paragraph 291 of précis.

Act XL of 1858, s. 3 (= Act XX of 1864, s. 2.)

302. MR. JUSTICE FIELD—

quotes cases to shew that the practice of the Courts has not been uniform as regards the application of the proviso to section 3 of Act XL of 1858. In some cases it has been held that when the Court entertains a suit instituted by a person who has not obtained the permission required by the proviso, the requisite permission is to be deemed to have been given; while in others it has been held that a suit instituted without permission previously obtained is bad to all intents and purposes. Cases are quoted to show that the latter rule is the more correct one, from the point of view of principle.

303. LALLA MADAN GOPAL—

suggests that certain particulars should be prescribed for insertion in all applications; that the Courts should be allowed to act also on their own motion; and that explanations to the following effect should be appended to the section :—

"I. Lapse of years is not a sufficient ground for refusing a certificate [see C. W. R., 343]

"II. The guardianship of infants who have no property is a matter which forms the subject of Act IX of 1861."

303A. MR. BEHARI LAL BASU—

observes that the word "suit" is not wide enough to include "proceedings and applications."

[In regard to this section, please also see paragraphs 4 to 46 of précis, under "Point I."]

Act XL of 1858, s. 4 (= Act XX of 1864, s. 3.)

304. MR. PLUMBER—

would transfer the powers of the Collector to the amíldár (or tahsíldár) of the taluq in which the land is situated, as in Rule 4 of the Mysore Minors' Rules.

305. MR. JUSTICE FIELD—

writes as follows :—

"There seems no reason why the right to make an application under this section should be limited to a relative or friend. Under the English law, any person may apply in order, says Mr. Daniell, 'that the benefit arising from the protection of the Court may be extended to all cases in which interference is desirable, subject, however, to the risk of incurring the censure of the Court, and of being compelled to pay the costs of the suit, in the event of its subsequently appearing that the proceedings were improperly instituted.' (Chancery Practice, Vol. II, p. 1191)."

306. LALLA MADAN GOPAL—

suggests that the section should be amended as follows :—

Any relative or friend of a minor in respect of whose property such certificate has not been granted, *or a certificate holder who wishes to withdraw and desire the appointment of a new guardian, &c., &c.*

307. MR. BEHARI LAL BASU—

considers the phrase "interest in land" objectionable, apparently for the reason that it does not adequately cover the case of members of an undivided Hindu family.

[Please also see suggestion by Mr. Duthoit in paragraph 291, *supra*.]

Act XL of 1858, s. 5 (= Act XX of 1864, s. 4.)

308. THE HON'BLE MR. PAUL—

considers section 5 of Act XL of 1858, defective in not providing for cases where the minor happens to reside in a district in which he has no property.

309. MR. H. J. SPARKS—

suggests that the section should be made more explicit, observing that it does not provide for cases in which the minor is residing out of British India.

He also suggests that it might be well to provide for District Delegates, as in Act VI of 1881, to meet cases where, as in Oudh, there is but one District Judge for two or more revenue districts.

310. LALLA MADAN GOPAL—

suggests that "residence" should be explained as meaning the minor's "*usual* dwelling-house, *i.e.*, his paternal family-house."

311. LALLA MADAN GOPAL—

suggests that provision should be made as to the manner of issue of notices and the persons on whom they are to be served, and as to who may oppose the application. He quotes authorities to shew that the notice should be served on all parties interested in the application.

312. SARDAR GURDIAL SINGH—

considers it unnecessary that the procedure of the Court should be specially prescribed by the Minors' Act, and that it would be sufficient to enact that the general procedure laid down in the Code of Civil Procedure in force at the time shall apply as far as practicable.

313. MR. BEHARI LALL BASU—

thinks it undesirable, in view to the selection of a good guardian, that the enquiry should be a summary one, as this section requires.

Act XL of 1858, s. 7 (= Act XX of 1864 . 6.)

314. MR. JUSTICE FIELD—

writes as follows :—

"Under the provisions of section 7 of the Act, if it appears that any person claiming a right to have charge of the property of a minor is entitled to such right by virtue of a will or deed, and is willing to undertake the trust, the Court *shall* grant a certificate of administration to such person. It has been held that in this case it is compulsory upon the Court to grant this certificate (see *Nannee Bibee* v. *Khojah Surwur Hossein*, 7 W. R., 522). It has further been decided that when any such person obtains a certificate of administration, he is not bound to file accounts (see the cases at 6 W.R. Mis. Rul., 53; 7 W.R., 522; 23 W.R, 278) There is no reason why such persons should be exempt from liability to account. According to English law, a testamentary guardian is in all respects subject to the control of the Court, and is liable to account for what he receives (Daniell's Chancery Practice, Vol. II, p. 1205)."

315. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) support Mr. Field's suggestion as to filing accounts.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Act XL of 1858, ss. 8—10.*)

316. MR. FIELD—

continues :—

"The section then proceeds to enact that if there is no person so entitled, or if such person is unwilling to undertake the trust, and there is any near relative of the minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a certificate to such relative. Here a discretion is vested in the Court. Then the Court may also, if it think fit (unless a guardian have been appointed by the father), appoint such person as aforesaid to be guardian of the person of the minor. The exception assumes a power in the father to appoint a guardian by will. The existence of this power as regards persons to whom the Act applies, that is minors not being European British subjects, may be doubtful. It may be observed, as in England, that the power of appointing a testamentary guardian was conferred by Statute (12 Car. II, cap. 24), and as by the law of England no will made by any person under the age of 21 years is valid, it follows that a father, while under that age, cannot now by will dispose of the custody of his children. Then in the case of a guardian appointed by the father, it would appear that the Court has no power to remove such guardian. The last clause of section 21 provides that 'the Court may also, for any sufficient cause, remove any guardian *appointed by the Court*,' thus indicating that the Court has no power to remove a guardian appointed by the father. Under the law of England, a testamentary guardian is subject to the control of the Court, both with respect to the property and the person of the infant, and the Court may remove him and appoint another guardian in his stead, or may without removing him appoint another person to have the care of the infant (Chancery Practice, Vol. II, p. 1194). It is obvious that there may be cases in which it is very desirable that the Civil Court should have the power of removing a testamentary guardian."

317. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) support Mr. Field's suggestion as to taking power to remove a guardian appointed by the father.

318. MR. JUSTICE TOTTENHAM—

writes as follows :—

"I would make it clear that, in cases of rival claims to a certificate, preference should not necessarily be given to any one claimant on the mere ground of nearness of kin to the minor, or on the ground of sex. The nearest of kin may often be the person to whom, for other reasons, it may be most objectionable to grant a certificate.

"I would also preclude the Court from entertaining any application for a certificate unless satisfied that property needing protection is actually in possession of the minor or of some person on his or her behalf. I remember a case in which the only property was in the possession of adversaries, and the object of the application was to try to induce the Court to direct the Collector to take charge of the estate, which was said to be interest in land, in order that that officer might undertake a troublesome and costly lawsuit to recover possession for the minor."

319. LALLA MADAN GOPAL—

says that by Hindu law the duty of providing for the care of the persons and property of minors devolves on the Sovereign, while by Muhammadan law certain classes of relations have a prior right. This being the case, he thinks the inclusion of the rights of guardianship and minority in section 5 of Act IV of 1872 (the Punjab Laws Act) was a mistake; also, that it is surprising, in view of that enactment, to find Schedule I of that Act declaring Act XL of 1858 to be in force in the Punjab.

He submits a list showing classes of persons whom he thinks the Courts should be prevented apparently, by express declaration) from appointing as guardians.

Further on, he suggests that section 27 of the Act should be embodied as an explanation in section 7; also, that the Courts should be allowed discretion to refuse to grant a certificate to an unfit person appointed by will, and an explanation inserted declaring that fitness should be allowed more weight than mere nearness of relationship.

320. UMAR BAKHSH—

suggests that the Court should be empowered to reject an unfit person appointed by will or deed.

Further :—

"The words 'near relative' in the same section are rather vague, and further it is not clear whether the scope of the section is to select the fittest person from among the relatives of different or equal degrees, or to appoint the nearest person fit for the post. I think it should be expressly provided that brother of the whole blood and uncle should have prior right to the guardianship of a minor, unless they are unfit; but in the case of distant relatives the Court should have full discretion of selecting the fittest person, disregarding the nearness of relationship."

He also suggests that where a minor has considerable property the Court should have power to appoint more than one person to administer the estate, if that should be deemed necessary in the interests of the minor.

[Please also see suggestions by—

Khan Ahmad Shah, in paragraph 296 of précis; and

Sardar Gurdial Singh, in paragraph 297 of précis.]

321. LALLA MADAN GOPAL—

suggests an addition to section 8 of Act XL of 1858 to the following effect :— *Act XL of 1858, s. 8 (= Act XX of 1864, s. 7.)*

"The Court will not adjudicate merely on the Collector's report [see 22 W. R., 490], but must satisfy itself as to the applicant's fitness on legal evidence" [see 9 W. R., 555].

322. SARDAR GURDIAL SINGH—

"would give the Court power to enquire into the character of any person, and to call for reports from any Revenue-officer, Magistrate or Police-officer in the district."

[Please also see suggestions by Mr. Duthoit in paragraph 291 of précis.]

323. SIR CHARLES TURNER—

referring to section 9 of Act XX of 1864 recurs to a suggestion recently made by the Madras High Court that there should be appointed in every district a public officer to take charge of private trusts under the superintendence of the Official Trustee. If this proposal be accepted, the Courts might, he suggests, be enabled to appoint such officers, and in any case the Official Trustee, to be manager of the property of a minor. *Act XL of 1858, s. 10 (= Act XX of 1864, s. 9.)*

He considers that considerable relief would be afforded to Revenue-officers by the creation of the proposed offices, and that a commission, not exceeding 5 per cent., would probably provide

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Act XL of 1858, ss. 11—18.*)

sufficient salaries and meet the costs of establishment.

324. LALLA MADAN GOPAL—

suggests, with reference to Mr. Justice Melvill's criticism on section 9 of Act XX of 1864 in his Minute of 23rd August, 1881, that the words "or the like" mean "immoveable property (other than village-land assessed with revenue, for which provision is made by placing it in charge of the Collector), such as shops, katrás, warehouses, &c."

325. SARDAR GURDIAL SINGH—

thinks the words "moveable property or houses, gardens or the like" were intended to mean (*1*) moveable property, and (*2*) immoveable property other than land, of which the Collector could be asked to take over the management.

326. THE HON'BLE MR. PAUL—

referring to Mr. Justice Melvill's criticisms on sections 9 and 11 of Act XX of 1864 in his Minute of the 23rd August, 1881, observes that "the distinction between 'houses, gardens and the like' and 'land or any interest in land' is probably that between revenue-paying immoveable property and that which does not pay revenue, including in the category of revenue-paying property such as may be *lákhiráj* by reason of exemption."

327. SARDAR GURDIAL SINGH—

Act XL of 1858, s. 11 (= Act XX of 1864, s. 10.)

suggests that a limit should be put to the guardian's allowance; that, to encourage economy in administration, it should be calculated on net profits, and not on income; and that it should be fixed at 20 per cent. His reason for selecting so high a rate is that the remuneration would be small on small estates.

328. LALLA MADAN GOPAL—

observes, with reference to Mr. Justice Melvill's remarks on the word "aforesaid" in section 10 of Act XX of 1864 (see Home Department Judicial Proceedings, No. 168 for October, 1882), that in the Bengal Act, section 11, it clearly refers to section 10 of that Act and is not open to any misconstruction.

329. LALLA MOHAN LALL AND MIÁN ASDULLA,—

referring to Mr. Justice Melvill's criticism, say they think the provision in section 10 of Act XX of 1864 excluding legal heirs and persons next in succession from the guardianship of the person of a minor, which does not occur in the Bengal Act, ought to be embodied in the new Act.

330. SARDAR GURDIAL SINGH—

is of the same opinion.

[Please also see suggestions by Mr. Duthoit in paragraph 291, *supra* (on pages 100 and 101).]

331. MR. H. J. SPARKS—

Act XL of 1858, s. 12 (= Act XX of 1864, s. 11.)

suggests that provision should be made—

(1) for cases in which only a small part of the property consists of land, and

(2) for cases in which the land is situated in more than one district.

332. BABU KOYLAS CHUNDER GHOSE—

suggests that provision should be made enabling the Collector to give up charge of an estate taken over by him under this section, when it would be for the benefit of the minor to do so.

333. MR. PLUMER—

suggests that a half-yearly statement of account should be prescribed, as in Rule 15 of the Minors' Rules framed for Mysore, instead of the annual statement provided for by Act XX of 1864. *Act XL of 1858, s. 16 (= Act XX of 1864, s. 16.)*

334. THE HON'BLE MR. O'SULLIVAN—

makes the following suggestions :—

"The administrator of the property should be required to file annual accounts of receipts and disbursements, and they should be open to inspection by any relative or friend of the minor, who should be at liberty to bring to the notice of the Court, by way of petition, any neglect, default or misfeasance of the administrator."

335. LALLA MADAN GOPAL—

suggests that the obligation to render accounts should be extended to all guardians and administrators.

336. LALLA MOHUN LALL AND MIÁN ASDULLA—

urge that the provisions of sections 16 and 17 should be extended to all guardians and administrators, arguing that it may be very necessary to provide against fraud or waste by those to whom the sections do not at present apply.

337. MR. BEHARI LAL BASU—

suggests that section 16 should be extended to all guardians; also that any friend or well-wisher of the minor should be allowed access to their accounts.

[Please also see suggestions by—

Mr. Justice Field, in paragraphs 258 and 314 of précis;

the Judges of the Calcutta High Court, in paragraph 315 of précis;

Khan Ahmad Shah, in paragraph 296 of précis; and

Sardar Gurdial Singh, in paragraph 297 of précis.]

338. MR. PLUMER—

suggests that for section 17 of Act XX of 1864 should be substituted Rule 16 of the Minors' Rules framed for Mysore, which requires that surplus funds shall be deposited in the District Treasury and invested *by the Court* in public securities. *Act XL of 1858, s. 17 (= Act XX of 1864, s. 17.)*

339. LALLA MADAN GOPAL—

writes :—

"'Public securities' denotes Government promissory notes. I would suggest that this limitation be removed, and that it may be left to the discretion of the Court to lay out the surplus in any profitable manner that is suggested to it by the administrator, *e.g.*, in mortgaging landed property or purchasing debentures or bank shares."

340. BABU KOYLAS CHUNDER GHOSE—

considers it desirable to impose a penalty for the enforcement of the provisions of this section which are, he says, seldom observed.

[Please also see suggestions by—

Sardar Gurdial Singh, in paragraph 297 of précis; and

Lalla Mohun Lall and Mián Asdulla, in paragraph 336 of précis.]

341. MR. JUSTICE FIELD—

says it has been decided that when an application for leave to deal with the property of an infant is made under the second clause of section 18 of Act *Act XL of 1858, s. 18 (= Act XX of 1864, s. 18.)*

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Act XL of 1858, ss. 19-26. Act IX of 1875.*)

XL of 1858, the Civil Court is bound to determine the question whether the proposed mode of dealing with it would, if sanctioned, be for the benefit of such infant, and that the petition should contain all the materials reasonably required to enable the Court to decide this question. He gives a reference to *In re Srish Chunder Mukhapadhya*, I.L.R. 6 Cal., 161; S.C. 5 Cal. L.R., 501; and *Sikher Chund* v. *Dillputty Singh*, I.L.R. 5 Cal., 363, and suggests that the substance of those decisions might well be incorporated in the proposed new Act.

He further remarks upon this clause as follows, as to the effect of neglecting to obtain the sanction of the Court:—

"Where a guardian has obtained a certificate of administration under the Act, it has generally been held that any sale of the minor's property for which the Act requires the sanction of the Civil Court, if made without such sanction, is invalid and conveys no title (see the cases of *Surut Chunder* v. *Raj Kishen Mukherji*, 15 B.L.R., 350, S.C., 24 W.R., 46; *Paran Chunder Pal* v. *Kuroona Moyi Dasi*, 7 B.L.R., 90; *Dabi Dutt Sahoo* v. *Subhodra Bibee*, I.L.R. 2 Cal., 283; *Buchraj Ram* v. *Ram Kissen Singh*, 11 C.L.R., 345). In *Manjiram* v. *Tara Singh* (I.L.R. 3 All., 852) it was decided that a minor could not ratify such a transaction. See to the contrary *Til Koer* v. *Roy Anund Kishore*, 10 C.L.R., 547, where a mortgage by a certificated guardian, although made without the sanction of the Court, was upheld, the transaction being, under the circumstances, considered a proper one."

342. LALLA MADAN GOPAL—

quotes conflicting decisions on the question whether this section applies to non-certificated guardians.

343. BABU KOYLAS CHUNDER GHOSE—

writes:—

"The law, as it stands at present, contains no directions as to how the Court should proceed when an application for sanction is presented. Generally the sanction is given on the representations of the administrator, but this is not always safe. The administrator, where he makes an application of the kind, should be required to prove the necessity for the sale, &c., by affidavit or otherwise, and the assertions contained in his affidavit should be tested by some officer of the Court before the Court accords its sanction to the sale, &c."

[In regard to this section, please also see paragraphs 104 to 138, under "Point IV," paragraphs 148 to 183, under "Point VI," and paragraphs 184 to 201, under "Point VII."]

Act XL of 1858 s. 19 (= Act XX of 1864, s. 14)

344. LALLA MADAN GOPAL—

approves of Mr. Justice Melvill's suggestions on this section (see Home Department's Judicial Proceedings, No. 168 for October, 1882, at foot of page 24).

345. MR. JUSTICE FIELD—

writes:—

"In connection with section 21 of the Act, it will be useful to consider the decision of the Full Bench in the case of *Nannee Bibee* v. *Khojah Surwar Hossein*, 7 W.R., 522. It was here decided that a certificate granted under section 7 of the Act may be recalled summarily under the provisions of section 21, and this without any action having been previously taken in a regular suit under the provisions of section 19 of the Act."

[Please also see his remarks and those of the Calcutta High Court in paragraphs 316 and 317 of précis, as to taking power to remove a guardian appointed by the father.)

346. LALLA MADAN GOPAL—

suggests that to meet Mr. Justice Melvill's objection as to the vagueness of the words "or any other person, as the case may be" (see Home Department's Judicial Proceedings, No. 168 for October, 1882, at foot of page 24) in section 21 of Act XX of 1864, the words "*or other fit person* within *the meaning of* sections 24 *and* 10" should be substituted for them (in the Bengal Act).

He further suggests that illustrations should be inserted to the following effect:—

"*Illustration I.*—The Court cannot summarily remove a guardian who has not obtained a certificate. This should be done by a regular suit (see II W. R., 370).

"*Illustration II.*—The grounds set forth in the preceding portion as to the disqualifications of a guardian should be held sufficient for removal.

"*Illustration III.*—Danger to the estate or welfare of the minor should also be held sufficient.

"*Illustration IV.*—Where the conduct of the guardian, though blameworthy, is not culpably bad, the Court will pass orders to regulate his conduct before removing him."

347.—SARDAR GURDIAL SINGH—

would specify the three following reasons as justifying removal of a guardian [? or recall of a certificate]:—

"(1) If he has wilfully neglected to perform any of the duties imposed upon him by law;

"(2) if he has been guilty of any other misconduct which, in the opinion of the Court, makes him unfit for the work; and

"(3) if he has formed a collusion with persons having interests adverse to those of the minor, or who are enemies of the minor."

He would further allow any of the minor's friends or relations to apply to the Court for the removal of the guardian on any of these grounds; and would provide that if, after examining such applicant, the Court sees reason to do so, it may make an enquiry, and, if the matters set forth in the application are established, may award the applicant his costs out of the minor's estate. He adds: "Of course the Court should have power to punish a wilful neglect, and power to have its orders carried out."

[Please also see suggestion by Khan Ahmad Shah in paragraph 296 of précis.]

348. LALLA MADAN GOPAL—

suggests that an explanation should be added to the following effect:— *Act XL of 1858, s. 22 (= Act XX of 1864, s. 22.)*

"*Explanation.*—The successor will be appointed in the same way as the first man was appointed, *i. e.*, after issue of notice and enquiry."

349.—SARDAR GURDIAL SINGH—

thinks provision should be made for the education of female as well as male minors. *Act XL of 1858, s. 25 (= Act XX of 1864, s. 25.)*

[Please also see suggestion by Khan Ahmad Shah in paragraph 296 of précis.]

350. MR. BARCLAY—

suggests that the new Act should define the word "minor." *Act XL of 1858, s. 26 (= Act XX of 1864, s. 26) and Act IX of 1875.*

351. LALLA MADAN GOPAL—

writes at some length to show the desirability of enacting a more suitable definition of "minor."

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Act XL of 1858, ss. 27 and 28. Act IX of 1861. Act XX of 1864; s. 12.*)

He refers to the different laws prevailing on this point in India, and to conflicting decisions as to the meaning of the definition given in section 26 of Act XL of 1858. He suggests that "minor" should be declared to mean any person (excepting, apparently, Europeans whose personal law fixes their majority at 21) who has not completed the age of eighteen years. The objections to the present definition which he specially mentions are—

(1) that it does not conclusively show whether it applies to minors regarding whom no action has been taken under the Act; and

(2) that it provides for the Mufassal a different law than that prevailing in the Presidency-towns.

In order to meet the latter objection, he urges that the new Act ought to be made applicable to the Presidency-towns as well as to the Mufassal.

352. UMAR BAKHSH—

invites attention to the rules in paragraphs 1 and 2 of section 3 of Act IX of 1875, and their effect where certificates of administration are granted under Act XL of 1858, but makes no specific suggestion for the amendment of the law.

353. SARDAR GURDIAL SINGH—

considers there can be no objection to the varying rules as to majority prescribed by Act XL of 1858, section 26, and Act IX of 1875.

354. MR. BEHARI LAL BASU,—

referring to Act IX of 1875 and other laws, statutory and "personal," suggests that it would save much confusion if one uniform age were fixed by statute for the attainment of majority; the age so fixed being made applicable to all persons and in all places throughout British India.

355. MR. J. KNOX WIGHT—

suggests that the definition of "minor" given in Act IX of 1875 should be incorporated in the proposed consolidated Act.

Act XL of 1858, s. 27 (= Act XX of 1864, s. 31)

356. MR. JUSTICE FIELD—

invites attention to the case of *Fasihan* v. *Kajo*, I.L.R. 10 Cal., 15, in which it was held that the effect of section 21 of Regulation X of 1793, and section 27 of Act XL of 1858, is that no person other than a female shall in any case be entrusted with the guardianship of a female minor.

357. SARDAR GURDIAL SINGH—

thinks section 27 of Act XL of 1858 is intended to refer to the guardianship of the property as well as of the person of minors. He suggests that it should be amended so as to provide that no guardian shall be appointed for the person of a female minor if she be married and her husband be not a minor, provided she takes up her abode with the family of her husband; but that a guardian for her property, if any, may be appointed, unless her husband undertakes the management of it.

He also suggests that to the clause prohibiting the appointment of a guardian (either of person or property) for a minor whose father is living and is not a minor, should be added a proviso that the father is not otherwise unfit to manage his affairs, for instance, by reason of lunacy, idiocy, renunciation of worldly affairs, &c.

(Please also see his suggestion in paragraph 297 of précis.)

[Please also see suggestion by Lalla Madan Gopal in paragraph 319 of précis.]

358. MR. JUSTICE FIELD—

suggests that the question as to what orders made under the Act are appealable or not appealable should be clearly settled. He invites attention to the conflict of decision between the cases reported in 15 W. R., 499 and 22 W. R., 479. *Act XL of 1858, s. 28 (= Act XX of 1864, s. 33.)*

359. LALLA MADAN GOPAL—

suggests that an explanation should be added to the effect that every person who appeared in the original proceeding would have a right of appeal. This has, he says, become necessary in consequence of a ruling, at page 256 of the 13th Volume of Sutherland's Weekly Reporter. He does not think the right of appeal should be taken away, as suggested by Mr. Justice West (see Home Department's Judicial Proceedings, No. 169 for October, 1882); remarking that it is a great privilege and protection, and that there does not appear to be any weighty reason for its abrogation.

360. SARDAR GURDIAL SINGH—

would, in order to prevent needless litigation, provide that there shall be no appeal from the orders of the Courts excepting "orders of importance, to be specially mentioned," and that there shall be no second appeal in any case.

[Please also see suggestions by Mr. Duthoit in paragraph 291 of précis.]

361. As to Act IX of 1861, see remarks by— *Act IX of 1861.*

Mr. H. Wigram, in paragraph 242 of précis;

and

Sir Charles Turner, in paragraph 253 of précis.

362. THE HON'BLE MR. O'SULLIVAN, THE HON'BLE MR. PAUL AND MR. JUSTICE FIELD—

suggest that in the new Act the Court should be empowered to require security from guardians for their dealings with minors' estates, Mr. Field quoting the English practice in support of the suggestion.

363. MR. JUSTICE OLDFIELD—

suggests that provisions should be inserted in the new Act, similar to those in sections 78 and 79 of Act V of 1881, for taking bonds for the proper administration of the estate, and for the assignment of such bonds to enable fit persons to sue upon them.

364. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER OF THE NORTH-WESTERN PROVINCES AND OUDH—

See his remarks on Mr. Justice Oldfield's suggestion, in paragraph 162 of précis.

365. MR. JUSTICE STRAIGHT—

concurs in Mr. Justice Oldfield's suggestion except as regards guardians appointed in right of will or deed.

366. MR. DUTHOIT—

considers the absence of a provision regarding the taking of security from administrators is one of the most striking defects in the existing law. He doubts whether security could be insisted on if remuneration be not given to the guardian; but if guardians of the property are remunerated, as he trusts they may be (see paragraph 291 of précis), there would, he believes, be no difficulty in obtaining security from them. Security should, he thinks, be required in all cases in which the value of the estate exceeds Rs. 250.

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*Act XX of 1864, s. 26; Act IX of 1875: Civil Procedure Code, Chapter XXXI: the Hindu Joint Family System.*)

367. BABU KOYLAS CHUNDER GHOSE—

suggests that, as a check upon guardians, security should be required from them in every case.

[See also remarks by Mr. E. Barclay in paragraph 152 of précis.]

Act XX of 1864, s. 26.

368. THE GOVERNMENT OF BOMBAY—

forward for consideration in connection with the proposed legislation certain papers showing the desirability of making provision to admit of minors being sent to schools or colleges recognized by the Local Government for the purpose, though situated "beyond the limits of the Presidency." What is desired appears from the papers to be to take power to send a minor to the college in Kolhapur (a Native State).

Act IX of 1875.

369. As to Act IX of 1875, see remarks in paragraphs 350 to 355 of précis.

Code of Civil Procedure, Chapter XXXI.

370. MR. WIGRAM—

writes:—

"The provisions of Chapter XXXI of the Civil Procedure Code appear to me unnecessarily complex, and I do not understand on what principle a mother, if a co-defendant, is prevented from representing her minor son (section 445).

"All that is really required in a Procedure Code is to provide *that* suits by and against minors shall be brought and defended in the minor's name by a guardian *ad litem* appointed by the Court and removable by the Court; *that* no appeal shall lie from the appointment of a guardian *ad litem*; *that* the guardian *ad litem* shall give a written undertaking to be responsible for costs; *that* he shall not enter into any compromise of a suit without the leave of the Court; and *that* before taking out execution of any decree he shall give security to the Court that he will account to the minor for the proceeds of the decree."

371. SIR CHARLES TURNER—

says that great difficulty is felt in securing the proper representation of minors when creditors take proceedings against their property as representing the effects of deceased debtors. The person who would by law be entitled to the guardianship may refuse to act, and no relative or friend may be found who is willing to do so, while the Court may not think it its duty to aid the creditor by appointing a guardian *ad litem*, although the probable consequence of its not doing so would be to increase the debt by allowing interest to accumulate. Moreover, when the Court is constrained to appoint a stranger to act as guardian *ad litem*, no power is given by the Civil Procedure Code to make provision for the costs of securing for the person appointed the means of obtaining professional assistance and defending the suit. In the Madras High Court the following course has been pursued:—

"If no relative or friend is found, who is willing to appear as guardian *ad litem*, the Court will, on the application of the plaintiff, appoint an officer of the Court guardian *ad litem* on the condition that the plaintiff undertakes to provide the officer so appointed with funds reasonably sufficient to enable him to defend the suit. If the plaintiff fails to provide funds, the order for the appointment is discharged. If, on the other hand, the funds are found and the plaintiff eventually succeeds, he would be allowed to receive the money as part of his costs in the cause." He adds "But generally, if not in all cases, when the order has been made, a person who would by law be entitled to the guardianship or to whom the Court would have committed the guardianship comes forward and applies that the order appointing an officer of the Court may be discharged and the applicant appointed."

Sir Charles Turner suggests that some provisions of this nature should be introduced into the Civil Procedure Code for the guidance of the Courts.

He further suggests that it would be desirable to declare that on an application for leave to sue on behalf of a minor *in formâ pauperis* the Court is to have regard to the circumstances of the minor and not of the next friend. The law has been so interpreted by the High Court, but is not, he says, generally understood.

And he expresses a doubt as to whether the "local laws" referred to in section 464 of the Code include the Minors' Act, IX of 1861, which is a "general" Act.

372. MR. JUSTICE WEST—

suggests that, in order to check a practice by which, for the purpose of harassing people interested in a minor, a pauper next friend is put forward to institute a suit against those having charge of his property, a discretion should be allowed to the Courts to require security for costs from pauper next friends.

He further says it is doubtful at present whether the next friend is to be regarded as a principal in the litigation, or whether the infant is the principal, and suggests that this point should be made clear, observing that the case of an infant who is principal with a pauper next friend is common, while a pauper infant with a next friend of competent means is not uncommon.

373. THE HON'BLE MR PAUL—

suggests that, in order to put a stop to vexatioust frivolous and other improper litigation, the nex, friend should, in certain classes of cases, be required to satisfy the Court that the suit will be really and not merely technically for the benefit of the minor, and that the Court should see that its orders are for the minor's benefit, in the same way as in the English Courts of Equity.

[In regard to this chapter, please also see paragraphs 47 to 69, under "Point II," and paragraphs 139 to 147, under "Point V."]

[See also remarks by—

Mr. E. Barclay, in paragraph 7 of précis;

Mr. Justice Field, in paragraph 16 of précis;

Mr. Justice Oldfield, in paragraph 19 of précis;

Mr. Justice Straight, in paragraph 20 of précis;

Mr. H. T. Rivaz, in paragraph 32 of précis;

the Chief Commissioner of the Central Provinces, in paragraph 39 of précis;

the Resident at Hyderabad, in paragraph 46 of précis; and

Khan Ahmad Shah, in paragraph 296 of précis.]

The Hindu Joint Family System.

374. In the following paragraphs (375 to 386) are noted remarks regarding the Hindu joint family system, and the application of the Minors' Acts to it.

375. MR. WIGRAM—

is averse to any legislation which would render it compulsory on the Civil Courts to interfere in the case of all minor members of an undivided family; but at the same time he thinks occasions do arise when such interference is necessary, and he quotes a case showing this.

He suggests that "the District Court should have power to direct that a suitable provision be made for the maintenance and education of minor members of an undivided family whenever occasion arises for its interference."

(Please also see his suggestions in paragraphs 107 and 242 of précis.)

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*The Hindu Joint Family System.*)

376. THE HON'BLE MR. O'SULLIVAN—

writes:—

"The managing male member of an undivided Hindu family subject to the law of the Mitakshara should not be required to take out a certificate in respect of the undivided share of a minor member of the family; but in case of malversation or mismanagement by the managing member a suit on behalf of the minor for a partition and delivery of his share should be permitted, as is the case at present; and, when the partition is effected, a certificate of administration should be granted for the share of the minor."

377. MR. JUSTICE WEST—

says the law with regard to Hindu minors, members of joint families, as hitherto conceived by the Courts in India, has recently been quite differently expounded by a judgment of the Judicial Committee of the Privy Council (*Doorga Persad* v. *Kesho Persad Singh*, L. R., 9 I. A., at page 30). He shows that that judgment will upset the existing state of things, by introducing a new limitation on the powers of fathers and other guardians who are really in the position of co-owners and are not mere guardians in the restricted sense. He suggests that this matter should be taken up promptly, and that guardians of this kind should be allowed to defend suits against minors without a certificate.

378. SIR CHARLES SARGENT—

thinks that in the case of the Hindu joint family the only satisfactory course would be to distinguish between family and separate property. In regard to the former, he suggests that until a case of fraud or abuse of powers is brought to the notice of the Court by regular suit, the charge of the minor's interest should be left to such persons as would be entrusted with it according to Hindu law and usage. In regard to the latter, please see his remarks in paragraph 223, *supra*.

379. MR. JUSTICE MELVILL—

concurs with Sir Charles Sargent on this question, and explains that he did not intend by his Minute of August, 1881, to recommend that the manager of a joint Hindu family should be compelled to take out a certificate of administration of the share of a minor co-parcener.

380. THE HON'BLE MR. PAUL—

says the adoption of the proposal noted as Point I (see *supra*) would be very inconvenient in the case of a Hindu joint family, as the introduction of a guardian from outside would cause discord and probably waste on the part of other members of the family.

(Please also see his remarks in paragragh 255, *supra*.)

381. MR. JUSTICE FIELD—

quotes cases showing the final decision of the Calcutta High Court and the decision of the North-Western Provinces High Court to be that Act XL of 1858 does not alter or affect any provision of Hindu or Muhammadan law as to guardians who do not avail themselves of that Act.

He suggests that the effect on those decisions, and also on the cases quoted by Sir Michael Westropp in his Minute of 19th November, 1881 (Home Department's Judicial Proceedings, No. 170 for October, 1882), of the Privy Council case quoted by Mr. Justice West (see paragraph 377, above) should be considered.

(Please also see his suggestions in paragraph 258, *supra*.)

382. MR. JUSTICE TOTTENHAM—

thinks it would be inconvenient that, where the minor's estate consists of a share in joint undivided family property managed by a *kurta*, any other person should be allowed to obtain a certificate.

383. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) suggest "that provision should be made by which, on due cause shown, the new Act might be employed for the protection of a minor member of an undivided Hindu family against the fraud or extravagance of the co-parceners, a course which, as pointed out by Sir Michael Westropp (see his Minute dated November, 1881, Home Department's Judicial Proceedings, No. 170 for October, 1882), it has been held by the Courts, cannot be adopted under the existing law."

[Please also see their remarks in paragraph 80, *supra*.]

384. SIR R. STUART—

strongly approves of the doctrine expounded in the case of *Heit Singh and another* v. *Thakur Singh and others*, High Court Reports, North-Western Provinces, 1872, page 57, that "section 2, Act XL of 1858 does not preclude the natural and legal guardian of a Hindu minor from dealing with his property within the limits allowed by the Hindu law without having acquired a certificate of administration from the Civil Court;" and trusts that the application of this doctrine in the future will not be interfered with by any legislation on the part of the Government of India.

385. LALLA MADAN GOPAL—

thinks it very desirable in the interests of minor members of Hindu joint families that the existing rulings declaring that no application for appointment of an administrator can be made in their case under section 3 of Act XL of 1858 should be disregarded and words introduced to admit of applications being made in such cases. He says that, in spite of these rulings, such applications are sometimes admitted even now. He urges that it would be easy to fix the minor's share, and that there need be no hardship, as the manager under the Hindu law would usually be the person to whom the certificate would be granted.

386. SARDAR GURDIAL SINGH—

thinks it would be necessary in some cases that the Court should have power to appoint a guardian where a minor has merely a joint interest with others, and he would definitely give the Courts discretion to move in such cases whenever they think it proper to do so.

[For further references to the Hindu joint family system, please see remarks by—

Mr. E. Barclay, in paragraphs 7 and 219 of précis;

Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.

(*General Observations.*)

Mr. Hutchins, in paragraph 71 of précis;

Sir Charles Turner, in paragraphs 77, 221 and 253 of précis;

Mr. T. T. Allen, in paragraph 79 of précis;

Mr. Duthoit, in paragraphs 84 and 291 of précis;

Mr. R. J. Crosthwaite, in paragraph 91 of précis;

Mr. Behari Lal Basu, in paragraphs 92 and 307 of précis;

the Chief Commissioner of the Central Provinces, in paragraph 94 of précis; and

Mr. G. Muthaswamy Chettiar, in paragraph 251 of précis.]

General Observations.

387. MR. R. RY. A. L. V. RAMANA PUNTULU GARU, SUBORDINATE JUDGE, MADURA—

agrees with the views expressed by Mr. Justice West in his Minute dated 21st August, 1881 (Home Department's Judicial Proceedings, No. 169 for October, 1882), as to the direction which legislation should take.

388. THE GOVERNMENT OF MADRAS—

concur in the remarks submitted by Mr. Hutchins.

389. THE PUISNE JUDGES OF THE MADRAS HIGH COURT—

concur in the remarks submitted by Sir Charles Turner.

390. THE GOVERNMENT OF BOMBAY—

"do not desire to add any further observations" to those made in the Minutes by the Judges of the Bombay High Court.

391. MR. JUSTICE TOTTENHAM—

agrees generally in Mr. Justice Field's recommendations.

392. MR. JUSTICE TYRRELL—

"entirely concurs in these views" (*i.e.*, apparently, those of Mr. Justice Straight).

393. MR. JUSTICE BRODHURST—

concurs in the remarks recorded by Mr. Justice Straight.

394. MR. DUTHOIT—

remarks that his opinion is restricted to the circumstances of the North-Western Provinces and Oudh.

395. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER OF THE NORTH-WESTERN PROVINCES AND OUDH—

invites attention to Mr. Sparks' suggestions.

He suggests that it is very necessary to take every opportunity of consulting both the European and the Native community on the proposed legislation, through persons qualified to represent their feelings and interests, and that the best way of effecting this is to state points and proposals briefly and clearly for consideration by persons unaccustomed to handle legal questions.

396. LALLA MADAN GOPAL,—

in submitting his memorandum, remarks that although some of the proposals which he has made may, if adopted, cause inconvenience at first, their adoption would be justified by the result.

397. LALLA GIRDHARI LAL—

concurs generally in the remarks submitted by Lalla Madan Gopal.

398. COLONEL GURDON—

specially commends to notice the memorandum of Muhammad Latif, Extra Assistant Commissioner of Jhang.

399. MAJOR-GENERAL PLAYFAIR, OFFICIATING COMMISSIONER, JABALPUR DIVISION,—

endorses the opinion submitted by Lieutenant-Colonel Grace, Deputy Commissioner of Jabalpur.

400. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—

concurs generally in the views expressed in the Government of India's Resolution.

401. MR. C. A. ELLIOTT, CHIEF COMMISSIONER OF ASSAM,—

expresses no opinion, as he is unfamiliar with the working of the minors' law.

402. THE CHIEF COMMISSIONER OF COORG—

gives no opinion.

SIMLA; *The 12th August 1885.* } F. G. W.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 22, 1886.

☞ 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 May, 1886, and was referred to a Select Committee—

NO. 6 OF 1886.

THE INDIAN BANKRUPTCY BILL, 1886.

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A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. *(1)* This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act. [46 & 47 Vic., c. 52, s. 127, sub-s. (3).]

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Acts of Bankruptcy.

Acts of bankruptcy.

2. *(1)* A debtor commits an act of bankruptcy in each of the following cases:— [46 & 47 Vic., c. 52, s. 4.]

(a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immoveable, to be attached or taken in execution;

[11 & 12 Vic., c. 21, s. 9.]

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

[L. R. 13 Q. B. D. C. A. 471, and Law Journal, September 21st, 1885.]

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

Receiving Order.

[46 & 47 Vic., c. 52, s. 5.]

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

Jurisdiction to make receiving order.

[46 & 47 Vic., c. 52, s. 6 (*1*), clause (*d*).]

4. *(1)* The Court shall not have jurisdiction to make a receiving order unless—

Restrictions on jurisdiction.

(a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits:

Provided as follows:—

(i) in any case where an application for declaring a debtor insolvent has been made under section 344 of the Code of Civil Procedure to any Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court, if competent so to do under its Letters Patent or section 25 of the Code of Civil Procedure, and may then make a receiving order under this Act in supersession of all or any of the proceedings which may have been previously taken under the said Code:

XIV of 1882.

XIV of 1882.

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses *(a)* and *(b)* of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso *(i)* to sub-section *(1)* shall be subject to such modifications, if any, of those provisions as may be prescribed.

5. *(1)* A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 6.]

Conditions on which creditor may petition.

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and [11 & 12 Vic., c. 21, s. 10.]

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

6. *(1)* A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner. [46 & 47 Vic., c. 52, s. 7.]

Proceedings and order on creditor's petition.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-14.)

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 8.]

7. *(1)* A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

Debtor's petition and order thereon.

(2) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 49. 46 & 47 Vic., c. 52, s. 9.]

[See s. 35 of this Bill.]

8. *(1)* On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

Effect of receiving order.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 12 Vic., c. 21, s 49 46 & 67 Vic., c. 52, s. 10.]

9. *(1)* The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

Discretionary powers as to appointment of interim receiver and stay of proceedings.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic., c. 52, s. 11.]

10. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

Service of order staying proceedings.

[XIV of 1866.

[46 & 47 Vic., c. 52, s. 12.]

11. *(1)* If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

Power to appoint special manager.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

[46 & 47 Vic., c. 52, s. 13.]

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

Advertisement of receiving order.

[46 & 47 Vic., c. 52, s. 14.]

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankrupt or Insolvent Laws of some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition, upon such terms, if any, as the Court may think fit.

Power to Court to rescind receiving order in certain cases.

Proceedings consequent on Order.

[11 & 12 Vic., c. 21, ss. 6 & 12. 46 & 47 Vic., c. 52, s. 16.]

14. *(1)* When a receiving order is made against a debtor, he shall prepare and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

Debtor's statement of affairs.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within seven days from the date of the order;

(ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section *(1)* or sub-section *(3)* at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

Proposal for composition or scheme of arrangement.

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

Public Examination of Debtor.

[46 & 47 Vic., c. 52, s. 17.]

Public examination of debtor.

16. *(1)* Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

Composition or Scheme of Arrangement.

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

Consideration of proposal for composition or scheme of arrangement.

17. *(1)* Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section *(1)*, by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section *(1)*, requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

[cf. 46 & 47 Vic., c. 52, s. 18.]

Acceptance, approval and effect of composition or scheme.

18. *(1)* The composition or scheme proposed by the debtor shall not be deemed to be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

[See ss. 33 and 34 of this Bill.]

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

[See s. 28 (5) of this Bill.]

[46 & 47 Vic., c. 52, s. 19.]

Limitation of effect of composition or scheme.

19. Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

[See ss. 28 and 107 of this Bill.]

Adjudication of Bankruptcy.

[Bankruptcy Rules, 1885, para. 155.]

Adjudication of bankruptcy.

20. *(1)* At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

[46 & 47 Vic., c. 52, s. 20.]

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee.

[11 & 12 Vic., c. 21, s. 35.]

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

[46 & 47 Vic., c. 52, s. 23.]

Power to accept composition or scheme after bankruptcy adjudication.

21. *(1)* Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

Control over Person and Property of Debtor.

[46 & 47 Vic., c. 52, s. 24.]

Duties of debtor as to discovery and realization of property.

22. *(1)* Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 23-26.)

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic., c. 52, s. 25.]

Arrest of debtor under certain circumstances.

23. *(1)* The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

[46 & 47 Vic., c. 52, s. 26.]

Re-direction of debtor's letters and telegrams.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

[46 & 47 Vic., c. 52, s. 27.]

Discovery of debtor's property.

25. *(1)* The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

Discharge of Bankrupt.

[11 & 12 Vic., c. 21, ss. 47 & 59-61, 46 & 47 Vic., c. 52, s. 28.]

Discharge of bankrupt.

26. *(1)* A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-28.)

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property:

[11 & 12 Vic., c. 21, ss. 50 & 51.]

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

XLV of 1860.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit or other legal proceeding properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *primâ facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

[11 & 12 Vic., c. 21, ss. 85 & 86.]

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

[11 & 12 Vic., c. 21, s. 58.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

[46 & 47 Vic., c. 52, s. 29.]

Fraudulent settlements.

27. In either of the following cases, that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

[11 & 12 Vic., c. 21, ss. 48 & 62. 46 & 47 Vic., c. 52, s. 30.]

Effect of order of discharge.

28. *(1)* An order of discharge shall not release the bankrupt from any debt on a recognisance, or from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

The Indian Bankruptcy Bill, 1886.
(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of Property.—Sections 29-32.)

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, ss. 59 & 60.] *(5)* An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

DISQUALIFICATIONS OF BANKRUPT.

[46 & 47 Vic., c. 52, ss. 32 & 34.] **29.** *(1)* Where a debtor is adjudged bankrupt he shall, subject to the provisions of this section, be disqualified for— Disqualifications of bankrupt.

(a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861; 24 & 25 Vic., c. 67.

(b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;

(c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

(a) the adjudication of bankruptcy against him is annulled; or

(b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of Debts.

[11 & 12 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 37.] **30.** *(1)* Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy. Description of debts provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. [11 & 12 Vic., c. 21, s. 48.]

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

[11 & 12 Vic., c. 21, s. 39. 46 & 47 Vic., c. 52, s. 38.] **31.** Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him. Mutual credit and set-off.

[46 & 47 Vic., c. 52, s. 39.] **32.** With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed. Rules as to proof of debts.

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 33-37.)

[46 & 47 Vic., c. 52, s. 40.] **33.** *(1)* In the distribution of the property of a bankrupt there shall be paid in priority to all other debts— Priority of debts.

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

[11 & 12 Vic., c. 21, s. 46.] *(b)* all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

[Act IX of 1872, s. 262.] *(3)* In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

[46 & 47 Vic., c. 52, s. 41.] **34.** *(1)* Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case. Preferential claim in case of apprenticeship.

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of the apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

[11 & 12 Vic., c. 21, s. 22. 46 & 47 Vic., c. 52, s. 42.] **35.** *(1)* The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available. Power to landlord to distrain for rent.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

Property available for Payment of Debts.

[46 & 47 Vic., c. 52, s. 43.] **36.** The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor. Relation back of assignee's title.

[46 & 47 Vic., c. 52, s. 44.] **37.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:— Description of bankrupt's property divisible amongst creditors.

(1) property held by the bankrupt on trust for any other person;

[11 & 12 Vic., c. 21, s. 7.] *(2)* the tools (if any) of his trade and the necessary wearing-apparel, bedding and other such necessaries of himself, his wife and children, to a value, inclusive of tools and apparel and the other things aforesaid, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

[11 & 12 Vic., c. 21, s. 7.] *(3)* all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bank-

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic., c. 21, s. 23.] *(5)* all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Effect of Bankruptcy on antecedent Transactions.

[Cf. Act XIV of 1882, s. 295. 46 & 47 Vic., c. 52, s. 45.] **38.** *(1)* Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

Restriction of rights of creditor under execution.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

[46 & 47 Vic., c. 52, s. 46.] **39.** *(1)* Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official assignee, but the costs of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Duties of Court executing decree as to goods taken in execution.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

[46 & 47 Vic., c. 52, s. 47.] **40.** *(1)* Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property had passed to the trustee of the settlement on the execution thereof.

Avoidance of voluntary settlements.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

[11 & 12 Vic., c. 21, s. 24. 46 & 47 Vic., c. 52, s. 48.] **41.** *(1)* Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

Avoidance of preferences in certain cases.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

[46 & 47 Vic., c. 52, s. 49.] **42.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

Protection of *bona fide* transactions without notice.

(a) any payment of the bankrupt to any of his creditors,

(b) any payment or delivery to the bankrupt,

(c) any conveyance or assignment by the bankrupt for valuable consideration, or

(d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

(1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

Realization of Property.

[11 & 12 Vic., c. 21, s. 21. 46 & 47 Vic., c. 52, s. 50.] **43.** *(1)* The official assignee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by assignee.

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 44-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

XIV of 1882.

[11 & 12 Vic., c. 21, s. 25.] *(3)* Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

[46 & 47 Vic., c. 52, s. 51.] **44.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, and with a view to the seizure thereof may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

Seizure of property of bankrupt.

[11 & 12 Vic., c. 21, s. 27. 46 & 47 Vic., c. 52, s. 53.] **45.** *(1)* Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 268 of that Code, direct.

Appropriation of portion of pay or other income to creditors.

XIV of 1882.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

XXIII of 1871.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

[11 & 12 Vic., c. 21, s. 7. 46 & 47 Vic., c. 52, s. 54. 11 & 12 Vic., c. 21, s. 20.] **46.** The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

Vesting and transfer of property.

[46 & 47 Vic., c. 52, s. 55.] **47.** *(1)* Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Disclaimer of onerous property.

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

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(Part III.—Administration of Property.—Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

[46 & 47 Vic., c. 52, s. 56.]

Powers of assignee as to dealing with property.

48. *(1)* Subject to the provisions of this Act, the official assignee may do all or any of the following things:—

[11 & 12 Vic., c. 21, s. 31.]

(a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

[11 & 12 Vic., c. 21, s. 30.]

(d) exercise any powers the capacity to exercise which is vested in the official assignee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

[Cf. Act XXX of 1854, s. 2]

(e) deal with any property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause *(e)* of sub-section *(1)* with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

[3 & 4 Wm. IV, c. 74, s. 65.]

Powers exercisable by assignee subject to orders of Court.

49. The official assignee may, subject to any general or special orders of the Court, do all or any of the following things:—

[46 & 47 Vic., c. 52, s. 57.]

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

[11 & 12 Vic., c. 21, s. 29.]

(2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a legal practitioner or other agent to take any proceedings or do any business;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

[11 & 12 Vic., c. 21, s. 28.]

(6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

Distribution of Property.

[11 & 12 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 58.]

Declaration and distribution of dividends.

50. *(1)* Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and be payable within six months after the adjudication, unless the official assignee satisfies the

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Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vic., c. 52, s. 59.]

Joint and separate dividends.

51. *(1)* Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

[11 & 12 Vic., c. 21, s. 43. 46 & 47 Vic., c. 52, s. 60.]

Provision for creditors residing at a distance, &c.

52. In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

[46 & 47 Vic., c. 52, s. 61.]

Right of creditor who has not proved debt before declaration of a dividend.

53. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

[46 & 47 Vic., c. 52, s. 62.]

Final dividend.

54. When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

[11 & 12 Vic., c. 21, s. 45. 46 & 47 Vic., c. 52, s. 63.]

No suit for dividend.

55. No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

[46 & 47 Vic., c. 52, s. 64.]

Power to allow bankrupt to manage property, and allowance to bankrupt for maintenance or service.

56. *(1)* The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct.

[illegible]

(2) The official assignee may, from time to time, make such allowance as he thinks fit to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made.

[46 & 47 Vic., c. 52, s. 65.]

Right of bankrupt to surplus.

57. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

PART IV.

OFFICIAL ASSIGNEES.

Appointment and Removal.

[11 & 12 Vic., c. 21, s. 14. 46 & 47 Vic., c. 52, s. 66 (1).]

Appointment and removal of official assignees of debtors' estates.

58. *(1)* The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such person as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct.

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

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(Part IV.—Official Assignees.—Sections 59-64.)

(3) Notwithstanding anything in sub-sections *(1)* and *(2)*, the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 *(an Act to consolidate and amend the Laws relating to Insolvent Debtors in India)*, and in the Court of the Recorder of Rangoon under that statute as applied by the Burma XVII of 1875. Courts Act, 1875, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

Duties.

[46 & 47 Vic., c. 52, s. 68.] **59.** *(1)* The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

Functions of official assignee.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

[46 & 47 Vic., c. 52, s. 69.] **60.** As regards the debtor, it shall be the duty of the official assignee—

Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian XLV of 1860. Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

[46 & 47 Vic., c. 52, s. 70.] **61.** *(1)* As regards the estate of a debtor it shall be the duty of the official assignee—

Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed. [See ss. 9 & 11 of this Bill.] XIV of 1882.

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs. [See s. 64 of this Bill.]

Remuneration.

[11 & 12 Vic., c. 21, s. 19. 46 & 47 Vic., c. 52, s. 72.] **62.** *(1)* The remuneration to be paid to the official assignee shall be fixed by general rules.

Remuneration of official assignee.

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section *(1)* shall be received by an official assignee as such.

Costs.

[46 & 47 Vic., c. 52, s. 73.] **63.** *(1)* No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

Allowance and taxation of costs.

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

Receipts, Payments, Accounts and Audit.

[11 & 12 Vic., c. 21, ss. 15-21. Ben. Rule 18. 46 & 47 Vic., c. 52, s. 74.] **64.** *(1)* Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe.

Bankruptcy Estates and Dividends Accounts.

[New.] *(2)* Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed.

[46 & 47 Vic., c. 52, s. 168.] *(3)* The said accounts shall be opened as soon as may be after the passing of this Act.

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction

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of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

[11 & 12 Vic., c. 21, s. 34.] *(5)* If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

[46 & 47 Vic., c. 52, s. 75.] **65.** An official assignee shall not pay any sums received by him as official assignee into his private banking account.

Assignee not to pay into private account.

[46 & 47 Vic., c. 52, s. 76.] **66.** *(1)* Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of

Investment of surplus funds.

[redacted] officer as the Governor [redacted] appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

[11 & 12 Vic., c. 21, ss. 33. Rules, [illegible] 47 Vic., [illegible], s. 78.] **67.** *(1)* Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

Audit of assignee's accounts.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so submitted to be audited, by such officer as the Governor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

[46 & 47 Vic., c. 52, s. 79.] **68.** The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors.

Assignee to furnish list of creditors.

[46 & 47 Vic., c. 52, s. 80.] **69.** The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books.

Books to be kept by assignee.

[46 & 47 Vic., c. 52, s. 81.] **70.** *(1)* Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing [redacted] and made out in the

Periodical statement of proceedings.

[redacted] may appeal on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

Release.

[46 & 47 Vic., c. 52, s. 82.] **71.** *(1)* When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly.

Release of assignee.

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Official Name.

[46 & 47 Vic., c. 52, s. 83.]

Name of assignee.

72. The official assignee may sue and be sued by the name of "the official assignee of the property of , a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Vacation of Office on Insolvency.

[46 & 47 Vic., c. 52, s. 85.]

Office of assignee vacated by insolvency.

73. If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

Control.

[46 & 47 Vic., c. 52, s. 89.]

Discretionary powers of assignee and control thereof.

74. *(1)* Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.]

Appeal to Court against assignee.

75. If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

[46 & 47 Vic., c. 52, s. 91.]

Control of Court over assignee.

76. *(1)* In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

[11 & 12 Vic., c. 21, s. 17; 46 & 47, Vic., c. 52, s. 21.]

Appointment and removal of special assignee.

77. *(1)* If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

[New.] *(2)* The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

[New.] *(3)* At the meeting convened under sub-section *(2)* the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

[46 & 47 Vic., c. 52, s. 21, sub-s. (2).] *(4)* If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

[46 & 47 Vic., c. 52, s. 21, sub-s. (4).] *(5)* The appointment of a special assignee shall take effect as from the date of the certificate.

[New.] *(6)* If the Court disapproves of the appointment made at the meeting summoned under sub-section *(2)*, it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

[New.] *(7)* If either at the meeting summoned under sub-section *(2)* or at the further meeting summoned under sub-section *(6)* the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section *(4)*, the official assignee shall be the assignee throughout the bankruptcy.

[46 & 47 Vic., c. 52, s. 84.] *(8)* Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

[New.] *(9)* Where the Court disapproves of the appointment of any one of more persons than one appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them.

[46 & 47 Vic., c. 52, s. 84.] *(10)* Provided, with respect to sub-sections *(6)*, *(7)*, *(8)* and *(9)*, that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

[46 & 47 Vic., c. 52, s. 86.] *(11)* The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

[46 & 47 Vic., c. 52, s. 86.] *(12)* If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

[46 & 47 Vic., c. 52, s. 87.] *(13)* If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

[46 & 47 Vic., c. 52, s. 87.] *(14)* The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

[46 & 47 Vic., c. 52, s. 87.] *(15)* If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

[46 & 47 Vic., c. 52, s. 87.] *(16)* During any vacancy in the office of special assignee the official assignee shall act as assignee.

Status of special assignee.

78. Where a special assignee has been appointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section *(3)*, section 26, sub-sections *(2)*, *(4)* and *(6)*, sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

[46 & 47 Vic., c. 52, s. 57.] *(b)* the special assignee shall not do any of the things mentioned in section 49 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

[46 & 47 Vic., c. 52, s. 62.] *(c)* with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

[46 & 47 Vic., c. 52, s. 64.] *(d)* the special assignee shall not, without the previous sanction of the Court, or, if the Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section *(1)* of section 56, or make any allowance to the bankrupt under sub-section *(2)* of that section;

[46 & 47 Vic., c. 52, s. 72.] *(e)* the remuneration, if any, of the special assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

[46 & 47 Vic., c. 52, s. 72.] *(f)* the special assignee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

[46 & 47 Vic., c. 52, s. 72.] *(g)* when no remuneration has been voted to the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

[46 & 47 Vic., c. 52, s. 68.] *(h)* the special assignee shall supply the official assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;

[46 & 47 Vic., c. 52, s. 82.] *(i)* where the special assignee has not previously resigned or vacated or been removed from his office, his release under section 71 shall operate as a removal of him from his office;

[46 & 47 Vic., c. 52, s. 88.] *(j)* the vote of the special assignee, or of his partner, clerk, legal practitioner or legal practitioner's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

The Indian Bankruptcy Bill, 1886.
(Part V.—Special Assignees.—Section 78.)

The Indian Bankruptcy Bill, 1886.
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)

PART VI.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

[46 & 47 Vic., c. 52, s. 92.]

Courts having jurisdiction in bankruptcy.

79. *(1)* The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

Local limits of their jurisdiction.

80. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section *(1)*, be the following, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 94(2).]

Jurisdiction to be exercised by a single Judge.

81. All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

[46 & 47 Vic., c. 52, s. 97(2).]

Transfer of proceedings from Court to Court.

82. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

[46 & 47 Vic., c. 52, s. 97, (3).]

Power to state special case.

83. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

[46 & 47 Vic., c. 52, s. 98.]

Exercise of jurisdiction in chambers.

84. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

[46 & 47 Vic., c. 52, s. 99.]

Delegation of powers to officers of Court and Presidency Judges of Small Causes.

85. *(1)* Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section *(1)* are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

[46 & 47 Vic., c. 52, s. 100.]

Powers of Court of Recorder of Rangoon and Court appointed by Local Government.

86. The Court of the Recorder of Rangoon, and any Court appointed by a Local Goverment under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed.

[46 & 47 Vic., c. 52, s. 102.]

General powers of Bankruptcy Courts.

87. *(1)* Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

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(Part VI.—Constitution, Procedure and Powers of Court.—Sections 88-95.)

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer to himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

Appeals.

[46 & 47 Vic., c. 52, s. 104.]

Appeals in bankruptcy.

88. *(1)* Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause *(b)* of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

Procedure.

[46 & 47 Vic., c. 52, s. 105.]

Discretionary powers of the Court.

89. *(1)* Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[46 & 47 Vic., c. 52, s. 106.]

Consolidation of petitions.

90. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

[46 & 47 Vic., c. 52, s. 107.]

Power to change carriage of proceedings.

91. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of proceedings to the official assignee.

[46 & 47 Vic., c. 52, s. 108.]

Continuance of proceedings on death of debtor.

92. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

[46 & 47 Vic., c. 52, s. 109.]

Power to stay proceedings.

93. The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

[46 & 47 Vic., c. 52, s. 110.]

Power to present petition against one partner.

94. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

[46 & 47 Vic., c. 52, s. 111.]

Power to dismiss petition against some respondents only.

95. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

The Indian Bankruptcy Bill, 1886.
(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors. —Sections 96-102.)

[46 & 47 Vic., c. 52, s. 112.]

96. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

Property of partners to be vested in same assignee.

[46 & 47 Vic., c. 52, s. 113.]

97. Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

Suits by assignee and bankrupt's partners.

[46 & 47 Vic., c. 52, s. 114.]

98. Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the bankrupt.

Suits on joint contracts.

[46 & 47 Vic., c. 52, s. 115.]

99. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

Proceedings in partnership name.

Annulment of Adjudication.

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 35.]

100. *(1)* Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where in some part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication.

Power for Court to annul adjudication in certain cases.

[New.]

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein, on such terms and subject to such conditions, if any, as the Court may declare by order.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

[46 & 47 Vic., c. 52, s. 36.]

PART VII.

SMALL BANKRUPTCIES.

[46 & 47 Vic., c. 52, s. 121.]

101. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

Summary administration in small cases.

(a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;

(b) no appeal shall lie from any order of the Court, except by order of the Court;

(c) the estate shall, where practicable, be distributed in a single dividend;

(d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

102. *(1)* "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

Construction of this Part.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

The Indian Bankruptcy Bill, 1886.
(Part VIII.—Fraudulent Debtors and Creditors.—Sections 103-104.)

[32 & 33 Vic., c. 62, s. 11. 46 & 47 Vic., c. 52, s. 163.]

103. Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say—

Punishment of fraudulent debtors.

(a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud:

(b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud:

(c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud:

(d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:

(e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:

(f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:

(g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee aforesaid thereof:

(h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs:

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses:

(m) if while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing that person that he is an undischarged bankrupt:

[46 & 47 Vic., c. 52, s. 31.]

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

[32 & 33 Vic., c. 62, s. 12. 46 & 47 Vic., c. 52, s. 163.]

104. If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent

Penalty for absconding with property.

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 13.]

105. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

Penalty on fraudulently obtaining credit, &c.

(a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;

(b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic., c. 62, s. 14.]

106. If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

Penalty on false claim, &c.

[32 & 33 Vic., c. 62, s. 15.]

107. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

Debts incurred by fraud.

[32 & 33 Vic., c. 62, s. 16. 46 & 47 Vic., c. 52, s. 164.]

108. Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

Order by Court for prosecution on report of assignee.

XLV of 1860.

[46 & 47 Vic., c. 52, s. 167.]

109. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

PART IX.

SUPPLEMENTAL PROVISIONS.

Application of Act.

[46 & 47 Vic., c. 52, s. 152. 46 & 47 Vic., c. 75, s. 1 (5). Act III of 1874, s. 8.]

110. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

Application to married women.

[46 & 47 Vic., c. 52, s. 123.]

111. A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

Exclusion of corporations and companies.

[46 & 47 Vic., c. 52, s. 125.]

112. *(1)* Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

Administration in bankruptcy of estate of person dying insolvent.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be deemed a preferential debt under the order, and be

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 113-119.)

payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

General Rules.

[11 & 12 Vic., c. 21, ss. 58 & 78. 46 & 47 Vic., c. 52, s. 127.]

113. *(1)* The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

Power to make general rules.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

Fees.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 128.]

114. The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

Fees.

XIV of 1882.

Evidence.

[46 & 47 Vic., c. 52, s. 132.]

115. *(1)* A copy of the *Gazette of India*, or of the Gazette of a Local Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

Gazettes to be evidence.

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

[46 & 47 Vic., c. 52, s. 133.]

116. *(1)* A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

Evidence of proceedings at meetings of creditors.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

[46 & 47 Vic., c. 52, s. 134.]

117. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

Evidence of proceedings in bankruptcy.

[11 & 12 Vic., c. 21, s. 68 & 46 & 47 Vic., c. 52, s. 130.]

118. Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

Swearing of affidavits.

(1) in British India, before—

[Act XIV of 1882, s. 197.]

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

[46 & 47 Vic., c. 52, s. 136.]

119. In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the

Death of witness.

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4. 46 & 47 Vic., c. 52, s. 137.]

Bankruptcy Courts to have seals.

120. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

[46 & 47 Vic., c. 52, s. 138.]

Certificate of appointment of assignee.

121. A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

Time.

[46 & 47 Vic., c. 52, s. 141.]

Computation of time.

122. *(1)* Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Notices.

[46 & 47 Vic., c. 52, s. 142.]

Service of notices.

123. All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Formal Defects.

[46 & 47 Vic., c. 52, s. 143.]

Formal defect not to invalidate proceedings.

124. *(1)* No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

Bankrupt Trustee.

XXVII of 1866. [46 & 47 Vic., c. 52, s. 147.]

Application of Trustee Act to bankruptcy of trustee.

125. Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Corporations, Firms and Lunatics.

[46 & 47 Vic., c. 52, s. 148.]

Acting of corporations, firms and lunatics.

126. For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

Construction of former Acts, &c.

[46 & 47 Vic., c. 52, s. 149 (2).]

Construction of enactments and instruments referring to 11 & 12 Vic., c. 21.

127. Whereby any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

[46 & 47 Vic., c. 52, s. 150.]

Certain provisions to bind the Crown.

128. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.]

Saving for existing rights of audience.

129. Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

Unclaimed Funds or Dividends.

[46 & 47 Vic., c. 52, s. 152.]

Payment into Court of unclaimed or undistributed dividends or funds.

130. *(1)* Where an assignee under any bankruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section *(1)* means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

[Act II of 1874, s. 62.]

Lapse and credit to Government of unclaimed or undistributed dividends.

131. Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

[46 & 47 Vic., c. 52, s. 162. Act II of 1874, s. 63.]

Claims to moneys paid into Court or credited to Government under section 130 or section 131.

132. Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

[New.]

Distribution of certain unclaimed dividends reserved in respect of unproved claims under 11 & 12 Vic., c. 21.

133. *(1)* Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably among the creditors of the estate who have proved their debts or demands.

Debtor's Books.

[Bankruptcy Rules, 1883, para. 259.]

Access to debtor's books.

134. *(1)* No person shall, as against the assignee, be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

[New.]

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee.

Interpretation.

[46 & 47 Vic., c. 52, s. 168.]

Interpretation.

135. *(1)* In this Act, unless the context otherwise requires,—

(1) "province" means the territories under the administration of a Local Government:

(2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province:

(3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act:

(4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour:

(5) "assignee" means an official assignee or special assignee:

(6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

(7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:

(8) "general rules" includes forms:

(9) "Government treasury" includes a bank which conducts treasury business for the Government:

(10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour:

(12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

(13) "prescribed" means prescribed by general rules within the meaning of this Act:

(14) "property" includes money, goods, things in action, land and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

(15) "schedule" means a schedule to this Act:

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Section 136.)
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

(17) "sheriff" includes any officer charged with the execution of a writ or other process:

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

Repeal.

[46 & 47 Vic., c. 52, s. 169.]

136. *(1)* The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

Repeal of enactments.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; or

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; or

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

[46 & 47 Vic., c. 52, Sch. I.]

THE FIRST SCHEDULE.

(See section 17.)

MEETINGS OF CREDITORS.

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

11. It shall be competent to the assignee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every insertion therein shall be in the handwriting of the person giving the proxy.

16. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as special assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, or in procuring the special assigneeship, except by the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

[46 & 47 Vic., c. 52, Sch. II.]

THE SECOND SCHEDULE.

(See section 32.)

PROOF OF DEBTS.

Proof in ordinary cases.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by Secured Creditors.

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

The Indian Bankruptcy Bill, 1886.
(The Second Schedule.—Proof of Debts.)

The Indian Bankruptcy Bill, 1886.
(The Second Schedule.—Proof of Debts.)

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (*a*) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(*b*) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee, or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(*c*) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

Taking Accounts of Property mortgaged and Sale thereof.

[Bankruptcy Rules, 1869, paras. 65-68.]

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bankrupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of and attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

Proof in respect of Distinct Contracts.

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical Payments.

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

The Indian Bankruptcy Bill, 1886.
(The Third Schedule.—Enactments repealed.)

Interest.

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debt payable at a future Time.

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Admission or Rejection of Proofs.

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

(See section 136.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1882). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassein; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.* Speaking on the subject in 1875,† he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

* Legislative Proceedings, 1876, page 241.
† Legislative Proceedings, 1875, page 76.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money-decrees. In his speech on the passing of this Act, Mr. Whitley Stokes said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would be altered accordingly.‡

‡ Abstract of Proceedings, 1879, page 202.

5. The circular referred to by Mr. Stokes was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kennedy brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion: and among the comments and criticisms which were passed upon it the doubt is not unfrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *London Gazette* to be defrayed from the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court deemed it necessary—

(1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and

(2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1848, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general prineiples to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the scheme of the English Act which will be found in the present Bill are the outcome of the advice given by those authorities.

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modifications and simplifications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulmein, Akyab and Bassein, and a power being taken to extend it to other commercial centres, such as Karáchi.

13. The Bill accordingly (section 79) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulmein, Akyab and Bassein. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accrue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Acts. To say nothing of the impracticability, from the draftman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immoveable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings concurrently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that now come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provisions of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are deemed by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and its operation can only be further extended by Parliament.

21. Several of the authorities who have recorded opinions on the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (*l*), clauses (*e*) and (*g*), of the English Act. Those clauses therefore have been excluded from the Bill (section 2), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition ordinarily resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act, which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstance that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a house of business within the local limits, as Pontifex, J., held them, in the cases of *Taring Churn Goho* (I. B. L. R., App. 26) and *Howard Brothers* (I. B. L. R. 254), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an up-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law—see *re Tietkins*, I. B. L. R., O. C., 84, on the one hand, and *re Blackwell*, 9 Bo. H. C. Rep. 461, and *re Ricks*, 3 Mad. H. C. Rep. 151, on the other.

25. It has, however, been provided (section 4), on the recommendation of the Committee of the Judges of the High Court at Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the Code of Civil Procedure and deal with them under the Act. It has also been provided (section 4) that in any prescribed class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the restrictions generally confining its jurisdiction to cases arising within certain local limits. Section 9 provides that, where concurrent proceedings have been instituted under the Bankruptcy Act and under the Code, the Court may stay the proceedings under the Code wherever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 20).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 91).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to rescind a receiving order or annul an adjudication of bankruptcy when it considers that the debtor's estate would be more conveniently administered in some other part of British India or of Her Majesty's dominions elsewhere. When an adjudication is annulled under the latter section, anything done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similarly wide powers are conferred on the English Bankruptcy Courts the provisions regarding concurrent bankruptcies contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improbable that the existing mode of remuneration will be altered during the incumbency of present office-holders.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 25 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (38 & 39 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Gubboy* v. *Miller* (I. L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881, with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21 :—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case, and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bills of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against rival decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahárájá Sir Jotendro Mohun Tagore and Bábú Doorga Churn Law the provisions of section 45 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (*1*) (*e*) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1854. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (*2*) of section 48 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (*a*) money held by it on account of estates before declaration of dividend, and (*b*) declared dividends awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividends and held for creditors till their dividends are paid to them or, through their default, lapse to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section *(1)*, clause *(c)*, of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (*i*) to section 4, sub-section *(1)*.

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that in the present proposed Act, section 51), for the declaration of dividends only among creditors who "have proved their debts.*" A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sales were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

* No unclaimed dividends of this class can arise under the proposed new Act (see section 55).

48. Section 134 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself, and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the free access of creditors to those books.

49. Section 136 (3) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 18 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Loughborough in 1794, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (4), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

The 14th May, 1886.

C. P. ILBERT.

COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED TO IN THE STATEMENT OF OBJECTS AND REASONS.

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Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).

WITH reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassein, Moulmein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor General's Council the [illegible] required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a question [illegible] amending our Act, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,* and which are fully described in paragraph 25 of the despatch last referred to.

* 11 & 12 Vic., c. 21.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith (annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents presented by section 269 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two; but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

† 17 & 18 Vic., c. 104.

‡ 47 & 48 Vic., c. 33.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts, and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our despatch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic., c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill.

* * * * * *

Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State, No 32, dated the 12th June, 1885.

DRAFT OF

A BILL

TO

Amend and consolidate the Law of Bankruptcy and Insolvency in British India.

(This preamble, which will recite the enabling statute, will be [illegible] after that Statute has become law.)

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

Preliminary.

[46 & 47 Vic., c. 52, s. 1.]

Short title and commencement.

1. (*1*) This Act may be cited as the Indian Bankruptcy Act, 1885.

(*2*) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

[46 & 47 Vic., c. 52, s. 2.]

Local extent.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883:

Provided that the following shall not extend to England, namely:—

[illegible] Vic.,

Sections 39 and 40;
Section 44, sub-section (*2*);
Section 48;
Section 49, sub-section (*1*), clause (*e*), and sub-section (*2*);
Section 62, sub-section (*2*).

[illegible]

Acts of Bankruptcy.

[46 & 47 Vic., c. 52, s. 4.]

Acts of bankruptcy.

3. (*1*) A debtor commits an act of bankruptcy in each of the following cases:—

(*a*) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(*b*) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(*c*) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(*d*) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;

(*e*) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;

(*f*) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(*g*) if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within *fifteen* days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the order giving leave to affect the service, either comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(*h*) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(*2*) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

Receiving Order.

[46 & 47 Vic., c. 52, s. 5.]

Jurisdiction to make receiving order.

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 6.]

Conditions on which creditor may petition.

5. (*1*) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(*a*) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

[11 & 12 Vic., c. 21, s. 10.]

(*b*) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(*c*) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and

(*d*) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil

[illegible] creditor in a secured position, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

[46 & 47 Vic., c. 52, s. 7.]

Proceedings and order on creditor's petition.

6. (*1*) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(*2*) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(*3*) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(*4*) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(*5*) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

The Indian Bankruptcy Bill, 1885.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 8.]

Debtor's petition and order thereon.

7. *(1)* A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

Effect of receiving order.

8. *(1)* On the making of a receiving order the official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit, action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

Discretionary powers as to appointment of receiver and stay of proceedings.

9. *(1)* The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit, action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

Power of order staying proceedings.

10. Where the Court makes an order staying any suit, action or proceeding or staying proceedings generally, the order may be [illegible] a copy thereof, under the seal of the Court, by prepaid post letter to the Court before which the proceeding is pending.

Power to appoint special manager.

11. *(1)* The official receiver of a debtor's estate may, on the application of any creditor or creditors, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the creditors may by resolution at an ordinary meeting determine, or, in default of any such resolution, as may be [illegible].

Advertisement of receiving order.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

Power to Court to annul receiving order in certain cases.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon an application by the special receiver or any creditor or other person interested that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

Proceedings consequent on Order.

First and other meetings of creditors.

[46 & 47 Vic., c. 52, s. 15.]

14. *(1)* As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

Debtor's statement of affairs.

[11 & 12 Vic., c. 21, ss. 6 & 15. 46 & 47 Vic., c. 52, s. 16.]

15. *(1)* Where a receiving order is made against a debtor, he shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within three days from the date of the order;

(ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(1) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

Public Examination of Debtor.

Public examination of debtor.

16. *(1)* Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

Composition or Scheme of Arrangement.

Power for creditors to accept and Court to approve composition or arrangement.

17. *(1)* The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor,

The Indian Bankruptcy Bill, 1885.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Section 18-20.)

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

[illegible] or scheme accepted and approved in [illegible] and provable in [illegible]

(9) A certificate of the [illegible] or scheme has been duly accepted and approved [illegible] absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme. [46 & 47 Vic., c. 52, s. 19.]

Effect of composition or scheme.

Adjudication of Bankruptcy.

19. *(1)* At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice. [Bankruptcy Rules, 1886, para. 155.]

Adjudication of bankruptcy.

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt. [46 & 47 Vic., c. 52, s. 20.]

(3) When a receiving order is made and no creditors attend at the time and place appointed for the first meeting or one adjournment thereof, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt. [Bankruptcy Rules, 1886, para. 156.]

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee. [11 & 12 Vic., c. 21, ss. 7, 11.]

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication. [11 & 12 Vic., c. 21, s. 36.]

[illegible] shall be the [illegible]

(7) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declares that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under sub-section *(2)* and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precedes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court, and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.

The Indian Bankruptcy Bill, 1885.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section *(2)*, forthwith summon a meeting of creditors for the purpose of appointing a trustee.

[46 & 47 Vic., c. 52, s. 22.]

Committee of inspection.

21. *(1)* In any case in which a declaration is made under section 20, sub-section *(2)*, and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

Power to accept composition or scheme after adjudication.

22. *(1)* Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, on application by any person interested, revoke the order, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

Control over Person and Property of Debtor.

Duties of debtor as to examination.

23. *(1)* Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend on the first meeting of his creditors and on such examination and give such information as the Court requires.

(2) He shall submit to the like examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic., c. 52, s. 23.]

Arrest of debtor under certain circumstances.

24. *(1)* The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court:

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

[46 & 47 Vic., c. 52, s. 24.]

Re-direction of debtor's letters.

25. Where a receiving order is made against a debtor, the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for redirection shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

[46 & 47 Vic., c. 52, s. 25.]

Discovery of debtor's property.

26. *(1)* The Court may, on the application of the official receiver or trustee, at any time after a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

[46 & 47 Vic., c. 52, s. 26.]

The Indian Bankruptcy Bill, 1885.
(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

Discharge of Bankrupt.

[11 & 12 Vic., c. 21, ss. 47 & 48-61. 46 & 47 Vic., c. 52, s. 36.]

Discharge of bankrupt.

27. *(1)* A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any

[11 & 12 Vic., c. 21, ss. 50 & 51.]

cases where the bankrupt

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this Act, or under section 421, [illegible] Penal Code or any amendment thereof, and shall on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *primâ facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

[11 & 12 Vic., c. 21, ss. 55 & 66.]

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

[11 & 12 Vic., c. 21, s. 58.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

[46 & 47 Vic., c. 52, s. 29.]

Fraudulent settlements.

28. In either of the following cases; that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the

[illegible] bankrupt may be charged at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, ss. 59 & 60.]

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

ANNULMENT OF ADJUDICATION.

[11 & 12 Vic., c. 21, ss. 9 & 8. 46 & 47 Vic., c. 52, s. 35.]

Power for Court to annul adjudication in certain cases.

30. *(1)* Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to

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The Indian Bankruptcy Bill, 1885.
(Part II.—Administration of Property.—Sections 31-37.)

the Court that the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs; and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of Debts.

Description of debts provable in bankruptcy.

31. *(1)* Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the assessment of the value when assessed shall be deemed [illegible] provable in bankruptcy.

(8) "Liability" shall, for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being [illegible] by fixed rules or as matter of opinion.

Mutual credit, mutual debts and set-off.

32. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order shall be made under this Act, and any other person proving or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of contracting the debt or liability due to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

[46 & 47 Vic., c. 52, s. 39.]

Rules as to proof of debts.

33. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

[46 & 47 Vic., c. 52, s. 40.]

Priority of debts.

34. *(1)* In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

[11 & 12 Vic., c. 21, s. 13.]

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

[Act IX of 1872, s. 262.]

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

[46 & 47 Vic., c. 52, s. 41.]

Preferential claim in case of apprenticeship.

35. *(1)* Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk, gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on this behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

[11 & 12 Vic., c. 21, s. 28. 46 & 47 Vic., c. 52, s. 42.]

Power to landlord to distrain for rent.

36. *(1)* The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

Property available for Payment of Debts.

Relation back of trustee's title.

37. The bankruptcy of a debtor, whether the [illegible] upon that of a creditor, shall be deemed to have relation back to, and to take effect from, the time of the act of bankruptcy [illegible]

The Indian Bankruptcy Bill, 1885.
(Part III.—Administration of Property.—Sections 38-44.)

which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

[46 & 47 Vic., c. 7, s. 41.]

Description of bankrupt's property divisible amongst creditors.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

(1) property held by the bankrupt on trust for any other person;

[11 & 12 Vic., c. 21, s. 7.]

(2) the tools (if any) of his trade and the necessary wearing-apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

[11 & 12 Vic., c. 21, s. 7.]

(i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and

[11 & 12 Vic., c. 21, s. 23.]

(iii) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Effect of Bankruptcy on antecedent Transactions.

[Cf. Act XIV of 1882, s. 295 46 & 47 Vic., c. 52, s. 45.]

Restriction of rights of creditor under execution.

39. *(1)* Where execution of a decree has issued against the property of a debtor, the creditor who has caused the execution shall be forbidden to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

[46 & 47 Vic., c. 52, s. 46.]

Duties of Court executing decree as to goods taken in execution.

40. *(1)* Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) An execution levied against the property of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

[46 & 47 Vic., c. 52, s. 47.]

Avoidance of voluntary settlements.

41. *(1)* Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

[11 & 12 Vic., c. 21, s. 24. 46 & 47 Vic., c. 52, s. 48.]

Avoidance of preferences in certain cases.

42. *(1)* Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

[46 & 47 Vic., c. 52, s. 49.]

Protection of *bonâ fide* transactions without notice.

43. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy—

(a) any payment of the bankrupt to any of his creditors;

(b) any payment or delivery to the bankrupt;

(c) any conveyance or assignment by the bankrupt for valuable consideration;

(d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

(1) that the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

Realization of Property.

[11 & 12 Vic., c. 21, s. 21. 46 & 47 Vic., c. 52, s. 50.]

Possession of property by trustee.

44. *(1)* The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 508 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be specified in general rules, and the Court may on his application enforce such acquisition or retention accordingly.

XIV of 1882.

[11 & 12 Vic., c. 21, s. 25.]

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

The Indian Bankruptcy Bill, 1885.
(Part III.—Administration of Property.—Sections 45-49.)

[46 & 47 Vic., c. 52, s. 51.]

Seizure of property of bankrupt.

45. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

[11 & 12 Vic., c. 21, s. 27. 46 & 47 Vic., c. 52, s. 53.]

Appropriation of portion of pay or salary to creditors.

46. *(1)* Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 21, s. 7. 46 & 47 Vic., c. 52, s. 54.]

Vesting and transfer of property.

47. *(1)* Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act, and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 21, s. 20.]

(3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[46 & 47 Vic., c. 52, s. 55.]

Disclaimer of onerous property.

48. *(1)* Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or, where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property:

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgagee or under-tenant declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

Powers of trustee to deal with property.

49. *(1)* Subject to the provisions of this Act, the trustee may do or any of the following things:— [46 & 47 Vic., c. 52, s. 56.]

(a) sell all or any part of the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels; [11 & 12 Vic., c. 21, s. 31.]

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

(d) exercise any powers the capacity to exercise which is vested in the trustee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act; [11 & 12 Vic., c. 21, s. 30.]

(e) deal with property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it. [Cf. Act XXVI of 1866, s. 2.]

(2) Any dealing by a trustee under clause *(e)* with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive. [3 & 4 Will. IV, c. 74, s. 65.]

The Indian Bankruptcy Bill, 1885.
(Part IV.—Official Receivers.—Sections 50-60.)

[46 & 47 Vic., c. 52, s. 57.]

Powers exerciseable by trustee with permission of committee of inspection.

50. The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

[11 & 12 Vic., c. 21, s. 29.]

(2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

[11 & 12 Vic., c. 21, s. 28.]

(6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

Distribution of Property.

[11 & 12 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 58.]

Declaration and distribution of dividends.

51. *(1)* Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vic., c. 52, s. 59.]

Joint and separate dividends.

52. *(1)* Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

Provisions for creditors residing at a distance, &c.

53. In the calculation and distribution of a dividend the trustee shall make provision for debts provable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute all dividend all money in hand. [11 & 12 Vic., c. 21, s. 43. 46 & 47 Vic., c. 52, s. 60.]

Right of creditor who has not proved debt before declaration of a dividend.

54. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein. [46 & 47 Vic., c. 52, s. 61.]

Final dividend.

55. When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claims, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons. [46 & 47 Vic., c. 52, s. 62.]

No suit for dividend.

56. No suit or action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application. [11 & 12 Vic., c. 21, s. 45. 46 & 47 Vic., c. 52, s. 63.]

Power to allow bankrupt to manage property.

57. *(1)* The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct. [46 & 47 Vic., c. 52, s. 64.]

Allowance to bankrupt for maintenance or service.

(2) The trustee may, from time to time, with the permission of the committee of inspection, make such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court. [11 & 12 Vic., c. 21, s. 47.]

Right of bankrupt to surplus.

58. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition. [46 & 47 Vic., c. 52, s. 65.]

PART IV.

OFFICIAL RECEIVERS.

Appointment of official receivers of debtors' estates.

59. *(1)* The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office. [11 & 12 Vic., c. 21, s. 14. 46 & 47 Vic., c. 52, s. 66 (1).]

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

Status of official receiver.

60. *(1)* The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate. [46 & 47 Vic., c. 52, s. 68.]

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

The Indian Bankruptcy Bill, 1885.
(Part V.—Trustees.—Sections 61-67.)

(3) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

[46 & 47 Vic., c. 52, s. 69.]

Duties of official receiver as regards the debtor's conduct.

61. As regards the debtor, it shall be the duty of the official receiver—

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

XLV of 1860.

(2) to make such other reports concerning the conduct of the debtor as the Court may direct;

(3) to take such part as may be directed by the Court in the public examination of the debtor;

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct.

[46 & 47 Vic., c. 52, s. 70.]

Duties of official receiver as to debtor's estate.

62. (1) As regards the estate of a debtor it shall be the duty of the official receiver—

(a) pending the appointment of trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the first meeting of creditors;

(d) to issue forms of proxy for use at the meetings of creditors;

(e) to report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs:

(f) to advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;

(g) to act as trustee where no trustee is appointed or during any vacancy in the office of trustee.

(2) For the purpose of his duties as interim receiver or manager the official receiver shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be specified in the general rules, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property; and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and shall not, unless the Court otherwise orders, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods:

XIV of 1882.

Provided that, when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over all moneys and deal with all securities in such manner as the Court, from time to time, directs.

PART V.

TRUSTEES.

Remuneration of Trustee.

[11 & 12 Vic., c. 21, s. 16. 46 & 47 Vic., c. 52, s. 72.]

Remuneration of trustee.

63. (1) Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

Costs.

[46 & 47 Vic., c. 52, s. 73.]

Allowance and taxation of costs.

64. (1) Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional services.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. The officer shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

Receipts, Payments, Accounts, Audit.

[11 & 12 Vic., c. 21, ss. 15-21. Ben. rules, 15. 46 & 47 Vic., c. 52, s. 74.]

Bankruptcy estates account.

65. (1) An account called the bankruptcy estates account shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, directs, pay the money received by him to the bankruptcy estates account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

[11 & 12 Vic., c. 21, s. 31.]

(4) If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments out of money standing to the credit of the bankruptcy estates account shall be made by the treasury or bank in the prescribed manner.

[46 & 47 Vic., c. 52, s. 75.]

Trustee not to pay into private account.

66. No trustee in a bankruptcy or under any composition or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

[46 & 47 Vic., c. 52, s. 76.]

Investment of surplus funds.

67. (1) Whenever the cash balance standing to the credit of the bankruptcy estates account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

The Indian Bankruptcy Bill, 1885.
(Part V.—Trustees.—Sections 68-79.)

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankruptcy estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

[11 & 12 Vic., c. 21, s. 33. Ben. rules, 39-41. 46 & 47 Vic., c. 52, s. 76.]

Audit of trustee's accounts.

68. (1) Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

[46 &, 47 Vic., c. 52, s. 79.]

The trustee to furnish list of creditors.

69. The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

[46 & 47 Vic., c. 52, s. 80.]

Books to be kept by trustee.

70. The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

[46 & 47 Vic., c. 52, s. 81.]

Annual statement of proceedings.

71. (1) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

Release of Trustee.

[46 & 47 Vic., c. 52, s. 82.]

Release of trustee.

72. (1) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

Official Name.

[46 & 47 Vic., c. 52, s. 83.]

Official name of trustee.

73. The trustee may sue and be used by the official name of "the trustee of the property of , a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Appointment and Removal.

[46 & 47 Vic., c. 52, s. 4.]

Power to appoint joint or successive trustees.

74. (1) Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee; and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

[46 & 47 Vic., c. 52, s. 85.]

Office of trustee vacated by insolvency.

75. If a receiving order is made against a trustee, he shall thereby vacate his office of trustee.

[11 & 12 Vic., c. 21, s. 18. 46 & 47 Vic., c. 52, s. 86.]

Removal of trustee.

76. (1) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee.

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

[46 & 47 Vic., c. 52, s. 87.]

Vacancy in office of trustee.

77. (1) If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee; but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

Voting Powers of Trustee.

[46 & 47 Vic., c. 52, s. 88.]

Limitation of voting powers of trustee.

78. The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

Control over Trustee.

[46 & 47 Vic., c. 52, s. 89.]

Discretionary powers of trustee and control thereof.

79. (1) Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.]

80. If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against trustee.

[46 & 47 Vic., c. 52, s. 91.]

81. *(1)* The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over trustees.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

PART VI.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

[46 & 47 Vic., c. 52, s. 92.]

82. *(1)* The Courts having jurisdiction in bankruptcy under this Act shall be—

Courts having jurisdiction in bankruptcy.

(a) the High Courts of Judicature at Fort William, Madras and Bombay,

(b) the Court of the Recorder of Rangoon, and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New]

83. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely :—

Local limits of their jurisdiction.

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction ;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein ;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12 Vic., c. 21, s. 3 ; 46 & 47 Vic., c. 52, s. 94 (2).]

84. All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

Jurisdiction in Presidency High Court to be exercised by a single Judge.

[46 & 47 Vic., c. 52, s. 97 (2).]

85. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 82 may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

Transfer of proceedings from Court to Court.

[46 & 47 Vic., c. 52, s. 97 (3).]

86. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Power to state special case.

[46 & 47 Vic., c. 52, s. 98.]

87. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

Exercise of jurisdiction in chambers.

[46 & 47 Vic., c. 52, s. 99.]

88. *(1)* Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

Delegation of powers to Presidency Judges of Small Causes.

(2) The powers referred to in sub-section *(1)* are the following, namely :—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon ;

(b) to hold the public examination of debtors ;

(c) to grant orders of discharge ;

(d) to approve compositions or schemes of arrangement ;

(e) to make interim orders in any case of urgency ;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers ;

(g) to hear and determine any unopposed or *ex parte* application ;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

[46 & 47 Vic., c. 52, s. 100.]

89. A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

Powers of Court appointed by Local Government.

[46 & 47 Vic., c. 52, s. 102]

90. *(1)* Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

General power of Bankruptcy Courts.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given ; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the committal of such defaulting trustee, debtor or other person if in British India : Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

Appeals.

[46 & 47 Vic., c. 52, s. 104.]

91. *(1)* Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

Appeals in bankruptcy.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows :—

[11 & 12 Vic., c. 21, s. 7.]

(a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court ;

(b) an appeal shall lie from the order of the Court of the Recorder of Rangoon to the Special Court ;

(c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province ;

(d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

Procedure.

[46 & 47 Vic., c. 52, s. 105.]

92. *(1)* Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

Discretionary powers of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[46 & 47 Vic., c. 52, s. 106.]

93. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

Consolidation of petitions.

[46 & 47 Vic., c. 52, s. 107.]

94. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount specified by this Act in the case of the petitioning creditor.

Power to change carriage of proceedings.

[46 & 47 Vic., c. 52, s. 108.]

95. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

Continuance of proceedings on death of debtor.

[46 & 47 Vic., c. 52, s. 109.]

96. The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

Power to stay proceedings.

[46 & 47 Vic., c. 52, s. 110.]

97. Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

Power to present petition against one partner.

[46 & 47 Vic., c. 52, s. 111.]

98. Where there or more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Power to dismiss petition against some respondents only.

[46 & 47 Vic., c. 52, s. 112.]

99. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution ; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

Property of partners to be vested in same trustee.

[46 & 47 Vic., c. 52, s. 113.]

100. Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner ; and any release by such partner of the debt or demand to which the action relates shall be void ; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

Actions by trustee and bankrupt's partners.

[46 & 47 Vic., c. 52, s. 114.]

101. Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

Actions on joint contracts.

[46 & 47 Vic., c. 52, s. 115.]

102. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm ; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

Proceedings in partnership name.

PART VII.

SMALL BANKRUPTCIES.

[46 & 47 Vic., c. 52, s. 121.]

103. When a petition is presented by or against a debtor, or, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications :—

Summary administration in small cases.

(a) if the debtor is adjudged bankrupt, the official receiver shall be the trustee in the bankruptcy ;

(b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection ;

(c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure ; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor :

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

Local extent and construction of this Part.

104. *(1)* This part shall extend only to British India.

(2) "The Court" in this Part means the Court before which an accused person is tried.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part :

Provided that a person shall not be punished twice for the same offence.

[32 & 33 Vic., c. 62, s. 11 ; 46 & 47 Vic., c. 52, s. 163.]

105. Any person against whom a receiving order has been under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both ; that is to say,—

Punishment of fraudulent debtors.

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud :

(b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud :

(c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud :

The Indian Bankruptcy Bill, 1885.
(Part VIII.—Supplemental Provisions.—Sections 106-114.)

(d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:

(e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:

(f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:

(g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fail for for the period of a month to inform such trustee as aforesaid thereof:

(h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:

(l) If after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:

[46 & 47 Vic., c. 52, s. 31.] *(m)* If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:

(n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:

(p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:

(q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

[32 & 33 Vic., c. 62, s. 12. 46 & 47 Vic., c. 52, s. 163.]

Penalty for absconding with property.

106. If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or attempts or makes preparation for quitting British India and for taking with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 13.]

Penalty on fraudulently obtaining credit, &c.

107. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

(1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;

(2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic., c. 62, s. 14.]

Penalty on false claim, &c.

108. If any creditor, in any bankruptcy composition or arrangement with creditors, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 15.]

Debts incurred by fraud.

109. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

[32 & 33 Vic., c. 62, s. 16. 46 & 47 Vic., c. 52, s. 164.]

Order by Court for prosecution on report of official receiver or trustee.

110. Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence. XLV of 1860.

[46 & 47 Vic., c. 52, s. 107.]

Criminal liability after discharge or composition.

111. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

PART IX.

SUPPLEMENTAL PROVISIONS.

Application of Act.

[46 & 47 Vic., c. 52, s. 153. 45 & 46 Vic., c. 75, s. 1 (5). Act III of 1874, s. 8.]

Application to married woman.

112. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

[46 & 47 Vic., c. 52, s. 133.]

Exclusion of partnerships and companies.

113. A receiving order shall not be made against any corporation, or against any partnership or association, or company registered under any enactment relating to companies for the time being in force.

[46 & 47 Vic., c. 52, s. 136.]

Administration in bankruptcy of estate of person dying insolvent.

114. *(1)* Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

The Indian Bankruptcy Bill, 1885.
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but that Court may, in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

[illegible] as act of bankruptcy, and [illegible] transfer of property made by the legal [illegible] operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease: "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

[illegible] general rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

General Rules.

115. *(1)* The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the purposes of this Act.

[illegible] **Power to make general rules.**

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

Fees and Remuneration.

116. *(1)* The High Court of a province may, with the previous sanction of the Governor General in Council, from time to time [illegible] a scale of fees and percentages to be charged for the purposes of proceedings under this Act, and direct by whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

Fees and remuneration.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

Evidence.

[46 & 47 Vic., c. 52, s. 152.]

Gazettes to be evidence.

117. *(1)* A copy of the *Gazette of India* or of a Local Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

[46 & 47 Vic., c. 52, s. 133.]

Evidence of proceedings at meetings of creditors.

118. *(1)* A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

[46 & 47 Vic., c. 52, s. 134.]

Evidence of proceedings in bankruptcy.

119. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

[11 & 12 Vic., c. 21, s. 6. [illegible]]

Swearing of affidavits.

120. Subject to general rules any affidavit may be used in a Bankruptcy Court if it is sworn—

[illegible] the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

[illegible]

Death of witness.

121. In case of the death of the debtor or his wife, or of [illegible] a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4. 46 & 47 Vic., c. 52, s. 137.]

Bankruptcy Courts to have seals.

122. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction.

[46 & 47 Vic., c. 52, s. 109.]

Certificate of appointment of trustee.

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment.

Time.

[46 & 47 Vic., c. 52, s. 141.]

Computation of time.

124. *(1)* Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that

The Indian Bankruptcy Bill, 1885.
(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Notices.

[46 & 47 Vic., c. 52, s. 142.]

Service of notices.

125. All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Formal Defects.

[46 & 47 Vic., c. 52, s. 143.]

Formal defect not to invalidate proceedings.

126. *(1)* No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

Bankrupt Trustee.

[46 & 47 Vic., c. 52, s. 147.]

Application of Trustee Act to bankruptcy of trustee.

XXVII of 1866.

127. Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Corporations, &c.

[46 & 47 Vic., c. 52, s. 148.]

Acting of corporations, partners, &c.

128. For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

Construction of former Acts, &c.

[46 & 47 Vic., c. 52, s. 149 (3).]

Construction of enactments and instruments referring to 11 & 12 Vic., c. 21.

129. Where by any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 *(an Act to consolidate and amend the Laws relating to Insolvent Debtors in India)*, the enactment or instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

[46 & 47 Vic., c. 52, s. 150.]

Certain provisions to bind the Crown.

130. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.]

Saving for existing rights of audience.

131. Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

Unclaimed Funds or Dividends.

[46 & 47 Vic., c. 52, s. 152.]

Unclaimed and undistributed dividends or funds.

132. *(1)* Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account of the Court. The treasury or bank at which the account is kept shall furnish him with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act pay the account referred to in this Act as the bankruptcy estates account.

Interpretation.

Interpretation.

133. *(1)* In this Act, unless the context otherwise requires,— [46 & 47 Vic., c. 52, s. 168.]

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"the Court" means the Court having jurisdiction in bankruptcy under this Act:

"affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour:

"available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

"debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:

"general rules" include forms:

"oath" includes affirmation, declaration under any legislative enactment and attestation on honour:

"ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"prescribed" means prescribed by general rules within the meaning of this Act:

"property" includes money, goods, things in action, land and every description of property, whether moveable or immoveable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

"resolution" means ordinary resolution:

"secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

"schedule" means schedule to this Act:

"sheriff" includes any officer charged with the execution of a writ or other process:

"special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"trustee" means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

Repeal.

Repeal of enactments.

134. *(1)* The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule. [46 & 47 Vic., c. 52, s. 169.]

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; nor

The Indian Bankruptcy Bill, 1885.
(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Rangoon shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

THE FIRST SCHEDULE.

(See section 14.)

[46 & 47 Vic., c. 52, Sch. 1.]

MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the

summon a meeting at such place as he thinks fit, if directed by the Court, or so requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid, has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it thinks

meeting of creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

THE SECOND SCHEDULE.

(See section 33.)

PROOF OF DEBTS.

Proof in ordinary cases.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver,

The Indian Bankruptcy Bill, 1887.
(The Third Schedule.—Enactments repealed.)

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by secured Creditors.

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. *(a)* Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bond fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

Proof in respect of Distinct Contracts.

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical Payments.

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

Interest.

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debt payable at a future time.

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Admission or Rejection of Proofs.

22. The trustee shall examine every proof and he grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

THE THIRD SCHEDULE.

(See section 134.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and Chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amends the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

DRAFT ACT OF PARLIAMENT No. 1.

BE it 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 Bankruptcy (Extension of Powers) Act, 1885. — Short title.

46 & 47 Vic., c. 52.

2. This Act shall have the same extent as the Bankruptcy Act, 1883. — Extent.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:— — Operation beyond India of Act applying English bankruptcy law to India.

24 & 25 Vic., c. 97.

27 & 28 Vic., c. 132.

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease;

the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

4. Where under any such law a receiving order or adjudication of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property [illegible] as may be situate in England as if — Provisions applicable to property situated in England.

32 & 33 Vic., c. 71, s. 4.
36 & 37 Vic., c. 52, s. 299.
38 & 39 Vic., c. 77.

[illegible]

46 & 47 Vic., c. 52, s. 54.

5. The certificate of appointment of a trustee under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly. — Effect of certificate of appointment of trustee.

THE SCHEDULE.

46 & 47 Vic., c. 52.

PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

Section 45.
Section 46.
Section 50, sub-sections *(2)* and *(4)*.
Section 52.
Section 55.
Section 56, sub-section *(5)*.
Section 70, sub-section *(2)*, except in so far as it refers to the Board of Trade.

DRAFT ACT OF PARLIAMENT No. II.

BE it 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 Bankruptcy (Extension of Powers) Act, 1885. — Short title.

2. *(1)* 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 applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same.— — Power to Legislative Council to apply or adapt English Bankruptcy Law; operation of laws passed under this power.

32 & 33 Vic., c. 71, s. 4.
36 & 37 Vic., c. 52, s. 299.
38 & 39 Vic., c. 77.

[illegible]

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease. [Bill, s. 114 (10).]

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid. 46 & 47 Vic., c. 52.

3. *(1)* The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:— — Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

(a) a receiving order and the rescission of the same; [Bill, ss. 8 & 13, s. 20 (1).]

(b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business; [Bill, s. 9 (1) & s. 11 (1).]

(c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme; [Bill, s. 17 (8) & (15), s. 18, s. 22. Bill, s. 17 (11), s. 22 (3).]

(d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person; [Bill, s. 15 (3) s. 17 (11), s. 19, s. 20 (1), s. 22 (3), s. 37, s. 38, s. 41, s. 42, s. 43, s. 47 (1). Bill, s. 22 (2), s. 30.]

(e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release; [Bill, s. 17 (12) & (13), s. 20, s. 47 (2) & (3), s. 72, s. 74, s. 76, s. 77.]

(f) an order of discharge and the revocation of any such order; [Bill, ss. 27, 28 & 29.]

(g) the decision of a Court on any question of law or fact; and [Bill, s. 90 (1).]

(h) an order for the administration in bankruptcy of a deceased person's estate. [Bill, s. 114.]

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or relating to the payment of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India. [Bill, s. 11, s. 44 (except sub-section (3)), s. 45, s. 46 (except clause (e)), s. 47, s. 48 (except clause (e)), s. 50, s. 57 (1), s. 60, s. 62 (a), (b) and (g), s. 73, s. 74, s. 77 (4), s. 17 (9), ss. 117-123.]

(3) Provided* that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 45, 46, sub-sections *(2)* and *(4)* of section 50, section 52, section 55, sub-section *(5)* of section 56, and (except in so far as it refers to the Board of Trade), sub-section *(2)* of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act. [Cf. Bill, ss. 39, 40, s. 44 (2), s. 48, s 49 (1) (e) & (2), & s. 62 (21).] 46 & 47 Vic., c. 52.

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly. — Effect of certificate of appointment of trustee. [46 & 47 Vic., c. 52, s. 54 (4).]

5. No action for a dividend shall lie against a trustee under any such law in any Court in the British dominions. — No action for dividend. [46 & 47 Vic., c. 52, s. 63.]

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just. — Power to stay proceedings. [46 & 47 Vic., c. 52, s. 10 (2).]

* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be re-produced in the Indian Act or will be re-produced in such a form that they would be unsuitable for application to property in England.

From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council, No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.
Board of Trade, to India Office, 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining, in the first instance, an Act of Parliament such as the Draft No. I conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, ESQ., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Government of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (perferably the Draft marked No. I), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained (in the terms of Draft No. I) conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. I should be applied for.

From R. GIFFEN, ESQ., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting, by direction of the Secretary of State for India in Council, copy of a despatch, with its enclosures, from the Government of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board observe that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. I which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 14 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIGNAM, ESQ., to the Hon'ble MR. C. P. ILBERT, —(dated Calcutta, the 23rd July, 1885.)

Bankruptcy Bill.

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Objects and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 40 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

Gray v. *Chick*, Coryton 136.
Re Shib Chundra Mullick, 8 B. L. R. 30.
Re Parks Pittar, 8 ,, 118.
Re Howard Brothers, 13 ,, (App.) 9.
Re T. Agabeg, 12 Cal. Rep. 165.

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Objects and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act. 1878—41 & 42 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book 1 of the register, which is confined to transfers of immoveable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 2554, dated 22nd September, 1885).

WITH reference to your letter of the 17th June last, No. 1039, I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley, the views of the other Hon'ble Judges will be requested upon the point raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885:—

Opinion.

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the back-ground and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners' names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 10.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(*Signed*) H. H. SHEPHARD,
Acting Advocate-General.

From R. S. BENSON, ESQ., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O., dated the 30th June, 1885, No. 1722, Judicial, forwarding, for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the HON'BLE T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian Bankruptcy and Insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency-towns, namely, 11 & 12 Vic., cap. 21, is very cumbrous and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 46 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. This, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. *Section 5 (1) a.*—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £ 50; but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

Section 15, sub-section (4).—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

Section 27, sub-section (3), clause (a).—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

Section 34, sub-section (1), clauses (b) & (c).—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £ 50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority under this head should be limited to Rs. 200 and not more.

Section 38, sub-section (2).—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children, should be exempted from the division of his property amongst his creditors; but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

Section 65, sub-section (4).—I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes once for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

Section 112.—This section renders a married woman subject to this Act in respect of her separate property. I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kinds of sridhanam property of a Hindu married woman. There are several kinds of sridhanam property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

Section 131.—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf on all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be rendered penal, inasmuch as it is a very common case for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, ESQ., Attorney-at-Law, Madras, to Chief Secretary to Government, —(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c., the Law of Bankruptcy and Insolvency in British India.

Memorandum.

Preliminary remarks.—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvent Law in India which shall apply alike to the English speculator and the Hindu Chetti. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattucotti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *toto cœlo* from the cruel story of the causes which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghali Street which arises out of the Englishman's practical idolatry of the fetish "CREDIT."

No native, unless denaturalised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked: there is simply a change in relations. If a large trader fails in a Presidency-town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Ilbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

Section 4.—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 43 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 47 and of section 9 (*1*), but until orders *by the Court* are made the [illegible] of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act. [illegible] (2) (4) and section 7 (*f*).—The use of the words "local limits" in these sections will be [illegible] [illegible] small place will prevent his obtaining relief in bankruptcy, whereas the debtor's petition; and a debtor who gets himself incarcerated in such a place by a colluding creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Cocanada and Gopálpur, but the bulk of whose unsecured creditors were in the Presidency-town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (*d*), has "*England*," where this Bill has "local limits."

Section 27 (*2*).—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbrous process of obtaining first a rule *nisi* and then a rule absolute against the defaulter—a process which cost the estate Rs. 12 each time. To meet these contingencies I would suggest (1) that in the case of Government and *quasi*-Government *employés* the allocator do have the force of an attachment for a specified amount—probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

Section 39.—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expenses, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

Section 42 (*1*).—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case:—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at their backs as ever. The 16th week after X. Y. & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

Section 88.—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administration report of the High Court (now in the press) that out of 199 applications in the year 1884-85 only 28 were from traders and over seventy returned assets "*nil*."

Section 116.—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute. Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BENSON, ESQ., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2266, dated 12th August, 1885).

IN continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Handley on the draft Bill to amend the Law of Bankruptcy and Insolvency.

Minute.

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against again giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, ESQ., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madars,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency-towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

(1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106);
(2) "The Bankruptcy Act, 1854" (17 & 18 Vic., cap. 119);
(3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 134);
(4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
(5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency-towns and in Rangoon, Moulmein, Akyab, Bassein and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the presidency of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

9. It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, ESQ., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

IN continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2266, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Muthusami Aiyar has no remarks to make.

Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court in Madras:—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employés.	Pensioners.	Unemployed.
1880	6 Rs. 21,221 15 8 " 78,340 15 10 " 9,081 12 8 " 1,25,280 0 0 " 2,03,016 9 10 " 73,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 " 16,123 8 6 " 8,697 0 0 " 8,115 5 9 " 32,952 5 0 " 24,973 5 3 " 21,721 2 1	23	21	63	6	21
1882	3 Rs. 2,856 9 9 " 98,174 3 1 " 35,891 7 9	12	43	80	12	38
[illegible]	14	4	60	60	24	60
1884	6 Rs. 24,504 8 10 " 1,919 9 4 " 4,194 6 9 " 5,312 10 9 " 7,55,677 13 4 " 9,721 0 5 " 5,154 14 10 " 3,060 3 1 " 9,876 13 0 " 53,600 0 0 " 10,504 4 8 " 2,80,316 10 3	5	38	99	12	55
	No schedules filed in four numbers.					
	6 Rs. 32,281 10 2 " 82,739 11 6 " 5,87,974 1 7 " 1,10,146 2 8 " 35,712 2 9					
	No schedule filed in one case.					

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of those trading cases, there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

English Act. A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

6th.—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

7th.—It has happened several times that the Official Assignee has recovered large assets, and that the debtor then effects a settlement out of Court and annuls the insolvency by consent. I think it advisable to make provision that such cases should bear a portion of commission of the Official Assignee.

8th.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 3033, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 22nd September, 1885, No. 2554, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2900, dated 4th November, 1885).

ADVERTISING to G. O., dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law; but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judgeship in the latter Court, may result in the appointment to the Small Cause Court of a Judge with precisely that experience which Mr. Justice Handley thinks wanting.

From H. BATTY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 8625, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1030 of the 17th June last, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of this Government, and also of the Hon'ble the Judges of the High Court and of such selected officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am desired to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

1. Letter, &c., from the Chief Judge, Court of Small Causes, Bombay, No. 41 of 7th August, 1885.
2. Letter from the Hon'ble the Advocate General, Bombay, No. 59 of 14th September, 1885.
3. Letter from the Secretary, Chamber of Commerce, Bombay, of 25th November, 1885.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to insert in the enabling Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1865. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency-jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Sealer of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay,—(No. 41, dated 7th August, 1885).

In compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honor to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (3), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection; and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (*c*) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (*a*) limits the bankruptcy-jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (*c*) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (*c*). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (*c*), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (*c*) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (*c*) restricting the power of the Local Government to the appointment of Courts situate without the local limits of the jurisdiction of the High Court.

7. In section 91 (*a*) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 (if that section be enacted) lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. *Section 3 (1) (b).*—It would be advisable to define carefully what conveyance is fraudulent in a country like this, where *bénâmi* transactions are rather the rule than the exception, and in an Act which, to judge from section 82 (*c*), is intended to be capable of application by Native Judges in the Mufassal, who for the most part have not the opportunity of acquainting themselves with the English decisions.

10. *Section 3 (1) (d), (e) & (g).*—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign moneylenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c., &c.

11. *Section 7 (1).*—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (*1*) (*e*)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic., cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisions which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors

13. *Section 31 (2).*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessaries of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter at how long a period after, by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition either by a creditor or the debtor.

14. *Section 39 (1).*—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40 (2).*—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in *that* sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43 (2).*—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution-creditor at the time of the further part-payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110.*—I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 3 (*l*) (*d*), (*e*), (*g*). They are taken from an English Act framed when imprisonment for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion. *Section 105 (m)* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (*2*).

19. *Section 115 (3) and (4) and section 116.*—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic., cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible the same in London and Calcutta;" and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law; but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there, as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money-lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of native Western ideas, self-acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet been only very partially adopted here. The lowest ranks of workers in English society form, compared with Indian, a small proportion of the population, and non-workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about ⅞ths) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depauperisation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles;" at least, I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Insolvent Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'etré* of the Court.

"15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate office establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present head-quarters in the High Court building to the Small Cause Court, a distance of about a mile, and back.

"16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute 11 Vic., cap. 21, I am inclined to think it is not within the competence of the Indian legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and sometimes necessitate the payment of searching-fees in both offices, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

"17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *eundo morando et revertendo* between the two Courts.

"18. I believe that in Madras the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment-debtor has actually been arrested. On the other hand, any person may avail himself of the provisions of the Statute 11 Vic., cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

"19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction should be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense and without adding to the work of any other Court by the abolition of the present system of imprisonment for debt; for it is simply to avoid arrest, or to escape from imprisonment, that the great majority, if not all, of the unopposed insolvents apply for the benefit of the Act."

From the HON'BLE F. L. LATHAM, Advocate General, Bombay, to Under-Secretary to Government, Bombay,—(No. 59, dated 14th September, 1885).

WITH reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

[redacted] that it would be well to [redacted] A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy, and which of its provisions require repeal or alteration; and the present Insolvency law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to remain in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 (*2*) allows the creditors, if the Court declare such an appointment desirable, to appoint a person other than the Official Receiver to be trustee of the property of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I dread lest the effect of these sections should be to facilitate fraud and to lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1865 the temptation to this form of fraud was greater it was notoriously prevalent—I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to insist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill—*vide* Williams' *Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is, comparatively speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees in enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (*8*) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 no not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

From J. MARSHALL, ESQ., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I AM directed to acknowledge the receipt of your letter No. 4606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs. W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Slight, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vizbucandas Atmaram, of Messrs. Narandas Lajaram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtained the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and emendations which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance; and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorialise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible unfitness. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the effectual working of the Act so long as careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be unadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances; and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency-towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once make it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain apppintments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely:—

Member of the Legislative Council.
Justice of the Peace.
Member of the Town Council or Municipal Corporation.
Member of a Port Trust or Harbour Board.
Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber begs to submit the subjoined remarks:—

Section 5 (1) (d).—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the estate should be would up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

Section 8.—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

Section 12.—The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

Section 15.—As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under sub-section (2) (*i*), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (*ii*) the time be increased from seven to twenty days.

Section 16.—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to sub-section (*1*):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

Section 17.—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs; and it seems desirable, therefore, that the following words should be appended to sub-section (*3*):—

"with a full statement of the debtor's affairs."

Section 21, the Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of an insolvent are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable assistance in securing a favourable liquidation; but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment on committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should [illegible] the trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do all or any of the following things";

and in sub-sections (*3*) and (*4*) of the same section, (*3*) of section 51, (*1*) of section 57, and (*1*) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

Section 24.—The desirability of arranging to secure the arrest of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section as also under (*2*) of section 26.

Section 25.—The same provision as for the redirection and delivery of letters should be made for telegrams.

Section 27 (5) allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

Section 27 (6).—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the country at times under very short notice.

Section 34 (5).—Considering that the current rate of interest in India is 9 per cent. as compared with 5 per cent. in England, the rate of interest payable out of surplus funds, as provided for in this clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

Section 36 (1).—The Chamber is of opinion that the preference extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

Section 52 (2).—After the words "application of" the Chamber suggests the insertion of the words "the trustee or."

Section 64 (3).—It would be well to have the "prescribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charges may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

Section 67.—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable, instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

Section 70.—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mehtas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mehta* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

Section 88 (3).—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (*4*). The omission of clause (3) is accordingly suggested.

Section 103.—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 Rs. 5,000. In estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon, as provided under clause (*c*).

From H. BATTY, ESQ., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

WITH reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th idem, and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, ESQ., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

WITH reference to your letter No. 4605, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Bayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, ESQ., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, ESQ., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

IN accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

Remarks.

Protection from arrest.—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and no protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection-orders, and afterwards by obtaining their personal discharge under section 47, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to dismiss petitions for want of prosecution, and (2) to cancel so much of the receiving order under section 8 (*1*) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order: there does not appear to be any provision to this effect in the proposed Act.

Adjudication of bankruptcy.—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should (1) make the statement required by section 15 and (*2*) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 24 of the proposed Act; but as absconding debtors almost invariably abscond to Native States it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

Composition with creditors.—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors hastily executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

Property of bankrupt.—The words of section 38 (*1*), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Mufassal or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

Discharge of bankrupt.—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 47, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

Penalties.—The provisions of sections 27, 105 and 107, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and, if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share mania, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

Decrees against bankrupt.—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

Procedure.—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of section 99 of the English Act, or such modification of them as may be considered proper, might with advantage be inserted in this Act, and work of a formal nature, such as taking such examinations in unopposed cases, granting receiving orders and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

Unclaimed dividends.—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estates account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1841, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by insolvents in their schedules as due, but which have not been proved, and are for the most part unprovable; and it is doubtful whether these dividends can be distributed under the Act of 1841. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of circumstances, has never become law, and it [illegible] necessary that some means of dealing with those funds should be provided by the proposed Act. The [illegible] of these funds might be applied, towards the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

Appointment of Official Receiver.—Under the present Insolvent Act the Official Assignee can only be removed from office in the cases specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

Appendix.

Section 2. Regarding application of section 48 to England.—Section 48 could hardly be made applicable to England, but nevertheless cases may arise in which onerous property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

Section 21 (2).—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (*2*).

In cases in which the Official Receiver is acting, reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

In that event some such words as the following might be added to section 21 (*9*):—

See 11 & 12 Vic., c. 21, s. 26.

"by and with such notice to such creditors as the Court may think fit to direct."

Section 24.—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors absconding to Native States to be also arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court to some other part of British India, but only deals with the case of a debtor who is "about to abscond with a view," &c.

Section 34 (1). Municipal rates.—Port-trust dues, &c., are at present only entitled to dividends.

Sub-section (5). Interest after payment of principal in full.—As decrees in India carry interest at 6 per cent, in the same way interest after the receiving order should be allowed in India at 6 per cent. also.

Section 36.—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distraint upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put padlocks on the godowns or premises let to them, and claim a lien for rent; and as rent in Bombay is heavy, and the value of the goods so locked up uncertain, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.

Section 38, clause (2).—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking-pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic., cap 21, section 7, are "wearing-apparel, bedding, and other such necessaries."

Section 51 (2).—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

Section 57 (2). Allowance to bankrupt.—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of candidates for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time is necessary, or an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

Section 61. Official Receiver's report.—Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has *in every case* to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must (in cases of insolvency of traders) have the assistance of experienced Native accountants capable of themselves reading and understanding Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *mehtas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate), to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

Section 65 (5).—We do not consider that this provision can be of any value in India.

Section 67. Investment of moneys.—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (section 67 (3)).

Were it possible to distribute the moneys to creditors as quickly as is contemplated in the Act, there would be no great hardship in the present provision. In Bombay, however, considerable sums have always to be reserved to meet the possible costs of the litigation that invariably ensues on any large insolvency proving unsuccessful, and (as has already been pointed out) claims of creditors cannot be quickly adjusted.

It would be hard on creditors that money so locked up should not be invested for their benefit.

Perhaps the simplest way would be to leave the provisions of the Act as they are, and out of the interest accruing under the provisions of this section (67) to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until dividend is declared.

Section 88.—It appears from paragraph 29 of the draft "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay while the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and Registrar, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that in 1880 both the High Court and the Small Cause Court of Bombay were opposed to the introduction of this provision.

Sections 92 (4); 124. Times.—All "times" allowed for the act are far too short; and though full power of extension is given by section 92 (4), yet the times mentioned in the different sections for each Act should, as far as possible, approximate the average time within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

(1) the Courts sit weekly only;
(2) books of account are always in arrears, especially during the busy season, and take a long time to make up, and only a very limited number of *mehtas* can be employed on them at once;
(3) traders of any importance always have goods on their way to England or elsewhere, the account-sales of which are not received for a considerable time;
(4) no estate of any size can be realized without litigation owing to the invariable attempts made by bankrupts to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

Section 99. Petitions of partners in different Courts.—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency-towns would be transferred to the Court in which the first petition was filed; otherwise some provision is required on this point. See also section 13.

Section 103 (3).—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 6,000.

Where the gross assets of an estate are not more than Rs. 6,000, it would rarely be worth the creditor's while to attend meetings and take any direct interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases wish to have the bankrupt's affairs more expensively investigated and the bankrupt himself punished; but provision is made for this by clause (c) of this section (103).

Section 116 (2).—If the suggestions contained above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the remuneration of that officer also under this section.

Section 120, clause (4).—We doubt if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be also made before the British Resident or Consul or Political Agent?

Lien on bankrupt's books of account by solicitors and others.—There have been several cases lately in Bombay of solicitors claiming a lien on insolvent's books of account and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1669, there being power under that Act to make the rule.—See *Yate Lee on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PEACOCK, ESQ., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th February, 1886).

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th June, 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India, with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2. In reply, I am desired to submit, for the information of the Government of India, the accompanying replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades' Association, who were consulted by this Government, and to say that, with the exception of section 88 (*1*), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through; and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

The Solicitor to the Government of India, No. 1096, dated the 3rd September, 1885, and enclosure.
The Chief Judge, Court of Small Causes, Calcutta, No. 68, dated the 2nd October, 1885.
The Superintendent and Remembrancer of Legal Affairs, No. 901, dated the 9th November, 1885.
Maharája Sir Jotendro Mohun Tagore, K.C.S.I., dated the 31st August, 1885.
Baboo Doorga Churn Law, dated the 7th September, 1885.

From R. L. UPTON, ESQ., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal,—(No. 1096, dated 3rd September, 1885).

REFERRING to your No. 1336½J.D. of the 8th ultimo, I have the honour to forward you herewith a copy of the Hon'ble the Advocate General's opinion on the subject therein referred to.

OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, [illegible] estate would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition [illegible] with power to adjudicate such persons bankrupt [illegible] being discretionary, to be exercised according to the circumstances of the case. The objection to such a procedure would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court; but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the different Presidencies.

The 29th August 1885.

(*Signed*) G. C. PAUL.
Advocate General.

From G. C. SCONCE, ESQ., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1342 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned; but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, ESQ., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 8th July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency-towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mufassal, I consider the present Bill utterly and entirely unsuitable; but as there appears to be no intention to make it current there, this is no detraction from its merits.

From MAHÁRÁJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1340 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolveney in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and the Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only these points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 344), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (*l*) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unoften do, bring on insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is laid bare in the course of enquiry, and at the time of granting the discharge, and not precede enquiry. The provision, moreover, appears to me to be totally ineffectual as a salutary measure. A debtor who becomes insolvent in six months' time can easily avoid going to jail by getting up a creditor to petition against him, and the law is at once defeated. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine quâ non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (*d*) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy (clause (*x*) of section 273). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have carried on business for less than three years; as regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure: they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, such as a decree of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I look upon clause (*g*) of the same section as calculated to operate harshly. There are many merchants and traders now in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest action, of taking the benefit of the Insolvent Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (2) of section 46 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency-towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest those Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of powers by the High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORGA CHURN LAW, to Officiating Under-Secretary to Government, Bengal, (dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1341J.-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been formed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilised to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 &12 of Victoria, 21, has been in operation in the Presidency Courts has suggested; and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall, therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtors to it, and this is done in clause (*d*), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (*a*) of section 27 (3) is likely to act with hardship. In it mention is made of absence of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discourge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the whole period in the case of those who have carried on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure: they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. (16), leaves no room for such discretion.

8. The provision made in clause (*g*) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency-towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of taking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (*l*) of section 46 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become insolvents, but the next clause appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment, on sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court. This provision has been upheld in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since arisen to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into a civil right. They are granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—as provisions for old age—and are liable to stoppage at any time at the will of the donors, and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill invests the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, ESQ., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended to all cases in which the High Court has jurisdiction. For example, a person ordinarily resident in the Mufassal is liable to be sued in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

Conditions on which creditor may petition.

5. (1) "A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

* * * * *

(*d*) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

5. The Committee are of opinion that the amount to be paid to clerks under this section should be equivalent to three months' salary. To limit the amount to five hundred rupees would to inflict an undeserved hardship on a large number of employés. Not a few firms employ assistants whose salaries range from Rs. 200 to Rs. 500 a month, and who belong to a class of employés who contribute in no small degree to the proper carrying on and success of a business, and it appears to the Committee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

Priority of debts.

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

* * * * *

(*b*) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees;

* * * * *

6. The Committee would beg to suggest that in this section "three months" should be substituted for "one year." The powers of a landlord are sufficiently great, and the existing law provides him with ample facilities for recovering his dues, and for these reasons the Committee submit that, if he should be permitted under the proposed Act to levy distress "for one year's rent due prior to the date of the order of adjudication," he will be receiving an undue preference over all other creditors. The Committee would, therefore, urge that the period for which he may recover under this section should not exceed three months.

Power to landlord to distrain for rent.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

Description of bankrupt's property divisible amongst creditors.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

* * * * * *

But it shall comprise the following particulars:—

(iii) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gubboy re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the *sole* possession of the partner or partners who happened to be resident in this country.

Appropriation of portion of pay or salary to creditors.

46. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian Marine Service, or an officer or clerk or otherwise employed or engaged in the Civil Service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachments against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be unadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors, and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, Esq., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legislative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

WITH reference to your letter No. 1049, dated the 17th June, 1885, asking for opinions on the provisions of the Bill to amend the Law of Bankruptcy and Insolvency in British India, I am directed to forward, for the information of His Excellency the Governor General in Council, a copy of the papers marginally noted on the subject.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 8th October, 1885.
Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

As regards the North-Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have houses in the Presidency-towns, and, as I understand section 4, creditors would be entitled to present bankruptcy-petitions against such firms; so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that increased use is being made by debtors of Chapter XX of the Civil Procedure Code. The number of applications for insolvency must vary more or less in concert with fluctuations in the number of applications for execution of decrees. Compared with these, the percentage of applications for insolvency has steadily increased from ·15 per cent. in 1881 to ·35 in 1882, to ·37 in 1883, and ·50 in 1884. I feel convinced that, meagre as the provisions of Chapter XX now are, they are still too intricate and expensive for the poor insolvent; but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present paper is no place to discuss those alterations.

I see little use in discussing *seriatim* the provisions of a Bill which is not to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the customs and wants of Presidency-towns to do so effectually.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 671—VII-78-2, dated 26th June, 1885, in the Judicial (Civil) Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting to be favoured with the Court's opinion thereon, and in reply to state as follows.

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Ilbert, Legislative Member of Council.

3. The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brodhurst believes it is not intended that any Court in these Provinces shall, for the present at all events, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Tyrrell also has no remarks to offer on the Bill.

From C. L. TUPPER, Esq., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

WITH reference to your letter No. 1042, dated the 17th of June, 1885, I am desired by the Lieutenant-Governor to submit, for the information of the Government of India, the opinions of the officers noted on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

(1) Judges of the Chief Court (Registrar's No. 2582, dated 13th August, 1885).
(2) Government Advocate (No. 370D.A., dated 21st September, 1885).
(3) Bunsee Lall Ram Rattan, Rai Bahadur (No. 982, dated 2nd September, 1885).
(4) Rai Mela Ram (dated 27th August, 1885).
(5) Ram Kishen Das, Honorary Magistrate, Delhi (dated 25th September, 1885).
(6) Rai Bahadur Kallian Singh, Honorary Magistrate, Amritsar (dated 1st September, 1885).
(7) Chota Lall, Lahore, (dated 10th October, 1885).
(8) Lala Gagar Mal, Honorary Magistrate, Amritsar, (dated 13th October, 1885).
(9) Baggan Lal, Honorary Magistrate, Amritsar, (dated 1st September, 1885).

From T. G. WALKER, Esq., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No 2582, dated 13th August, 1885).

IN reply to your letter No. 664-S., dated 13th July, 1885, forwarding, for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, Esq., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 665-S. of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act only constitutes by its direct operation four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon. I also observe that while power is taken to confer upon Local Governments authority, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them, the insolvency sections of the Punjab Laws Act (1872) have not been repealed.

As moreover I am now, and have been for some time past, much pressed with important references, I trust that I may be permitted to refrain from discussing in detail a measure which is not intended to apply to this Province, and which appears to me to be far too advanced and technical for the state of things prevailing here.

From BUNSEE LAL RAM RATTAN, Rai Bahadur, to Under-Secretary to Government, Punjab, —(No. 982, dated 2nd September, 1885).

As directed in your letter No. 844-S. of 30th July 1885, which you have very kindly sent for any remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the law of bankruptcy and insolvency in India is worth of maintenance, and that the draft Statement of Objects and Reasons is worth of consideration.

I beg to suggest to afford the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c., should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage which after full consideration the Legislative ought to fix.

2nd.—In India there are lot of persons who, in anticipation of being insolvent give up their estate, cash and property to their sons or brother, and they themselves remain to be insolvent. In this case the Legislative should pronounce some kind of punishment to be awarded to such insolvent.

3rd.—To avoid reoccurrence of insolvent the Legislative should consider and order some kind of distinguished mark to be worn by the bankrupt, in order, if the bankrupt go to another country or city, he may soon be recognized as such a man, as in India there are many men who are dealing in this way, *i.e.*, open a shop in a city, and, while their trade become popular, they abscond lot of money by sending it to their homes or making it away otherwise, and afterwards declare themselves as insolvent. If some distinguished mark be ordered to be worn by the insolvent, there will be a kind of check over them.

4th.—In section 24 I beg that the committee shall consist of 8 members, *i.e.*, 4 from among the creditors and 4 who do not any way moved in the case, but know the custom of the city, and the Judge should take their opinion before passing any order on the file.

5th.—In my opinion in section 28 the hereditary rights, such as villages or other landed property, should be included in the estate which must be sold too and assessed in the administration leaving a necessary portion for the insolvent only.

I beg to return the papers received with your letter under reply.

From RAI MELA RAM, to Secretary to Government, Punjab,—(dated 27th August, 1885).

I HAVE gone through the draft Bill received with your letter No. 844S. of the 30th July, and am very glad to come to know that steps have been taken to make up the deficiencies which have been observed during the last 35 years. Handing over the matter to the committee of creditors whose interest is chiefly concerned in such proceedings is a great improvement to bring this law to the point of completion, and I hope it will satisfy those who were sulking at the introduction of such a defective measure as that of the Insolvency and Bankruptcy. As far as my experience is concerned, I would beg to state that Part VII of the Bill regarding the small bankruptcies, would not work efficiently in a Province like the Punjab until the educated party takes lead in the way of inproving the commercial condition of the country. Of course it will be received with great satisfaction in Presidency and other towns where the people by means of their extensive education are sufficiently enabled to understand the objects and reasons of the measure in question. I would, however, beg to suggest that for such cases the qualifications of trustees must be prescribed, as they have to manage the estate without the control and supervision of those whose interest they are to guard.

2. In conclusion, I request that the Insolvent Estates Courts must be very strict in awarding punishment to the guilty debtors, as the number of rejected applications clearly shows the bad motive with which they have often been led to defraud their money-lenders.

From RAMKISHAN DAS, Honorary Magistrate, Delhi, to Under-Secretary to Government, Punjab,—(dated 25th September, 1885).

IN REPTY to your No. 844, dated 30th July last, enclosing a draft Bill on the law of Bankruptcy for opinion, I have the honour to submit the following remarks.

In my opinion the Bill should, when enacted into law, be made applicable to the Punjab and North-Western Provinces, and the District Courts empowered to exercise authority conferred on "*the Court*" under it. The provisions of the Bill, though based on the English law, are not so very abstruse or intricate as to be difficult of comprehension or to be peculiarly suitable to any particular town or city. They are catholic and general in their character, and may advantageously be extended to the Mufassal. Uniformity of principle—certainly so far as the British Indian Empire is concerned—necessitates the existence of one and the same law for identical cases and circumstances wherever they may occur in that empire. The provisions as to the voluntary management by creditors and as to appointment of trustees and the conduct of business by the insolvent under the supervision of trustees or of the *committee of inspection* are *not new or strange*. They are acted upon every day in this part of India. Indeed, there is hardly a case in which resort is not had to them as the most efficacious machinery for realising assets for distribution. I would therefore very strongly urge the extension of the Bill to the Mufassal.

SECTION 3 (*b*) and (*c*) may be fused into one clause. There is no meaning in keeping them separate.

SECTION 8 (2).—There is no benefit likely to accrue to the insolvent's estate by allowing a secured creditor to realise or deal with his security. Except in cases of English mortgages (as to which even there is considerable doubt), no mortgagee can exercise the power of sale, except through the medium of a Court, and why he should be allowed to bring a suit to sell the property and thus entail more costs, which are after all to come out of the insolvent's estate, is incomprehensible to me.

SECTION 15 (2).—For 3 days I would substitute 10 days, and for 7 days 1 month. The time mentioned in the section is very little, especially in the case of a creditor who has to enter on very difficult enquiries in order to submit the statement.

SECTION 15 (4).—The word "*so*" before stating should be omitted. "So" would mean *for this purpose, i.e.*, for inspecting statement. The penalty should be general and absolute, and not confined to any particular circumstance.

SECTION 17 (15) AND SECTION 18 relate to the same matter, and with some slight change of language could easily go into one section or clause.

SECTION 25.—This is a very harsh measure and has been strongly condemned recently by Mr. Justice Norris. If it is considered advisable to keep it, then there can be no meaning in the limitation of 3 months, which should be expunged.

SECTION 28 (2).—Would *deposits* come under this or not?

SECTION 31.—To this section add "*Barred debts, obligations without consideration—Voluntary bonds* shall not be provable."

SECTION 36 should be omitted and its provisions added to section 34, which is their proper place.

SECTION 38.—Add executory contracts which the assignee or receiver may perform.

SECTION 46.—"Or engaged in the Civil service." Omit the word "Civil."

SECTION 48 (5).—Add "Provided that if the party does not agree and feels aggrieved, he may institute a suit for declaration as to quantum of damages which he will be allowed to prove as a debt."

SECTION 48 (6).—"And on hearing such person" modify into "on hearing the trustee or such other person."

SECTION 49.—Add "(*f*) *Sue debtors.*" This power should be conferred on the trustee irrespective of the following section.

SECTION 64.—The word "solicitor" will have to be changed into "legal practitioner" or "pleader."

Adverting to the Statement of Objects and Reasons, it would of course be necessary to obtain the sanction of the British Parliament to ratify the measure. It is of no importance whether the sanction is antecedent or subsequent, but I consider Draft I to be the preferable of the two.

From RAI BAHADUR KALLIAN SINGH, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have the honour to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain part of British India, and they are as follows.

2. In Section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States comes within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing for instances—*Biluchistán*, &c., &c.

3. In the same section clause (*e*) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In Section 5, clause (*d*) paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary reside, &c., &c.

The above clause in the section is not clear to fix the period gives rise to a doubt.

5. In the Section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party, that the opposite party may come proper and unnecessary delay may not occur.

6. In the Section 6, clause 5, that the words to take security for payment of debt is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the Section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under Section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decrees of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree. It ought to be for those persons only who wish to get the dividend from the estate of bankrupt and not for others who do not wish to be benefited by the provisions of the Act.

9. Section 27 is silent. Clause (*c*) should be added that who contracted debt *recklessly* or *carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable time. After that he must declared free from the such debt, otherwise it would be once a *bankrupt* always a *bankrupt*.

From CHOTA LAL, House Proprietor and Contractor, to Under-Secretary to Government, Punjab,—(dated 16th October, 1885).

I BEG to acknowledge receipt of your letter, dated Simla, the 30th August, under cover of No. 844, enclosing a copy of a draft Bill to amend the law of Bankruptcy and Insolvency in certain parts of British India, with Draft Statement of Objects and Reasons, for my humble remarks on the same.

I have gone through the whole of the draft, and, so far as I can see, I agree with it, except in two or three places, for which I beg to offer the following remarks.

In Section (7), No. 3, the debtor's petition ought to be withdrawn without the leave of the Court, except in cases the Court thinks it fit as otherwise.

In Section (11) the manager for the debtor's estate ought to be appointed by the Court, as well as the receiver and the debtor also be consulted.

In (Section 6), No. 6, when persons owing the debtor acknowledge themselves as debtors to the debtor, the Court ought to give decree against them in favour of the receiver for the debtor.

In (Section 23) in cases where debtor is personally required to point out persons owing him, the expenses in so doing by the debtor ought to be given him.

Also there is required a section by which a debtor may settle with his creditors privately or by appointing arbitrators.

Hoping you approve of the above.

From LALA GAGAR MAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 15th October, 1885).

I BEG to acknowledge the receipt of your your favor, No. 540, dated 8th instant, as well as a copy of draft Bill to amend the Law of Bankruptcy and Insolvency for my opinion. In reply to that I beg to return herewith, under a separate cover, the said draft with my notes thereupon. Some delay occurred in forwarding the draft, as I had to consider it thoroughly. Please excuse delay.

Within a year.—This seems to be a very long time. For it is just possible that a person may contract large debts within a year, and he himself be unwilling to go to the Insolvency Court and the creditor may not be able to take any steps. Therefore in my opinion 3 months or 6 months at the most should be the limit.

* Rather vague. It should be *during office hours*, or some definite time or day should be fixed.

Signed **must be defined, and made to include sealing and marking.**

† *Vide* note to section 15, clause (4).

‡ Should be *and*. It is very easy to put the seal of Court on papers without the Judge knowing it. Seals are always in the hands of peons and others of the same class.

Section 5, clause (d).—The debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within *a year* before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

Section 15, clause (4).—Any person stating himself in writing to be a creditor of the bankrupt may personally or by agent inspect this statement at all *reasonable times*,* and take any copy thereof or extract therefrom * * * * * * * * * *

Section 16, clause (8).—Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and *signed* by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all *reasonable times*.†

Section 17, clause (7).—If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, *or*‡ by the terms being embodied in an order of the Court.

Section 42, clause (1).—Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three* months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

Avoidance of preference in certain cases.

* Should be six months: three months is too little a time.

PART V.

TRUSTEES.

Remuneration of Trustee.

Section 63, clause (1).—Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

Remuneration of trustee.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give this power to the creditors. It is sure to be abused.

Section 83, clause (c).—The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, *with the previous sanction of the Governor General in Council*, by that Local Government within the territories administered by it.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

Section 91, clause (c).—An appeal shall lie from the *order* of a Court appointed by a Local Government under section 82 of the High Court of the province.

The appealable orders should be *specified*. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

PART VII.

SMALL BANKRUPTCIES.

Section 103.—When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value *three thousand rupees*, the Court may make an order that the debtor's estate be administered in a summary manner, * * * * *

Summary administration in small cases.

Small Bankrupteies.—This should not be with regard to the *amount* of the debtor's property. It should be the reverse, *i.e.*, with reference to the amount of *debts due*, and the *amount* to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

Section 105.—Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with *imprisonment* which may extend to two years or *with fine* or with both; * * * * * * * *

Punishment of fraudulent debtors.

Imprisonment.—Simple or what?
Fine.—What amount?

Notices.

Section 125.—All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Service of notices.

Insert *registered* between the words "prepaid" and "part."

Section 133 (1).—In this Act, unless the context otherwise requires,—

Interpretation.

These interpretation clauses should be placed in the beginning.

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"The Court" means the Court having jurisdiction in bankruptcy under this Act:

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

Should be *one hour*.

24. If within *half* an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGGAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing, for instance *Biluchistán*, &c., &c.

3. In the same section, clause (*c*) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In section 5, clause (*d*), paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary reside, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come proper and unnecessary delay may not occur.

6. In the section 6, clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decree of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who wish to get the dividend from the estate of bankrupt, and not for others who do not like to be benefited by the provision of the Act.

9. Section 27 is silent. Clause (*c*) should be added that who contracted debt *recklessly* or *carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable term. After that he must be declared free from that said debt, otherwise it would be once a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department,—(No. 4134—202, dated 24th October, 1885).

I AM directed to acknowledge your No. 1043, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Presidency-town, the four chief towns in British Burma and the few large commercial centres to which it may hereafter be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of the extension of the Bill to any town in these provinces in the future is remote. Under these circumstances the Chief Commissioner does not think it necessary that he should make any observations on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Neill, Officiating Judicial Commissioner, and Mr. Venning, Commissioner of Nagpur. Neither of these officers has offered any criticisms on it.

From E. S. SYMES, ESQ., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 352—26-L., dated 15th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1044, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letters cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce on the provisions of the Bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

From Judge of Moulmein, No. 129–2, dated 24th August, 1885.
From Recorder of Rangoon, No. 164–51, dated 20th August, 1885.
From Secretary, Rangoon Chamber of Commerce, dated 5th December, 1885.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyab, and Bassein in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. MacEwen that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the limited jurisdiction in bankruptcy matters which it is proposed to enable the High Courts to confer on the Small Cause Courts in the presidency-towns.

5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (*c*) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicits special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter, which seem to be worthy of consideration. It seems very important that the application of the less cumbrous procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, apparently, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,74,000 of debts and only Rs. 43,000 (less than 2 per cent. of the debts) recovered by the Official Assignee in all, do not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is perhaps, therefore, the more reason for attempting, when the law is under revision, to free innocent debtors from some part of the pains and penalties now accruing to themselves and their families from non-fraudulent debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court also commends itself to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge is clearly in favour of such abolition, though he mentions that the retention of this penalty has been practically decided upon. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—4-L., dated the 21st July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Judicial Commissioner certain cases of imprisonment for civil debt in the hope that the learned Judge would advise or comment upon the matter. If anything of interest or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. MACLEOD, ESQ., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma,—(No. 129—2, dated the 24th August, 1885).

IN compliance with the request made in your letter No. 100—26L. (Judicial Department, Legislative), dated the 6th ultimo, I have the honour to offer the following opinion on the Indian Bankruptcy Bill.

In dealing with the first question raised in the 11th paragraph of the Statement of Objects and Reasons, namely, as to the extent to which the proposed law should be applied locally in British India, it is necessary to bear in mind the main object of a bankruptcy law, which is to relieve honest debtors from the punishment of imprisonment for debt. The securing of the debtor's property for the benefit of his creditors is really subsidiary to the relief to the debtor, and the question, therefore, should not be entirely judged with reference to the existing machinery for working the proposed law for the benefit of creditors.

The question, however, as discussed in the Statement of Objects and Reasons of the Bill, is not, as it was in the correspondence in 1882, whether it is advisable to abolish imprisonment for debt, but whether the privileges of the proposed law should be extended to debtors in India generally, or only to a favoured few who have the good fortune to be inhabitants of the small local areas to be brought under the operation of that law.

Allowing even that there are differences between the circumstances of indebtedness arising in commercial seaports and those occurring in the Mufassal, it seems to me desirable to have only one insolvency law for the whole of India, and this, as stated in paragraph 11 of Statement of Objects and Reasons of this Bill, might be effected by inserting in the proposed measure a chapter providing the modifications and simplifications necessary to suit the requirements of Mufassal Courts. Chapter XX of the Civil Procedure Code has been, if not long enough in force to pave the way for a measure such as the present, sufficiently tried to show the necessity for its very considerable amendment, if not for its abolition, and I consider it unadvisable to retain it in preference to a simplified but complete insolvency law.

If it should in the end be decided not to frame an Act applicable to the whole of British India, it should, I think, at least be left optional with persons resident beyond the local limits of the Courts with insolvency jurisdiction to avail themselves of the benefit of the insolvency law. Cases are conceivable in which it may be a less hardship to debtors and creditors to get insolvency affairs administered by a Court having jurisdiction under the proposed measure than by the ordinary local Court with limited powers under Chapter XX, Civil Procedure Code, such for instance as the case of a debtor who resides just outside the limits of an Insolvency Court or has considerable property within such limits.

Coming to that part of the Statement of Objects and Reasons which refers to the difference between the Bill and the law on which it is modelled, I would remark, in regard to the question of jurisdiction to entertain applications for a declaration of insolvency, that by reason of the difficulty in the case of natives of proving the fact of *residence* at all, it seems desirable to amend the provision by including *the personal carrying on of business or working for gain* as grounds of jurisdiction. This would afford creditors larger and easier means of proving the point of jurisdiction, which would probably be frequently raised by reason of the limitations imposed on it by the draft Bill.

As regards the provisions of the Bill, it is not easy to foresee how details, for the most part adapted to English modes of business, would work in practice in India. My remarks, therefore, will be directed and confined to what appear to me to be omissions in the Bill rather than to criticising the propriety or efficiency of the proposed procedure.

Section 8 (1).—If it is intended, as I think it must be, to give the Court power to release the debtor from jail if he should be there when the receiving order is made, provision for that should be made here by empowering the Court to order the release of the debtor wheresoever he may be confined. The power to release from jail, even if the jail be without the jurisdiction of the Court, is necessary in view of the different grounds which confer insolvency jurisdiction.

(2)—Under Act XXVIII of 1866, the power of sale is only conferred in respect of mortgages to which English law is applicable, and unless this provision is limited to the exercise of such power, mortgagees would be entitled to realize their securities by suit to the detriment of the interests of the unsecured creditors, which the expenses of the suit would occasion. This remark should be read in connexion with another, which I shall presently make in reference to the rights of mortgagees (*infra* 2nd Schedule 12*c*).

Section 19 (1).—Provision similar to that previously suggested should be made here also for the release of the debtor from jail if not released at the time of making the receiving order.

Section 26 (1).—The right to summon others than the debtor should be limited, as in the Civil Procedure Code, with reference to the means of communication between their place of residence and the court-house.

(2) I would all after the word "sum," the words "for his travelling expenses and subsistence."

Section 45.—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the procuration of the necessary authority from the Court having jurisdiction where the property is situate.

Sections 82 and 83.—As the Bill was drafted before the amendment of the Burma Courts Act, 1875, by the Act of 1885, whereby the insolvent jurisdiction before exercised by the Recorder of Rangoon in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give the Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

Part VII.—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees prescribed for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any decree that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of investigating small claims of insolvents must, I should think, act prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as disclosed by the facts stated in the schedule, but every other facility should be given him to realize the property of the debtor in the way I have indicated. No. 25 of the rules of the Calcutta High Court, framed under the present Insolvency Act, provides that the Official Assignee may sue without payment of *office fees* if he have no funds, but this does not include stamp-duty, to which my remarks are intended to apply.

Second Schedule 12 (c).—To meet the case of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be to the trustee to force a sale of mortgaged property at a reserved price equal to the amount due on the mortgage, as the trustee may not always be in a position to redeem.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgagee does not seek to foreclose his mortgage within some specified time.

From R. S. T. MACEWEN, ESQ., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma,—(No. 164—51, dated the 20th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 100—26-L., dated 6th July last, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for an expression of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute, and would require much more time than I have at present at my disposal to examine its provisions in detail and consider their probable effect in the event of its becoming law. But I may say that a new Act dealing with insolvency and bankruptcy in India has long been felt to be a necessity, and I think the general feeling has been, both amongst lawyers and commercial men, that any measure of the kind which is undertaken should be as clear, simple, and effective as possible. Whether this Bill fully answers these requirements it is difficult to say without a much more minute examination of its provisions than I am now able to give to it.

3. Part I (sections 3—29) of the Bill deals with the procedure to be followed from an act of bankruptcy to discharge, and in cases of large bankruptcies, where the bankrupts are traders and the property for distribution is considerable, the provisions are no doubt to the advantage of creditors, but they are more cumbrous than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Courts and of the Official Assignee (called Official Receiver in the Bill), and appear to contemplate (in large cases at least) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and intricate cases, seems unnecessary and undesirable. If generally adopted, the effect would be to take all bankruptcies likely to render reasonable remuneration to the trustee out of the hands of the Official Receiver and Trustee and to leave him with only such cases as would yield little or no returns; and as he is not a salaried officer, but dependent wholly upon commission for his own labour and the cost of his establishment, it would be difficult, if not impossible, to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a high salary to the Official Receiver and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a professional lawyer. At present the Official Assignee and his establishment cost the Government nothing. No doubt section 20 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors: the Official Receiver would probably object. At all events there would be a conflict of interests, and it might be difficult to refuse an application by the body or a majority of the creditors. Such applications would never be made in non-paying bankruptcies, and the practical effect might be to leave these and no others in the hands of the Official Receiver. It seems to be considered that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trusteeships. There are always a considerable number of persons ready to offer for any business that may be expected to pay, and sub-section (2) of section 64 contemplates the appointment of solicitors. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely made, it would be with the result just indicated. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and, in addition to the discretion imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to this effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is intended that he shall be a salaried officer and receive no commissions, then these observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration; and if he is to be a salaried officer, it may be well to enquire from what source his salary and establishment are to be met. The only court-fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the Courts at present. It is true Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does

not exceed Rs. 3,000 that this part applies. I annex a statement showing the number of insolvencies in this Court during the past three years, with the scheduled liabilities, assets, and actual recoveries. In 1882 there were 20 insolvencies, aggregating Rs 4,54,401 of liabilities, and scheduled assets amounting to Rs. 2,12,526, while the total recoveries amounted to Rs. 23,487, and of this sum Rs. 20,163 was secured, the sum which the Official Assignee recovered for distribution amongst creditors being only Rs. 3,324.

In 1883, out of 22 insolvencies with total liabilities of Rs. 14,17,824 and scheduled assets of Rs. 6,32,792, Rs. 82,823 was all that was recovered. Of this sum, Rs. 60,080 was secured, and the balance, Rs. 22,743, the Official Assignee called in.

In 1884 the total liabilities in 49 insolvencies was Rs. 10,03,035. The assets as per schedule amounted to Rs. 7,82,933, the recoveries to Rs. 59,446, of which Rs. 39,782 was secured and the Official Assignee recovered Rs. 16,664.

It is not quite clear what "property of the debtor" in section 103 is intended to cover. If it means scheduled assets, then Chapter VII would apply to about one-half of the business in this Court. Of the 91 insolvencies shown in the statement it would apply to 47. Having regard, however, to the results in the remaining 44 cases, it appears to me that the limit might very well be raised to Rs. 5,000, and I think it might with safety and advantage be raised to Rs. 10,000. In three only out of the 91 cases has property of the value of Rs. 10,000 and upwards been administered, and in seven cases has property between Rs. 5,000 and Rs. 10,000 been recovered. In the remaining 81 cases the property actually administered was less than Rs. 5,000. In 53 cases absolutely nothing was recovered. The provisions of section 14 relating to meetings of creditors would be inapplicable to the whole of these 81 cases.

In 9 out of 10 of these cases the insolvents only come into Court for the purpose of obtaining a protection order. They are either in jail in execution of a Civil Court decree or are threatened with arrest; they have little or no property—in many cases absolutely none. They are nearly all petty traders or impecunious clerks and other persons; the number of their creditors and the individual debts are small; there is seldom much, if any, opposition, and the whole business in these cases is of a simple and rudimentary character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The estates would not bear the cost, which would therefore fall upon the Government.

6. I have very little doubt, although I have not the means of testing my opinion by returns, that in the presidency-towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt there would be very little insolvency business in India; at all events it would be confined to *bonâ fide* trading bankruptcies. It seems to me that, no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind.

The true remedy is abolition of imprisonment for debt. It would curtail credit, and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

7. Section 103 (*b*) provides that the committee of inspection may be dispensed with in small bankruptcies, and (*c*) allows for other modifications by rules. But this is an inconvenient arrangement, and the power to make rules which absolutely annul the direct provisions of an Act is often questioned. I think where modifications are considered necessary they ought to be made in the Act itself in this part. I am opinion that all the provisions relating to meetings of creditors should be dispensed with in small bankruptcies, and that this modification should precede or follow clause (*b*).

8. I am also of opinion that in Courts where the Bankruptcy Act is in operation, Chapter XX of the Civil Procedure Code should not apply. The double jurisdiction and procedure lead to confusion, doubts, and uncertainty; persons will not know which procedure to come under, and objections and difficulties will be raised. As it is, Chapter XX has been very little used in the Courts now exercising insolvent jurisdiction. There is not a single instance of it in this Court, and until the High Court of Calcutta lately held that it had concurrent jurisdiction under the Civil Procedure Code, the power was doubted. At all events it had not been freely exercised. I am of opinion, therefore, that one of two courses ought to be followed with regard to this part of the subject—

(1) Additional provisions ought to be added to Chapter XX to provide more fully for small bankruptcies, and they should be omitted from this Act altogether; or

(2) Part VII ought to deal with them entirely and be the only law in the Courts to which the Act would apply, and Chapter XX of the Code should be restricted to Courts in which the Act did not apply.

I think the second is the preferable course, and that their proper place is in this Act; but the procedure should, as nearly as possible, be that of the Code.

9. This Court has not at present the machinery necessary to carry out the provisions of the Bill, and even if a Chief Court should be constituted for British Burma, it will require some addition to its establishment to work the Act properly if all bankruptcies, where the property likely to be realized exceeds Rs. 3,000, were to be made subject to the full provisions of the Act. The principal Civil Courts at Moulmein and Akyab have lately been invested with insolvency jurisdiction, and certainly they have not, and are not, likely to obtain the establishments necessary for the purpose. The jurisdiction might no doubt revert to the Recorder or be vested in a Chief Court, but I think it would be a very great hardship to persons resident in these places to compel them to come to Rangoon in all cases of small bankruptcies. The principal Civil Courts in these places are quite competent to deal with small insolvencies, and with a simple procedure they would not require extra establishments. I think, therefore, that this is a matter of considerable importance so far as the seaport towns of this province are concerned.

10. Section 88 confers certain powers on the Judges of the Presidency Small Cause Courts. I see no objection to this provision. It will relieve the High Courts of a great deal of purely formal work and of a number of petty *unopposed* bankruptcies, and I presume the rules contemplated by sub-section (*l*) would fix a *pecuniary* limit beyond which these Courts could not receive or hear bankruptcy petitions. In the draft Bill to constitute a Chief Court for British Burma power has been taken to extend the Presidency Small Cause Courts Act to Rangoon. Similar power might be taken to extend, at any time, the provisions of section 88 to the Small Cause Court of Rangoon, although I could not at present recommend that the powers given by the Bill should be exercised by the Rangoon Small Cause Court. But if that Court is reconstituted under the Presidency Acts, and the necessary establishments are allowed, there is no reason why it should not exercise the same powers as the Presidency Courts.

11. I entirely approve of the penal sections of the Bill. I think they are most necessary and will meet most of the cases which arise in practice.

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	...	...	...	...	...	...	...	...	...	Registry of bankruptcy in Scotland.
2	9,305	399	...	...	399	...	920	...	920	The insolvent compromised with his creditors out of Court at four annas in the rupee.
3	13,310	13,527	...	...	13,527	146	...	...	146	
4	5,579	...	...	...	...	...	...	...	...	
5	24,167	1,096	...	8,800	9,696	114	...	1,760	1,874	
6	2,940	2,300	...	...	2,300	...	...	...	...	
7	...	...	...	...	...	...	673	...	673	No schedule filed; insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
8	11,097	...	...	...	...	...	...	8,050	8,050	
9	...	...	...	...	...	...	...	...	...	No schedule filed.
10	21,054	...	...	...	...	...	...	...	...	
11	2,35,847	...	478	1,24,500	1,24,978	...	475	...	475	Rupees 1,317 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
12	Cannot be ascertained as case is transferred to Akyab.					46	...	...	46	
13	2,999	...	...	...	...	...	...	...	...	
14	61,353	4,537	1,700	...	6,237	65	688	5,571	6,294	
15	5,971	3,543	80	750	4,373	25	...	1,553	1,578	
16	43,800	10,566	...	...	10,566	...	...	...	...	
17	9,227	1,450	...	4,876	6,326	59	...	3,229	3,288	
18	30,589	569	...	30,000	30,569	...	118	...	118	
19	5,438	...	...	...	...	...	...	...	...	
20	3,065	1,765	...	1,800	3,565	...	25	...	25	
	4,54,401	39,742	2,258	1,70,526	2,12,526	455	2,869	20,163	23,487	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	...	...	...	...	...	...	...	...	
2	1,04,078	...	...	...	...	...	...	...	...	
3	...	...	...	...	...	...	...	...	...	No schedule filed.
4	61,859	784	7,381	...	8,165	...	5,356	...	5,356	
5	...	...	...	...	...	...	...	...	...	This was for final discharge.
6	6,802	3,349	...	...	3,349	...	...	...	...	
7	5,300	...	...	3,000	3,000	...	...	...	...	
8	6,055	3,196	...	...	3,196	...	...	...	...	
9	13,600	10,566	...	...	10,566	...	...	...	...	
10	2,905	...	233	...	233	...	33	...	33	
11	...	...	...	...	...	...	...	...	...	This was for final discharge.
12	58,263	7,292	...	675	7,967	...	...	...	...	
13	4,786	...	...	...	...	...	...	...	...	
14	2,806	675	...	...	675	...	...	...	...	
15	1,563	...	...	...	...	...	...	...	...	
16	8,309	2,096	...	...	2,096	...	...	422	422	
17	4,733	403	...	150	553	...	...	...	...	
18	8,17,881	41,000	...	8,08,119	8,49,119	...	539	...	539	
19	5,593	4,085	...	...	4,085	...	...	...	...	
20	8,702	...	...	...	...	...	...	8,325	8,325	
21	9,00,467	23,362	5,420	2,09,550	2,38,332	2,194	14,609	51,333	66,136	
22	2,506	1,554	...	...	1,554	112	...	...	112	
	14,17,824	98,264	13,034	5,21,494	6,32,792	2,306	20,437	60,080	82,823	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
	2,295	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,807	169	...	...	169	...	...	...	...	
4	5,642	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	This case is for final discharge.
6	3,365	...	127	...	127	...	43	...	43	
7	2,644	...	...	...	...	...	...	...	...	
8	2,559	396	...	...	396	...	...	...	...	
9	2,588	179	...	...	179	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	
12	...	...	...	...	...	...	...	...	...	No schedule filed.
13	3,050	2,624	...	...	2,624	...	...	...	...	
14	7,187	7,755	150	...	7,905	13	661	...	674	
15	28,669	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed.
17	55,209	...	...	...	...	...	5,157	17,800	22,957	
18	9,879	3,046	995	...	4,041	...	638	...	638	
19	7,947	8,685	112	...	8,797	...	...	...	...	
20	8,266	785	183	...	968	...	420	...	420	
21	13,810	3,620	9,260	...	12,880	1,749	3,839	...	5,588	
22	20,693	2,957	...	7,300	10,257	...	...	5,932	5,932	
23	73,763	71,962	1,318	...	73,280	...	81	...	81	
24	57,047	67,389	2,573	...	69,962	...	1,313	...	1,313	The insolvents in these cases compromised with their creditors out of Court at eight annas in the rupee.
25	1,66,436	41,426	4,274	2,10,000	2,55,700	...	...	...	...	
26	85,336	50,057	3,688	...	53,745	...	...	...	...	
27	1,84,000	15,000	1,986	1,40,000	1,56,986	...	...	...	...	
28	...	...	...	...	...	...	...	...	...	This case is for final discharge.
29	11,095	...	...	...	...	...	629	...	629	
30	7,733	2,999	...	...	2,999	...	...	...	...	
31	10,950	5,309	141	6,776	12,226	...	516	1,500	2,016	
32	6,510	3,361	418	260	4,029	...	231	...	231	
33	9,409	...	20	...	20	...	...	...	...	
34	37,931	530	...	...	530	...	...	...	...	
35	8,175	260	7,207	13,000	20,467	...	...	...	...	
36	32,393	8,906	772	15,500	25,178	254	309	13,200	13,763	
37	...	...	...	...	...	...	...	...	...	No schedule filed.
38	Cannot be ascertained; case transferred to Moulmein						74	...	74	
39	10,519	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein						...	...	...	
41	3,913	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	9,460	...	...	2,000	2,000	...	...	525	525	
44	14,109	10,022	...	...	10,022	...	...	...	...	
45	...	...	...	...	...	...	...	...	...	This case is for final discharge.
46	6,491	5,747	186	...	5,933	...	...	...	...	
47	51,963	24,421	...	11,500	35,921	...	...	825	825	
48	Cannot be ascertained; case transferred to Moulmein						134	...	134	
49	32,706	...	...	...	...	...	...	...	...	
	10,03,035	3,42,897	33,710	4,06,336	7,82,933	2,016	14,648	39,782	56,446	

From J. STUART, ESQ., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by MR. J. C. GILLBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

FROM the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbrous, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1848) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinions elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1848 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful, whether as the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be broadly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the supineness of creditors, which led to the adoption of inadequate compositions through the influence of the debtors' friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly; but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers. We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 39 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision, and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to overburden the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.

The following are instances of the stringency of the proposed Bill:—

Section 3. (1) (e).—"If execution issued against him has been levied by sale of his property in any civil proceeding in British India."

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

"That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods."

Section 15 (2).—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

Section 27, relating to the discharge of the bankrupt, especially 3 (*a*), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 48 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

Section 28, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immoveable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 41.

Section 34, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

Section 38.—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this section is less stringent than section 23 of the present Insolvent Act on the words "in his trade or business" are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the reputed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 144 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (*d*) does not appear adapted to this country; a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court; but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 as been longer in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complication and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the older and more usual nomenclature, and that the terms 'bankrupt' and 'bankruptcy' will replace 'insolvent' and 'insolvency.'

From E. S. SYMES, ESQ., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 239—3L., dated 15th January, 1886).

WITH reference to paragraph 2 of my letter No. 352—26 L., dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

Note by Judicial Commissioner, British Burma.

I HAVE compared the Bill with the English Statute, 46 & 47 Vic., cap. 52. With very few alterations the Bill reproduces the Statute. To criticize the Bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statutes which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the bankruptcy law of the Presidency-towns should as closely resemble that in force in England as local conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, ESQ., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1047, dated 7th June, 1885).

IN reply to your letter No. 1045, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, ESQ., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1046, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwára, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July, 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1017, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

Draft Bill to amend the Law of Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

From J. R. FITZGERALD, ESQ., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 570G., dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding, for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Cordery has no observations to offer in the matter.

From R. BELCHAMBERS, ESQ., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACGREGOR, ESQ., Official Assignee, Calcutta, to Registrar, High Court, Calcutta, —(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law, but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

Section 3 (1) (d).—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwarees, who reside in Native States and carry on business in the Presidency-towns by their gumáshtas. Some such words as I have suggested would seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, movable or immovable, to be attached or taken in execution."

Section 3 (1) (e) and (g).—These clauses are very sweeping; I think they should be modified.

Section 7.—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufassal have practically no really effective insolvency law.

Section 9 (2).—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor having property in the Mufassal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

Section 11.—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditors, whenever he considers such functionary necessary. He should also be empowered to appoint the debtor to be special manager if he considers such appointment expedient, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trustee not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to settle what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

Section 14.—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meetings might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

Section 15 (2).—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted, The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue advertisements calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

Section 16 (9).—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

Section 17.—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

Section 20.—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankruptcies and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

Section 20 (6).—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office dependent upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditors.

Section 21.—I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in cases when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

Section 22.—See my note on section 17, *ante*.

Section 23.—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

Section 26 (1).—I would add "or of any creditor who has proved his debt" after the word "trustee."

Section 26 (4) and (5).—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *bénâmi* for the debtor.

Section 27 (3).—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 105, in which case it would be unnecessary to repeat them here.

Section 27 (5).—When there are creditors residing out of India longer notice than 14 days should be given.

Section 27 (7).—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

Section 32.—Would it not be well to specify who shall take the account—whether the Court or the trustee?

Section 34 (1) (b) and (c).—The present Act gives six months' wages, which seems reasonable.

Section 38 (2).—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

Section 38 (2).—The concluding words of this clause seem to be unnecessary in India.

Section 48 (1).—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

Section 50.—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

Section 51 (2) and (3).—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"*with all convenient speed*"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

Section 52 (2).—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

Section 57 (1) and (2).—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee I would allow him to exercise the powers without previous permission.

Sections 59 to 62.—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptroller in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 134 (4), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater, than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons,—perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more importunate first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus purchased the acquiescence or silence of all of them he comes before the Court; there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bona fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal ministerial officer in each bankruptcy should be invested with very extensive inquisitorial, and even *quasi*-judicial, powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bonâ fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

Section 63.—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

Section 64 (3) would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

Section 65.—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of Bengal in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

Section 67 (1).—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the corpus of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

Section 67 (2).—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

Section 68.—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

Section 72.—My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

Section 79.—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

Section 88.—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days; and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give those matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

Section 91.—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

Section 94.—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

Section 103 (*b*).—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

Section 105.—The following offences, all of which are common in this country, might be added to the list of offences which will render a debtor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to absent themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

Section 110.—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

Section 113.—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to be held to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clearer.

Section 139 (*2*).—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (*1*), *ante*.

Schedule II.—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord

Loughborough in 1794, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

First.—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pigot* v. *Hastie* (I.L.R. 11 Cal.). The defendant, Mr. Hastie, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufassal, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

Second.—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a tradesman comes before the Insolvent Court, to find that his entire assets are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that their entire stock-in-trade and outstandings were mortgaged to two creditors, who stepped in at once and seized and sold the property. There are some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage-debts. It may safely be assumed that had the mortgages been registered, thus affording the public an opportunity of learning their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 unsecured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

Third.—A system of compulsory registration of business-partnerships would also be highly valuable.

Fourth.—The system of what are known as *bénámi* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, ESQ., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 570, dated 27th February, 1886).

IN continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of this Court, as well as a printed copy of a note* by the Official Assignee, on the provisions of the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to add that the High Court concurs generally in the observations made by its sub-committee on the provisions of the Bankruptcy Bill.

Report of the Committee of the High Court on the provisions of the Bankruptcy Bill.

WE regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which are sought to be introduced by the Bill required grave consideration, and it has therefore been impossible to avoid the delay which has taken place.

We have held repeated sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, introducing English law and methods of procedure and English phraseology, and we had to decide whether the proposal to introduce the English Bankruptcy Act with modifications into this country offered advantages sufficient to counterbalance the mischief of completely upsetting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that much of the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand we think it preferable to adopt the phraseology of the English Act, except where there is strong reason for not doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealth with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to question. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian legislature to pass such Act as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeeting.

Power is given to the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 21) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section; but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

* Printed with previous letter from Registrar, High Court, Calcutta, dated 18th February, 1886.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

(1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;

(2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;

(3) the expenses of an administration by the creditors would be very large: in all cases the trustee, and in many cases the committee of inspection, would have to be remunerated; the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to expedite the winding up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration are minimised, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, no step would be taken without legal assistance, which would have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19 (sub-sections (2) and (3)), 20, 21, 22, so much of section 23 as relates to meetings of creditors, sections 63 to 81 (both inclusive), section 103, sub-section (*b*), and section 118; and the following sections will require alteration, namely:—sections 47, 50, 110 and 132. The first schedule will also become unnecessary.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency-towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvent Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 336 be relieved from imprisonment as soon as he is arrested. The main advantage of proceeding under the Act is that if he be a trader he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsuited to the requirements of a commercial city like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require enumeration. They have been made apparent in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hastie*, I. L. R. 11 Calc. 151, and in the matter of *Leckie*, now pending).

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the court officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee", and not the "Official Receiver." There is already an Official Receiver of the High Court, and the appointment of another officer with the same official designation but with different powers and duties would lead to confusion.

5. Section 3, sub-section (*l*) (*d*), should be altered to meet the case of a man carrying on a business by himself, or by his agent or gumáshta, and closing such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defeat or delay his creditors departs from his usual place of business within the jurisdiction of the Supreme Court is liable to be adjudicated an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraphs (*e*) and (*g*) of sub-section (*l*) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons lying in prison 21 days, and as to fraudulent executions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1865) it is provided "that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one of the Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India." By section 5 of the Indian Insolvent Act an insolvent debtor who is in prison within the limits of the town of Calcutta, or *who resides within the jurisdiction of the Supreme Court at Calcutta*, can petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to entitle all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvent Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta cannot pretend to be efficient or to meet in the smallest degree the requirements of the commercial classes. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the reception of the petition.

In the case of a creditor's petition we think that, as at present, if a *primâ facie* case be made out on the petition, the debtor should be adjudicated an insolvent and his property vested in the Official Assignee at once. Any delay in making the vesting order would make it impossible in most cases to save any of the debtor's property for his creditors. In order to prevent the risk of an improper adjudication it will be well to provide that the debtor may at any time before his public examination come in and apply to have his adjudication annulled, and that it shall be so annulled unless the creditor satisfies the Court that the debtor has committed an act of bankruptcy. Section 19, sub-sections (*2*) and (*3*), might therefore be omitted from the Bill.

8. Section 9 of the proposed Bill does not clearly provide for *ad interim* protection-orders, and therefore we recommend that power should be given to the Court, in terms similar to the provisions of section 13 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection-order at any time.

9. We think that the mere fact "*that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India*" should not entitle a creditor or other person the right to set aside an adjudication, and we recommend that in [illegible] the above words in italics should be transposed and placed between the words "the debtor".

[illegible] section 16, sub-section (*l*), we think that the statement of affairs should be filed [illegible] be filed in the office of the Official Assignee. It is necessary that there should be two copies, and we recommend that of the two the one filed in court should be taken as the original statement with respect to sub-section (*b*) of section 16. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (*3*), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.

12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 26 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor should, before any relief is granted to him, satisfy the Court, not only that he has not been guilty of the acts specified in the Bill as disentitling him to his discharge, but also that he has been neither dishonest in his dealings nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 351 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an adjudication being annulled on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord should not be entitled after the bankruptcy to levy for more than three months' rent.

21. With regard to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

[illegible] the law at present stands, a creditor who [illegible] an attachment before the vesting order [illegible]

[illegible] the acts therein mentioned.

24. As to sub-section (*l*) of section 62, the only part which [illegible] to our previous recommendations, need remain, is the part relating to advertisements. The duties, powers and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands [illegible] the Court should find that he had not acted *bonâ fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (*2*) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of commission or percentage payable to him. We think that if, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts as contemplated by section 86, clause (*a*), and section 88, clause (*3*), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the first of section 88, clause (*a*).

30. We think that section 88 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to itself any insolvency proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

[illegible] We think that section 89 should be struck out.

[illegible] It should be made clear that the powers proposed to be given to the Court by section 91 extend to persons other than insolvent debtors and their creditors.

[illegible] Having regard to our other recommendations, section 99 requires alteration, and section 103 (*b*) and the words at the end of section 103 should be struck out.

[illegible] If section 109 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy-proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 132.

37. We think that the rights of present officers of the Insolvent Court in respect of pensions or [illegible] should be saved.

In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires alteration.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(*Signed*) A. WILSON.
(„) J. PIGOT.
(„) E. J. TREVELYAN.

From S. E. J. CLARKE, ESQ., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India, Legislative Department,—(dated 30th April, 1886).

MY Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will doubtless forward them to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, ESQ., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I AM directed by my Committee, in reply to your No. 1335 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law, and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognise the peculiar circumstances of India, or the difficulties which those circumstances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public; and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure, some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question re-opened. Those who have transactions directly with English markets and in the natural development of Indian trade, the number of whom is slowly but steadily increasing, evince quite as much anxiety for the passing of a law to compel a registration of partnerships as the European mercantile community. It would be well if, in connection with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the legislature, should not be overlooked, is the practical exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Court, and though in the case of Europeans the shelter might not be so effectual as in the case of Natives, yet the fact ought not to escape the attention of the legislature that under present circumstances for a Native insolvent to cross from British into Native territory is to give him an immunity the certainty of obtaining which is found to encourage reckless speculation and a ready resort to fraudulent practices. The impunity with which a fraudulent Native debtor can set his creditors at defiance, and in especial the smallness of the dividends derivable from the estates of Native insolvents, have been grievances of the mercantile community in this city for very many years. Indeed, so far back as 1853, the latter formed the subject of a reference from the Chamber of Commerce to Mr. John Cochrane, the then Official Assignee. What the Chamber then complained of is still a serious ground of complaint. There seems to be no good reason why, with proper precautions, decrees of the Indian High Courts should not be allowed to run in the jurisdiction of Native States. The matter is one which my Committee feel to most properly within the province of the Foreign Department of the Government of India, but they see no reason why the Legislative Department should not move the Foreign Office to deal effectually with so important a question, nor why the Foreign Department should not undertake this task in close communication with the Legislative Department, and, if need be, with the Judges of the High Courts in India. The greater the improvement in the bankruptcy law of India and the greater the simplicity which may mark the procedure of the Insolvency Courts, the greater will be the anxiety of a Native insolvent who has been guilty of fraud, concealment of property, the setting up of fictitious co-partners or wrongful preference of particular creditors to avoid appearing before an Insolvency Commissioner; and in this way it may well happen that improvements in law and procedure will have a tendency to accentuate and render more acute the grievance alluded to above and which is felt equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a trustee appointed by the creditors the primary authority for administering an insolvent's estate, whilst the Official Receiver is only to act if the creditors fail to appoint a trustee.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the premises upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which consider they possibly all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (b) of section 23, they can see no objection why a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of its being shown that he acted under a mistake or upon information wrong in itself but accepted by him as correct. Redress in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are amended as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all unnecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reprobating. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant, it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a direction to the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from the accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtor's affairs. So long as creditors believe that no meetings is to proceed without their leave, to attend at the office of the Official Receiver, or to write a letter, unless under unusual circumstances, is a matter of no importance, so long will the attendance at meetings be small, and the chances of getting together a sufficient number to pass a resolution, even if it may be used to remove to the Official Receiver power to call a meeting of creditors, be slender.

The attention of the Committee, in the course of the discussions on the draft Bill, has been in various ways strongly drawn to the question of protection against *benámi* dealings and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the transfer something of a time sanction. *Benámi* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before and in consideration of marriage, or in the case of a covenant made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provisions of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Allusion has been made to *benámi* cases and to the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *benámi* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position or in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *benámi* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps suddenly in, closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or find their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where for

all practical purposes it may be said to be carried on for the benefit of the creditor holding a possessory mortgage. In England this class of cases is dealt with by the Bills of Sales Act. Instruments of the kind alluded to must be registered within twenty-one days, and under certain circumstances are absolutely null and void as against a decree of the Court, a trustee in bankruptcy or in the event of the insolvency of the maker of the mortgage. In India it is very desirable that all instruments of this class should be made to come under the provisions for compulsory registration. The records of the Insolvent Court and the experience of the Official Assignee will amply bear out the necessity for some action such as that just suggested. It seems to convert the Bankruptcy Courts into a shelter for fraudulent dealings when a bankrupt who has deprived the general body of his creditors of security for their claims applies to the Court for protection against any steps they might ordinarily institute against him.

My Committee approve of the provision which retains for India imprisonment for debt. A very great number of Native traders are not subjects of the British Government, and have a means of conveying greater or lesser portions of their assets out of the jurisdiction of British Courts. Another large section of Native traders shelter themselves behind the Hindu custom of a joint family; where such a custom prevails, and where important classes of Native dealers have their domicile beyond the limits of the territories directly administered by the Government of India, it is necessary that imprisonment for debt should be retained even if on general grounds a good case could not be made out in its favour.

Section 34 provides that a limit of Rs. 500 as wages shall be paid, in priority to all other debts, to any clerk or servant who may have rendered services to the bankrupt during four months before the date of the receiving order. My Committee are strongly in favour of a limit in the amount to be paid under this section, but they consider Rs. 500 too low considering the average range of the salaries of assistants. They would make the limit Rs. 1,000, but would require that the amount of wages due to any clerk or servant should be certified by the Official Receiver or Trustee, or the official accountant of the Receiver's office.

Section 36 gives power to a landlord to distrain for one year's rent accrued due prior to the date of the order of adjudication. This provision would appear to be unnecessary considering the powers already ordinarily enjoyed by landlords.

My Committee are not disposed to cavil at the provision contained in section 48 of the Bill. Where the Crown reserves to itself the right to dismiss its servants as a punishment for insolvency, it seems reasonable that it should retain the alternative of regulating the amount to be retrenched from the pay of an employé.

It would appear to be in consonance with reason and the spirit of the Bill that the lying in prison of a person under a warrant of arrest in execution of a decree of the Courts, as well as the closing of, or departing from, a place of business with intent to defeat or delay creditors, should be declared to be acts of bankruptcy on which a receiving order should be made. The latter is, under the present law, a ground for adjudicating a trader, and the lying in prison under a warrant of arrest in execution of a decree a ground for adjudicating a non-trader, a bankrupt. There seems to my Committee no good reason why they should be omitted from the proposed Act, more especially as cases can readily be conceived in which the omission of these circumstances as acts of bankruptcy might give rise to difficulty. The lying of a debtor in prison is sufficient to give the proposed Bankruptcy Court jurisdiction, and it ought therefore to be declared to be an act of bankruptcy. It does not appear to my Committee that paragraphs 19, 20 and 21 of the Statement of Objects and Reasons give any good reason for excluding the jurisdiction of the Court in cases where persons or personally subject to the jurisdiction otherwise, and by reason of their being imprisoned or having within a twelvemonth ordinarily resided or had a place of business within the local limits of the Court's jurisdiction. At present persons who come to Calcutta to sell produce, purchase goods, or to make contracts in this city for such purposes, are in respect of such contracts liable to be sued in the Calcutta High Court.

As the draft Bill is framed a Calcutta merchant who had obtained a decree against a person in the position referred to would be unable to avail himself of the provisions of the proposed Bankruptcy Act for enforcing payment of the amount for which he had obtained a decree. My Committee are decidedly of opinion that it would be a great advantage to the mercantile community if in the proposed Act the bankruptcy jurisdiction were extended so as to include all cases in which the High Court has jurisdiction to entertain a suit.

The order and disposition clause, section 38, sub-section (3), provides for all moveable property in the order and disposition of a bankrupt, with the consent of the true owner, being dealt with as the property of the insolvent. This sub-section (3) is substantially identical with the order and disposition clause in the present Act. Under the section of the existing Act it has been held that property left by the true owner, being a mortgagee, in the possession of a firm the resident member of which becomes an insolvent, is not in the possession, order or disposition of the insolvent within the meaning of the Act, inasmuch as it is not in his sole possession, order or disposition, but in that of himself and his absent partners jointly. It was therefore ruled in *ex parte Gubboy* in *re Morgan* (I. L. R. 6 Calc. 633) that the clause does not apply. It is very rare indeed to find in any business, whether carried on by Europeans or Natives, that all the partners are resident, and, this being so, the ruling referred to has in a large majority of cases the effect to a great extent of nullifying the possession, order or disposition clause, which is a very useful position to be maintained in the interests of the creditors generally of a bankrupt estate. My Committee would therefore suggest that sub-section (3) of section 38 of the draft Bill should be amended in a way to meet the difficulty which the decision in *Gubboy* in *re Morgan* has raised. Possibly section 102 of the Bill, which provides that a creditor of a firm may proceed in bankruptcy against the firm in the name in which it carries on business, may in the case of some of the acts of bankruptcy specified in section 30 of the Bill get over the difficulty which has been pointed out. But the matter is doubtful, and the question is one of such great importance that my Committee consider the doubt should be removed as far as possible.

My Committee cannot accept the suggestion made in section 88 that any of the functions of a Court of Bankruptcy should be delegated to a Small Cause Court Judge. The Small Cause Court is a Court of summary jurisdiction. Its files are overloaded with business, and to transfer to it insolvency business would alter the character of the Court, establish direct insolvency jurisdictions in the Presidency-towns, and prove an inconvenience instead of a convenience to the public. The preferable course would be to follow existing precedents and provide for the appointment of a Registrar of the Bankruptcy Court. The work could not be imposed upon the Registrar of the High Court, for the officer is in the Calcutta High Court already overburdened with business. A Registrar of the Bankruptcy Court might have delegated to him duties similar to those performed by Registrars in Bankruptcy at Home. He might also perform the functions which under the English Bankruptcy Act are fulfilled by the Board of Trade.

It would probably be found a convenience if affidavits which have to be made in England and Scotland in cases of Indian bankruptcy should be sworn before the Permanent Commissioners already appointed by the Indian High Courts to take affidavits in those countries, and that affidavits sworn before such Commissioners should be admissible in bankruptcy proceedings in this country.

My Committee consider that a trustee appointed under section 20 should, unless good cause can be shown to the contrary, invariably be a creditor of the insolvent; such a trustee once appointed should only be removeable by order of the Court and upon cause shown. My Committee do not think it would further the ends of justice to allow a trustee, so far as his work is concerned, to be at the risk of disputes amongst the creditors. Besides, by making him removeable only by an order of Court, a greater directness of responsibility is obtained, and by so much a greater security for the interests of all concerned. Where a trustee is appointed my Committee

incline to think that he should liquidate the bankrupt's estate under the inspection of the Official Receiver, who in such a case would fulfil the functions of a Committee of Inspection.

Section 26 might be amended so as to give the Court power to order, according to the information elicited in the course of proceedings before it, to deliver over any money or property which that information might show to have been received from the insolvent as the result of a fraudulent preference, as also any property vested in him by a fraudulent settlement or which he appeared to hold *bénâmi* for the bankrupt.

Sub-section (5) of section 27 appears to have taken no account of the possibility of creditors residing out of India. In such a case the notice of 14 days provided by the sub-section would be insufficient. The sub-section might be so amended as to show clearly the distinction between English and Indian creditors as respects the notice.

In section 32 there is an omission. The section provides for accounts to be taken when there have been mutual dealings between a bankrupt and any other person, but does not state to whom the account shall be rendered.

Section 38 gives Rs. 200 as the value of the excepted articles. The existing Act gives Rs. 300 as the value of such articles, and my Committee do not see why this limit should not be maintained in the proposed Act.

My Committee would suggest that the time allowed under section 48 for a trustee to disclaim onerous property should be enlarged from two months to six months. The circumstances of India are in every way so different from those in England, and such great difficulty attaches to a proper ascertainment of the character of properties, that to limit the period of disclaimer under this section to two months only would, my Committee believe, seriously interfere with its working.

My Committee would make the permission vested by section 50 in the Committee of Inspection depend rather upon an order of the Court. The same remark applies to section 57.

Clause (2) of section 52 appears to overlook the radical differences between separate and joint estates. These differences ought to be acknowledged so far that the direction to declare dividends together should be amended and powers given to declare dividends separately.

It would facilitate business if the latter portion of clause (3) of section 64, from the words "The officer shall, &c.," to the words "duly sanctioned," were omitted. If a trustee or manager acts with the permission of the Court under sections 50 and 57, there is no need for him to take further sanction for the details dealt with in this sub-section, more especially as all charges incurred under this sub-section must be taxed.

Referring to section 65, my Committee would not recommend any interference with the existing system, by which bankruptcy estates accounts are kept in the name of the Official Assignee and audited by Government officials who submit half-yearly reports on such audit to the High Court. The like remark applies to section 67, clause (1).

In section 94, which gives the Court power to change the carriage of proceedings, my Committee would include besides any other creditors the trustee or the Official Receiver as persons who might be substituted to carry on the proceedings.

In section 103, clause (b), my Committee can see no reason for making the action of the Official Receiver depend upon the "permission of the Court," and would recommend that those words be omitted.

My Committee would add to the offences punishable under section 105 of the Bill the following:—failing to give proper assistance in realising his assets; procuring or assisting to raise a fraudulent claim against the assets of the estate; improperly interfering with the realisation of the assets; fraudulently making away with property; doing that which might result in preventing the disposal of the property at its proper value; showing a fraudulent preference to any creditor or entering into any composition with any creditor; inducing any creditor by an improper preference or otherwise to neglect or delay to proceed with a petition, or to agree to the discharge of the bankrupt.

My Committee cannot approve of the transfer of offences provided for in section 110, and would prefer that the Bankruptcy Court should itself deal with offences under the Bankruptcy Act.

The wording of section 113, providing for the exclusion of partnerships and companies, should be made more clear. As it stands it might be objected that it excludes ordinary business partnerships from the operation of the Act, which is against the present practice as well as against the spirit of the Act itself.

My Committee cannot see what utility will result from changing the designation of the "Official Assignee" to that of "Official Receiver". There is already an officer of the High Court known by this latter designation, and to retain the style "Official Receiver" would be to introduce something of confusion and to change a title thoroughly well known and comprehended.

In conclusion my Committee desire me to report their opinion that the draft Bill is an advance upon the existing Act. They would suggest that the legislature should consider the expediency of retaining Chapter XX of the Civil Procedure Code as regards the local limits of the Courts established under the bankruptcy law, and they would again urge that in the consideration of the draft Bill the utmost weight, and the most careful attention, should be given to the points of difference between the circumstances of England and India.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 29, 1886.

☞ 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 May, 1886, and was referred to a Select Committee—

No. 6 OF 1886.

THE INDIAN BANKRUPTCY BILL, 1886.

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A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. *(1)* This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act. [46 & 47 Vic., c. 52, s. 127, sub-s. (3).]

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Acts of Bankruptcy.

Acts of bankruptcy.

2. *(1)* A debtor commits an act of bankruptcy in each of the following cases:— [46 & 47 Vic., c. 52, s. 4.]

(a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

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being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution, for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immoveable, to be attached or taken in execution;

[11 & 12 Vic., c. 21, s. 9.]

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

[L. R. 13 Q. B. D. C. A. 471, and Law Journal, September 21st, 1885.]

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

Receiving Order.

[46 & 47 Vic., c. 52, s. 5.]

Jurisdiction to make receiving order.

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

[46 & 47 Vic., c. 52, s. 6 (1), clause (d).]

Restrictions on jurisdiction.

4. *(1)* The Court shall not have jurisdiction to make a receiving order unless—

(a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits:

Provided as follows:—

(i) in any case where an application for declaring a debtor insolvent has been made under section 344 of the Code of Civil Procedure to any Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court, if competent so to do under its Letters Patent or section 25 of the Code of Civil Procedure, and may then make a receiving order under this Act in supersession of all or any of the proceedings which may have been previously taken under the said Code:

XIV of 1882.

XIV of 1882.

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses *(a)* and *(b)* of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso *(i)* to sub-section *(1)* shall be subject to such modifications, if any, of those provisions as may be prescribed.

Conditions on which creditor may petition.

5. *(1)* A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

[11 & 12 Vic., c. 21, s. 9. 46 & 47 c. 52, s. 6.]

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

[11 & 12 c. 21, s.

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

[46 & 47 c. 52, s.

Proceedings and order on creditor's petition.

6. *(1)* A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

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(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-14.)

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 8.]

Debtor's petition and order thereon.

7. *(1)* A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 49. 46 & 47 Vic., c. 52, s. 9.]

[See s. 35 of this Bill.]

Effect of receiving order.

8. *(1)* On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.

[11 & 12 Vic., c. 21, s. 49, 46 & 47 Vic., c. 52, s. 10.]

Discretionary powers as to appointment of interim receiver and stay of proceedings.

9. *(1)* The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic., c. 52, s. 11.]

Service of order staying proceedings.

10. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

[XIV of 1866.]

[46 & 47 Vic., c. 52, s. 12.]

Power to appoint special manager.

11. *(1)* If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

[46 & 47 Vic., c. 52, s. 13.]

Advertisement of receiving order.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 14.]

Power to Court to rescind receiving order in certain cases.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankrupt or Insolvent Laws of some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition, upon such terms, if any, as the Court may think fit.

Proceedings consequent on Order.

[11 & 12 Vic., c. 21, ss. 6 & 12. 46 & 47 Vic., c. 52, s. 16.]

Debtor's statement of affairs.

14. *(1)* When a receiving order is made against a debtor, he shall prepare and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within seven days from the date of the order;

(ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

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and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section *(1)* or sub-section *(3)* at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

Proposal for composition or scheme of arrangement.

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

Public Examination of Debtor.

[46 & 47 Vic., c. 52, s. 17.]

Public examination of debtor.

16. *(1)* Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

Composition or Scheme of Arrangement.

[New. cf. 46 & 47 Vic., c. 52, s. 15.]

Consideration of proposal for composition or scheme of arrangement.

17. *(1)* Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section *(1)*, by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section *(1)*, requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

[cf. 46 & 47 Vic., c. 52, s. 18.]

Acceptance, approval and effect of composition or scheme.

18. *(1)* The composition or scheme proposed by the debtor shall not be deemed to be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance, by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

[See ss. 33 and 34 of this Bill.]

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

[See s. 28 (5) of this Bill.]

[46 & 47 Vic., c. 52, s. 19.]

Limitation of effect of composition or scheme.

19. Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

[See ss. 28 and 107 of this Bill.]

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(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 19-22.)

Adjudication of Bankruptcy.

[Bankruptcy Rules, 1885, para. 155.]

Adjudication of bankruptcy.

20. *(1)* At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

[46 & 47 Vic., c. 52, s. 20.]

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee.

[11 & 12 Vic., c. 21, s. 35.]

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

[46 & 47 Vic., c. 52, s. 23.]

Power to accept composition or scheme after bankruptcy adjudication.

21. *(1)* Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

Control over Person and Property of Debtor.

[46 & 47 Vic., c. 52, s. 24.]

Duties of debtor as to discovery and realization of property.

22. *(1)* Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 23-26.)

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic., c. 52, s. 25.]

Arrest of debtor under certain circumstances.

23. *(1)* The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

[46 & 47 Vic., c. 52, s. 26.]

Re-direction of debtor's letters and telegrams.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

[46 & 47 Vic., c. 52, s. 27.]

Discovery of debtor's property.

25. *(1)* The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

Discharge of Bankrupt.

[11 & 12 Vic., c. 21, ss. 48 & 49. 46 & 47 Vic., c. 52, s. 28.]

Discharge of bankrupt.

26. *(1)* A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-28.)

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property:

[11 & 12 Vic., c. 21, ss. 50 & 51.]

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

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(3) The facts hereinbefore referred to are—

(a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit or other legal proceeding properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *primâ facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

[11 & 12 Vic., c. 21, ss. 85 & 86.]

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

[11 & 12 Vic., c. 21, s. 58.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

[46 & 47 Vic., c. 52, s. 29.]

Fraudulent settlements.

27. In either of the following cases, that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

[11 & 12 Vic., c. 21, ss. 48 & 62. 46 & 47 Vic., c. 52, s. 30.]

Effect of order of discharge.

28. *(1)* An order of discharge shall not release the bankrupt from any debt on a recognisance, or from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

The Indian Bankruptcy Bill, 1886.
(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of Property.—Sections 29-32.)

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, ss. 59 & 60.] *(5)* An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

DISQUALIFICATIONS OF BANKRUPT.

[46 & 47 Vic., c. 52, ss. 32 & 34.] **29.** *(1)* Where a debtor is adjudged bankrupt he shall, subject to the provisions of this section, be disqualified for— Disqualifications of bankrupt.

(a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861; 24 & 25 Vic., c. 67.

(b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;

(c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

(a) the adjudication of bankruptcy against him is annulled; or

(b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of Debts.

[11 & 12 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 37.] **30.** *(1)* Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy. Description of debts provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. [11 & 12 Vic., c. 21, s. 43.]

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

[11 & 12 Vic., c. 21, s. 42. 46 & 47 Vic., c. 52, s. 38.] **31.** Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him. Mutual credit and set-off.

[46 & 47 Vic., c. 52, s. 39.] **32.** With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed. Rules as to proof of debts.

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 33-37.)

[46 & 47 Vic., c. 52, s. 40.] **33.** *(1)* In the distribution of the property of a bankrupt there shall be paid in priority to all other debts— Priority of debts.

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

[11 & 12 Vic., c. 21, s. 46.] *(b)* all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

[Act IX of 1872, s. 262.] *(3)* In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

[46 & 47 Vic., c. 52, s. 41.] **34.** *(1)* Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case. Preferential claim in case of apprenticeship.

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of the apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

[11 & 12 Vic., c. 21, s. 22. 46 & 47 Vic., c. 52, s. 42.] **35.** *(1)* The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available. Power to landlord to distrain for rent.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

Property available for Payment of Debts.

[46 & 47 Vic., c. 52, s. 43.] **36.** The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to the time of the first of such acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor. Relation back of assignee's title.

[46 & 47 Vic., c. 52, s. 44.] **37.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:— Description of bankrupt's property divisible amongst creditors.

(1) property held by the bankrupt on trust for any other person;

[11 & 12 Vic., c. 21, s. 7.] *(2)* the tools (if any) of his trade and the necessary wearing-apparel, bedding and other such necessaries of himself, his wife and children, to a value, inclusive of tools and apparel and the other things aforesaid, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

[11 & 12 Vic., c. 21, s. 7.] *(3)* all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bank-

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic., 21, s. 23.] *(5)* all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Effect of Bankruptcy on antecedent Transactions.

[Cf. Act XIV of 1882, s. 295. 46 & 47 Vic., c. 52, s. 45.] **38.** *(1)* Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

Restriction of rights of creditor under execution.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

[46 & 47 Vic., c. 52, s. 46.] **39.** *(1)* Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official assignee, but the costs of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Duties of Court executing decree as to goods taken in execution.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

[46 & 47 Vic., c. 52, s. 47.] **40.** *(1)* Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settler of property which has accrued to the settler after marriage in right of his wife, shall, if the settler becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settler becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settler was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settler in the property had passed to the trustee of the settlement on the execution thereof.

Avoidance of voluntary settlements.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settler's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

[11 & 12 Vic., c. 21, s. 24. 46 & 47 Vic., c. 52, s. 48.] **41.** *(1)* Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

Avoidance of preferences in certain cases.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

[46 & 47 Vic., c. 52, s. 49.] **42.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

Protection of *bonâ fide* transactions without notice.

(a) any payment of the bankrupt to any of his creditors,

(b) any payment or delivery to the bankrupt,

(c) any conveyance or assignment by the bankrupt for valuable consideration, or

(d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

(1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

Realization of Property.

[11 & 12 Vic., c. 21, s. 25. 46 & 47 Vic., c. 52, s. 50.] **43.** *(1)* The official assignee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by assignee.

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 44-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

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[11 & 12 Vic., c. 21, s. 25.] *(3)* Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

[46 & 47 Vic., c. 52, s. 51.] **44.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession

Seizure of property of bankrupt.

[illegible] bankrupt where the bankrupt [illegible] or any building or receptacle [illegible] where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

[illegible] **45.** *(1)* Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 268 of that Code, direct.

Protection of pay of officers in army, navy, civil service, &c.

XIV of 1882.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

[11 & 12 Vic., c. 21, s. 7. 46 & 47 Vic., c. 52, s. 54. 11 & 12 Vic., c. 21, s. 20.] **46.** The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

Vesting and transfer of property.

[46 & 47 Vic., c. 52, s. 55.] **47.** *(1)* Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Disclaimer of onerous property.

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property [illegible] rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

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(Part III.—Administration of Property.—Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

[46 & 47 Vic., c. 52, s. 56.]

48. *(1)* Subject to the provisions of this Act, the official assignee may do all or any of the following things:—

Powers of assignee as regards dealing with property.

[11 & 12 Vic., c. 21, s. 31.]

(a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

[11 & 12 Vic., c. 21, s. 30.]

(d) exercise any powers the capacity to exercise which is vested in the official assignee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

[11 & 12 Vic., c. 21, s. 2.]

(e) deal with any property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause *(e)* of sub-section *(1)* with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

[3 & 4 Vic., c. 74, s. 65.]

49. The official assignee may, subject to any general or special orders of the Court, do all or any of the following things:—

[46 & 47 Vic., c. 52, s. 57.]

Powers exercisable by assignee subject to orders of Court.

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

(2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;

[11 & 12 Vic., c. 21, s. 32.]

(3) employ a legal practitioner or other agent to take any proceedings or do any business;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

(6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

[11 & 12 Vic., c. 21, s. 33.]

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

Distribution of Property.

50. *(1)* Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

Declaration and distribution of dividends.

(2) The first dividend, if any, shall be declared and be payable within six months from the date of the vesting order, unless the official assignee reports to the Court that there is sufficient reason for postponing the declaration to a later date.

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(Part IV.—Official Assignees.—Sections 51-58.)

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vic., c. 52, s. 59.]

51. *(1)* Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee [illegible] being received by each property.

[11 & 12 Vic., c. 21, s. 43. 46 & 47 Vic., c. 52, s. 60.]

52. In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

Provision for creditors residing at a distance, &c.

[46 & 47 Vic., c. 52, s. 61.]

53. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Right of creditor who has not proved debt before declaration of a dividend.

[46 & 47 Vic., c. 52, s. 62.]

54. When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

Final dividend.

[11 & 12 Vic., c. 21, s. 45. 46 & 47 Vic., c. 52, s. 63.]

55. No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

No suit for dividend.

[46 & 47 Vic., c. 52, s. 64.]

56. *(1)* The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct.

Power to allow bankrupt to manage property, and allowance to bankrupt for maintenance or service.

[illegible] and the trade, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made.

[46 & 47 Vic., c. 52, s. 65.]

57. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

Right of bankrupt to surplus.

PART IV.

OFFICIAL ASSIGNEES.

Appointment and Removal.

[11 & 12 Vic., c. 21, s. 14. 46 & 47 Vic., c. 52, s. 66 (1).]

58. *(1)* The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such person as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct.

Appointment and removal of official assignees of debtors' estates.

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

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(Part IV.—Official Assignees.—Sections 59-64.)

(3) Notwithstanding anything in sub-sections *(1)* and *(2)*, the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 *(an Act to consolidate and amend the Laws relating to Insolvent Debtors in India)*, and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Courts Act, 1875, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

XVII of 1875.

Duties.

[46 & 47 Vic., c. 52, s. 68.]

59. *(1)* The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

Functions of official assignee.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

[46 & 47 Vic., c. 52, s. 69.]

60. As regards the debtor, it shall be the duty of the official assignee—

Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

XLV of 1860.

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to make such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

[46 & 47 Vic., c. 52, s. 70.]

61. *(1)* As regards the estate of a debtor it shall be the duty of the official assignee—

Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and where a special manager has not been appointed, as manager thereof;

(b) to apply to the special manager to raise necessary funds, advances for the purposes [illegible] in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed.

[See ss. 8 & 11 of this Bill.]

XIV of 1882.

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs.

[See s. 64 of this Bill.]

Remuneration.

[11 & 12 Vic., c. 21, s. 19. 46 & 47 Vic., c. 52, s. 72.]

62. *(1)* The remuneration to be paid to the official assignee shall be fixed by general rules.

Remuneration of official assignee.

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section *(1)* shall be received by an official assignee as such.

Costs.

[46 & 47 Vic., c. 52, s. 73.]

63. *(1)* No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

Allowance and taxation of costs.

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request or such further time as the Court, on application, grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

Receipts, Payments; Accounts and Audit.

[11 & 12 Vic., c. 21, ss. 15-21. Ben. Rule[illegible] 46 [illegible] c. 52, s. [illegible]]

64. *(1)* Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe.

Bankruptcy Estates and Dividends Accounts.

(2) Subject to these rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed.

(3) The said accounts shall be opened as soon [illegible] as may be after the passing of this Act.

(4) The official assignee shall, [illegible] and at such times as the Court [illegible]

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(Part IV.—Official Assignees.—Sections 65-71.)

of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

[11 & 12 Vic., c. 21, s. 34.]

(5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

[46 & 47 Vic., c. 52, s. 75.]

65. An official assignee shall not pay any sums received by him as official assignee into his private banking account.

Assignee not to pay into private account.

[46 & 47 Vic., c. 52, s. 76.]

66. *(1)* Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

Investment of surplus funds.

(2) When the Court has made an order under sub-section *(1)*, it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

[11 & 12 Vic., c. 21, s. 33. Rules, 41. 46 & 47 Vic., c. 52, s. 78.]

67. *(1)* Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

Audit of assignee's accounts.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so submitted to be audited, by such officer as the Governor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

[46 & 47 Vic., c. 52, s. 79.]

68. The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors.

Assignee to furnish list of creditors.

[46 & 47 Vic., c. 52, s. 80.]

69. The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books.

Books to be kept by assignee.

[46 & 47 Vic., c. 52, s. 81.]

70. *(1)* Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

Periodical statement of proceedings.

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

Release.

[46 & 47 Vic., c. 52, s. 82.]

71. *(1)* When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly.

Release of assignee.

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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(Part V.—Special Assignees.—Sections 72-77.)

respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Official Name.

[46 & 47 Vic., c. 52, s. 83.]

72. The official assignee may sue and be sued by the name of "the official assignee of the property of , a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Name of assignee.

Vacation of Office on Insolvency.

[46 & 47 Vic., c. 52, s. 85.]

73. If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

Office of assignee vacated by insolvency.

Control.

[46 & 47 Vic., c. 52, s. 89.]

74. *(1)* Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

Discretionary powers of assignee and control thereof.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.]

75. If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against assignee.

[46 & 47 Vic., c. 52, s. 91.]

76. *(1)* In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over assignee.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

[11 & 12 Vic., c. 21, s. 17. 46 & 47 Vic., c. 52, s. 21.]

77. *(1)* If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

Appointment and removal of special assignee.

[New.]

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

[New.]

(3) At the meeting convened under sub-section *(2)* the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

[46 & 47 Vic. c. 52, s. sub-s. (2).]

(5) **The appointment of a special assignee shall take effect as from the date of the certificate.**

[46 & 47 V c. 52, s. sub-s. (4).]

(6) **If the Court disapproves of the appointment made at the meeting summoned under sub-section *(2)*, it shall cause a further meeting of the creditors to be summoned for the purpose, of appointing some other person to be special assignee.**

[New.]

(7) If either at the meeting summoned under sub-section *(2)* or at the further meeting summoned under sub-section *(6)* the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section *(4)*, the official assignee shall be the assignee throughout the bankruptcy.

[New.]

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

[46 & 4 c. 52, s.

(9) **Where the Court disapproves of the appointment of any one of more persons than one**

[New.]

The Indian Bankruptcy Bill, 1886.
(Part V.—Special Assignees.—Section 78.)

appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them.

[46 & 47 Vic., c. 52, s. 84.]

(10) Provided, with respect to sub-sections *(6)*, *(7)*, *(8)* and *(9)*, that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

[46 & 47 Vic., c. 52, s. 86.]

(11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

[46 & 47 Vic., c. 52, s. 86.]

(12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

[46 & 47 Vic., c. 52, s. 87.]

(13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

[46 & 47 Vic., c. 52, s. 87.]

(14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

[46 & 47 Vic., c. 52, s. 87.]

(15) **If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.**

[46 & 47 Vic., c. 52, s. 87.]

(16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

78. Where a special assignee has been appointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

Status of special assignee.

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section *(3)*, section 26, sub-sections *(2)*, *(4)* and *(6)*, sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

[46 & 47 Vic., c. 52, s. 57.]

(b) the special assignee shall not do any of the things mentioned in section 49 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

[46 & 47 Vic., c. 52, s. 62.]

(c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

(d) the special assignee shall not, without the previous sanction of the Court, or, if the Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section *(1)* of section 56, or make any allowance to the bankrupt under sub-section *(2)* of that section;

[46 & 47 Vic., c. 52, s. 64.]

(e) the remuneration, if any, of the special assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

[46 & 47 Vic., c. 52, s. 72.]

(f) the special assignee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

[46 & 47 Vic., c. 52, s. 72.]

(g) when no remuneration has been voted to the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

[46 & 47 Vic., c. 52, s. 72.]

(h) the special assignee shall supply the official assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;

[46 & 47 Vic., c. 52, s. 68.]

(i) where the special assignee has not previously resigned or vacated or been removed from his office, his release under section 71 shall operate as a removal of him from his office;

[46 & 47 Vic., c. 52, s. 82.]

(j) the vote of the special assignee, or of his partner, clerk, legal practitioner or legal practitioner's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

[46 & 47 Vic., c. 52, s. 88.]

The Indian Bankruptcy Bill, 1886.
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)

PART VI.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

[46 & 47 Vic., c. 52, s. 92.]

Courts having jurisdiction in bankruptcy.

79. *(1)* The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

Local limits of their jurisdiction.

80. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section *(1)*, be the following, namely :—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12 Vic., c. 21, s. 2. 46 & 47 Vic., c. 52, s. 94(2).]

Jurisdiction to be exercised by a single Judge.

81. All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

[46 & 47 Vic., c. 52, s. 97(2).]

Transfer of proceedings from Court to Court.

82. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

[46 & 47 Vic., c. 52, s. 97, (3).]

Power to state special case.

83. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

[46 & 47 Vic., c. 52, s. 98.]

Exercise of jurisdiction in chambers.

84. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

[46 & 47 Vic., c. 52, s. 99.]

Delegation of powers to officers of Court and Presidency Judges of Small Causes.

85. *(1)* Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section *(1)* are the following, namely :—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

[46 & 47 Vic., c. 52, s. 100.]

Powers of Court of Recorder of Rangoon and Court appointed by Local Government.

86. The Court of the Recorder of Rangoon, and any Court appointed by a Local Goverment under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed.

[46 & 47 Vic., c. 52, s. 102.]

General powers of Bankruptcy Courts.

87. *(1)* Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

The Indian Bankruptcy Bill, 1886.
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 88-95.)

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer to himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

Appeals.

[46 & 47 Vic., c. 52, s. 104.]

Appeals in bankruptcy.

88. *(1)* Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows :—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause *(b)* of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

Procedure.

[46 & 47 Vic., c. 52, s. 105.]

Discretionary powers of the Court.

89. *(1)* Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[46 & 47 Vic., c. 52, s. 106.]

Consolidation of petitions.

90. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

[46 & 47 Vic., c. 52, s. 106.]

Power to change carriage of proceedings.

91. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of proceedings to the official assignee.

[46 & 47 Vic., c. 52, s. 108.]

Continuance of proceedings on death of debtor.

92. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

[46 & 47 Vic., c. 52, s. 109.]

Power to stay proceedings.

93. The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

[46 & 47 Vic., c. 52, s. 110.]

Power to present petition against one partner.

94. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

[46 & 47 Vic., c. 52, s. 111.]

Power to dismiss petition against some respondents only.

95. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

The Indian Bankruptcy Bill, 1886.
(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors. —Sections 96-102.)

[46 & 47 Vic., c. 52, s. 112.]

Property of partners to be vested in same assignee.

96. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

[46 & 47 Vic., c. 52, s. 113.]

Suits by assignee and bankrupt's partners.

97. Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

[46 & 47 Vic., c. 52, s. 114.]

Suits on joint contracts.

98. Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the bankrupt.

[46 & 47 Vic., c. 52, s. 115.]

Proceedings in partnership name.

99. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

Annulment of Adjudication.

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 35.]

Power for Court to annul adjudication in certain cases.

100. *(1)* Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where in some part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication.

[New.]

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein, on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court. [46 & 47 Vic., c. 52, s. 36.]

PART VII.

SMALL BANKRUPTCIES.

[46 & 47 Vic., c. 52, s. 121.]

Summary administration in small cases.

101. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

(a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;

(b) no appeal shall lie from any order of the Court, except by order of the Court;

(c) the estate shall, where practicable, be distributed in a single dividend;

(d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

Construction of this Part.

102. *(1)* "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

The Indian Bankruptcy Bill, 1886.
(Part VIII.—Fraudulent Debtors and Creditors.—Sections 103-104.)

[32 & 33 Vic., c. 62, s. 11. 46 & 47 Vic., c. 52, s. 163.]

Punishment of fraudulent debtors.

103. Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say—

(a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud:

(b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud:

(c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud:

(d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:

(e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:

(f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:

(g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee aforesaid thereof:

(h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law.

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs:

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses:

(m) if while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing that person that he is an undischarged bankrupt: [46 & 47 Vic., c. 52, s. 31.]

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

[32 & 33 Vic., c. 62, s. 12. 46 & 47 Vic., c. 52, s. 168.]

Penalty for absconding with property.

104. If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 13.]

105. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

Penalty on fraudulently obtaining credit, &c.

(a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;

(b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic., c. 62, s. 14.]

106. If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

Penalty on false claim, &c.

[32 & 33 Vic., c. 62, s. 15.]

107. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

Debts incurred by fraud.

[32 & 33 Vic., c. 62, s. 16. 46 & 47 Vic., c. 52, s. 164.]

108. Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

Order by Court for prosecution on report of assignee.

XLV of 1860.

[46 & 47 Vic., c. 52, s. 167.]

109. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

PART IX.

SUPPLEMENTAL PROVISIONS.

Application of Act.

[46 & 47 Vic., c. 52, s. 189. 46 & 47 Vic., c. 74, s. 3 (6) Act XIV of 1874, s. 3.]

110. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

Application to married women.

[46 & 47 Vic., c. 52, s. 123.]

111. A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

Exclusion of corporations and companies.

[46 & 47 Vic., c. 52, s. 125.]

112. *(1)* Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

Administration in bankruptcy of estate of person dying insolvent.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

General Rules.

[11 & 12 Vic., c. 21, ss. 53 & 78. 46 & 47 Vic., c. 52, s. 127.]

113. *(1)* The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

Power to make general rules.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

Fees.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 128.]

114. The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

Fees.

XIV of 1882.

Evidence.

[46 & 47 Vic., c. 52, s. 132.]

115. *(1)* A copy of the *Gazette of India*, or of the Gazette of a Local Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

Gazettes to be evidence.

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

[46 & 47 Vic., c. 52, s. 133.]

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 113-119.)

116. *(1)* A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

Evidence of proceedings at meetings of creditors.

[46 & 47 Vic., c. 52, s. 134.]

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

117. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

Evidence of proceedings in bankruptcy.

[46 & 47 Vic., c. 52, s. 134.]

[11 & 12 Vic., c. 21, s. 68. 46 & 47 Vic., c. 52, s. 135.]

118. Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

Swearing of affidavits.

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

[Act XIV of 1882, s. 197.]

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

119. In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the

Death of witness.

[46 & 47 Vic., c. 52, s. 136.]

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 120-130.)

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to

[11 & 12 Vic., c. 21, s. 4. 46 & 47 Vic., c. 52, s. 137.]

120. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

Bankruptcy Courts to have seals.

[46 & 47 Vic., c. 52, s. 138.]

121. A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

Certificate of appointment of assignee.

Time.

[46 & 47 Vic., c. 52, s. 141.]

122. *(1)* Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Computation of time.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Notices.

[46 & 47 Vic., c. 52, s. 142.]

123. All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Service of notices.

Formal Defects.

[46 & 47 Vic., c. 52, s. 143.]

124. *(1)* No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

Formal defect not to invalidate proceedings.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

Bankrupt Trustee.

XXVII of 1866. [46 & 47 Vic., c. 52, s. 147.]

125. Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Application of Trustee Act to bankruptcy of trustee.

Corporations, Firms and Lunatics.

[46 & 47 Vic., c. 52, s. 148.]

126. For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

Acting of corporations, firms and lunatics.

Construction of former Acts, &c.

[46 & 47 Vic., c. 52, s. 149 (2).]

127. Whereby any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

Construction of enactments and instruments referring to 11 & 12 Vic., c. 21.

[46 & 47 Vic., c. 52, s. 150.]

128. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

Certain provisions to bind the Crown.

[11 & 12 Vic., c. 21, s. 8. 46 & 47 Vic., c. 52, s. 151.]

129. Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

Saving for existing rights of audience.

Unclaimed Funds or Dividends.

[46 & 47 Vic., c. 52, s. 152.]

130. *(1)* Where an assignee under any bankruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

Payment into Court of unclaimed or undistributed dividends or funds.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section *(1)* means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be

The Indian Bankruptcy Bill, 1886.
(Part IX.— Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

[Act II of 1874, s. 62.]

131. Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

Lapse and credit to Government of unclaimed or undistributed dividends.

[46 & 47 Vic., c. 52, s. 162. Act II of 1874, s. 68.]

132. Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Claims to moneys paid into Court or credited to Government under section 130 or section 131.

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

[New.]

133. *(1)* Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

Distribution of certain unclaimed dividends reserved in respect of unproved claims under 11 & 12 Vic., c. 21.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably among the creditors of the estate who have proved their debts or demands.

Debtor's Books.

[Bankruptcy Rules, 1883, para. 259.]

134. *(1)* No person shall, as against the assignee, be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

Access to debtor's books.

[New.]

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee.

Interpretation.

[46 & 47 Vic., c. 52, s. 168.]

135. *(1)* In this Act, unless the context otherwise requires,—

Interpretation.

(1) "province" means the territories under the administration of a Local Government:

(2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province:

(3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act:

(4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour:

(5) "assignee" means an official assignee or special assignee:

(6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

(7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:

(8) "general rules" includes forms:

(9) "Government treasury" includes a bank which conducts treasury business for the Government:

(10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour:

(12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

(13) "prescribed" means prescribed by general rules within the meaning of this Act:

(14) "property" includes money, goods, things in action, land and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

(15) "schedule" means a schedule to this Act:

The Indian Bankruptcy Bill, 1886.
(Part LX.—Supplemental Provisions.—Section 136.)
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

(17) "sheriff" includes any officer charged with the execution of a writ or other process:

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

Repeal.

[46 & 47 Vic., c. 52, s. 169.]

136. *(1)* The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

Repeal of enactments.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; or

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; or

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

[46 & 47 Vic., c. 52, Sch. I.]

THE FIRST SCHEDULE.

(See section 17.)

MEETINGS OF CREDITORS.

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

11. It shall be competent to the assignee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

The Indian Bankruptcy Bill, 1886.
(The Second Schedule.—Proof of Debts.)

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every insertion therein shall be in the handwriting of the person giving the proxy.

16. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as special assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, or in procuring the special assigneeship, except by the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

THE SECOND SCHEDULE.

(See section 32.)

[46 & 47 Vic., c. 52, Sch. II.]

PROOF OF DEBTS.

Proof in ordinary cases.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement or account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by Secured Creditors.

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

The Indian Bankruptcy Bill, 1886.
(The Second Schedule.—Proof of Debts.)

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (*a*) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(*b*) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee, or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(*c*) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

Taking Accounts of Property mortgaged and Sale thereof.

[Bankruptcy Rules, 1886, paras. 18-23.]

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bankrupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of and attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

Proof in respect of Distinct Contracts.

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical Payments.

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

The Indian Bankruptcy Bill, 1886.
(The Third Schedule.—Enactments repealed.)

Interest.

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debt payable at a future Time.

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Admission or Rejection of Proofs.

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

(See section 136.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1882). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassein; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.* Speaking on the subject in 1875,† he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

* Legislative Proceedings, 1876, page 241.
† Legislative Proceedings, 1875, page 76.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money-decrees. In his speech on the passing of this Act, Mr. Whitley Stokes said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would be altered accordingly.‡

‡ Abstract of Proceedings, 1879, page 202.

5. The circular referred to by Mr. Stokes was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kennedy brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion: and among the comments and criticisms which were passed upon it the doubt is not unfrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *London Gazette* to be defrayed from the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court deemed it necessary—

(1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and

(2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1848, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the [redacted] advice given by [redacted]

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modifications and simplifications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulmein, Akyab and Bassein, and a power being taken to extend it to other commercial centres, such as Karáchi.

13. The Bill accordingly (section 79) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulmein, Akyab and Bassein. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accrue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immoveable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings concurrently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that now come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State; but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provisions of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in the latter by the Board of Trade and committees of inspection are by the Bill assigned to the Judge of the Insolvency Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are deemed by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and its operation can only be further extended by Parliament.

21. Several of the authorities who have recorded opinions on the Bill of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (1), clauses (*e*) and (*g*), of the English Act. Those clauses therefore have been excluded from the Bill (section 9), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition ordinarily resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act, which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstance that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a house of business within the local limits, as Pontifex, J., held them, in the cases of *Tariny Churn Goho* (I. B. L. R., App. 26) and *Howard Brothers* (1. B. L. R. 254), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an up-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law—see *re Tietkins*, I. B. L. R., O. C., 84, on the one hand, and *er Blackwell*, 9 Bo. H. C. Rep. 461, and *re Ricks*, 3 Mad. H. C. Rep. 151, on the other.

25. It has, however, been provided (section 4), on the recommendation of the Committee of the Judges of the High Court at Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the [redacted] and deal with them under the Act. It has also been provided (section 4) [redacted] have been [redacted] the proceedings under the Code whenever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 20).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 91).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to annul a receiving order or annul an adjudication of bankruptcy when it considers that the debtor's affairs would be more conveniently administered in some other part of British India, or of [redacted] dominions elsewhere. When an adjudication is annulled under the latter section, anything done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similarly wide powers are conferred on the English Bankruptcy Courts the provisions regarding concurrent bankruptcies contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improbable that the existing scale of remuneration will be altered during the incumbency of present office-holders.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 26 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Gubboy* v. *Miller* (I. L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881, with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21 :—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case, and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bills of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against rival decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahárájá Sir Jotendro Mohun Tagore and Bábú Doorga Churn Law the provisions of section 45 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (*l*) (*e*) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1854. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 48 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (*a*) money held by it on account of estates before declaration of dividend, and (*b*) declared dividends awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividends and held for creditors till their dividends are paid to them or, through their default, lapse to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section *(1)*, clause *(c)*, of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (*i*) to section 4, sub-section *(1)*.

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 38 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that in the present proposed Act, section 51), for the declaration of dividends only among creditors who "have proved their debts."* A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sales were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

* No unclaimed dividends of this class can arise under the proposed new Act (see section 56).

48. Section 134 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself, and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the free access of creditors to those books.

49. Section 136 (*3*) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 18 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Loughborough in 1794, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (*4*), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

The 14th May, 1886. C. P. ILBERT.

COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED TO IN THE STATEMENT OF OBJECTS AND REASONS.

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Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).

WITH reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassein, Moulmein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor General's Council the extended powers required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,* and which are fully described in paragraph 25 of the despatch last referred to.

* 11 & 12 Vic., c. 21.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith (annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents presented by section 288 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two; but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

† 17 & 18 Vic., c. 104.

‡ 47 & 48 Vic., c. 38.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts, and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our despatch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic., c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill, to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill.

* * * * * * *

Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State, No 32, dated the 12th June, 1885.

DRAFT OF A BILL TO

Amend and consolidate the Law of Bankruptcy and Insolvency in British India.

[The preamble, which will recite the enabling Statute, will be settled after that Statute has become law.]

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

Preliminary.

[46 & 47 Vic., c. 52, s. 1.]

Short title and commencement.

1. (*1*) This Act may be cited as the Indian Bankruptcy Act, 1885.

(*2*) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

Local extent.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883:

46 & 47 Vic., c. 52.

Provided that the following shall not extend to England, namely:—

Sections 39 and 40;
Section 44, sub-section (2);
Section 48;
Section 49, sub-section (*1*), clause (*e*), and sub-section (*2*);
Section 62, sub-section (*2*).

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Acts of Bankruptcy.

[46 & 47 Vic., c. 52, s. 4.]

Acts of bankruptcy.

3. (*1*) A debtor commits an act of bankruptcy in each of the following cases:—

(*a*) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(*b*) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(*c*) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(*d*) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;

(*e*) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;

(*f*) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(*g*) if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within *fifteen* days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the order giving leave to effect the service, either comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(*h*) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(*2*) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

Receiving Order.

[46 & 47 Vic., c. 52, s. 5.]

Jurisdiction to make receiving order.

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 6.]

Conditions on which creditor may petition.

5. (*1*) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(*a*) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

[11 & 12 Vic., c. 21, s. 10.]

(*b*) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(*c*) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and

(*d*) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(*2*) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

[46 & 47 Vic., c. 52, s. 7.]

Proceedings and order on creditor's petition.

6. (*1*) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner,

(*2*) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(*3*) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(*4*) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(*5*) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

The Indian Bankruptcy Bill, 1885.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 8.]

Debtor's petition and order thereon.

7. *(1)* A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 49. 46 & 47 Vic., c. 52, s. 9.]

Effect of receiving order.

8. *(1)* On the making of a receiving order the official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit, action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 13 Vic., c. 21, s. 49. 46 & 47 Vic., c. 52, s. 10.]

Discretionary powers as to appointment of receiver and stay of proceedings.

9. *(1)* The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit, action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic., c. 52, s. 11.]

Service of order staying proceedings.

10. When the Court makes an order staying any suit, action or proceeding or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the Court before which the proceeding is pending.

[46 & 47 Vic., c. 52, s. 12.]

Power to appoint special manager.

11. *(1)* The official receiver of a debtor's estate may, on the application of any creditor or creditors, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the creditors may by resolution at an ordinary meeting determine, or, in default of any such resolution, as may be prescribed.

[46 & 47 Vic., c. 52, s. 13.]

Advertisement of receiving order.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 14.]

Power to Court to annul receiving order in certain cases.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon an application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

Proceedings consequent on Order.

[46 & 47 Vic., c. 52, s. 15.]

First and other meetings of creditors.

14. *(1)* As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

[11 & 12 Vic., c. 21, ss. 6 & 14. 46 & 47 Vic., c. 52, s. 16.]

Debtor's statement of affairs.

15. *(1)* Where a receiving order is made against a debtor, he shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within three days from the date of the order;

(ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

Public Examination of Debtor.

[46 & 47 Vic., c. 52, s. 17.]

Public examination of debtor.

16. *(1)* Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed therein before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

Composition or Scheme of Arrangement.

[46 & 47 Vic., c. 52, s. 18.]

Power for creditors to accept and Court to approve composition or arrangement.

17. *(1)* The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor,

The Indian Bankruptcy Bill, 1885.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 18-20.)

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

[46 & 47 Vic., c. 52, s. 19.]

Effect of composition or scheme.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

Adjudication of Bankruptcy.

[Bankruptcy Rules, 1885, para. 155.]

Adjudication of bankruptcy.

19. *(1)* At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

[46 & 47 Vic., c. 52, s. 20.]

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

[Bankruptcy Rules, 1885, para. 156.]

(3) When a receiving order is made and no creditors attend at the time and place appointed for the first meeting or one adjournment thereof, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee.

[11 & 12 Vic., c. 21, s. 35.]

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

[11 & 12 Vic., c. 21, ss. 31, 32 & 33. 46 & 47 Vic., c. 52, s. 21.]

Appointment of trustee.

20. *(1)* The official receiver shall be the trustee of the property of the bankrupt unless some other person is appointed trustee under the provisions next hereinafter contained.

(2) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declares that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under sub-section *(2)* and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precedes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court; and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.

The Indian Bankruptcy Bill, 1885.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section *(2)*, forthwith summon a meeting of creditors for the purpose of appointing a trustee.

[46 & 47 Vic., c. 52, s. 22.]

21. *(1)* In any case in which a declaration is made under section 20, sub-section *(2)*, and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

Committee of inspection.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

[46 & 47 Vic., c. 52, s. 23.]

22. *(1)* Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

Power to accept composition or scheme after bankruptcy adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

Control over Person and Property of Debtor.

[46 & 47 Vic., c. 52, s. 24.]

23. *(1)* Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

Duties of debtor as to discovery and realization of property.

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic., c. 52, s. 25.]

24. *(1)* The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

Arrest of debtor under certain circumstances.

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court:

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

[46 & 47 Vic., c. 52, s. 26.]

25. Where a receiving order is made against a debtor, the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

Re-direction of debtor's letters.

[46 & 47 Vic., c. 52, s. 27.]

26. *(1)* The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

Discovery of debtor's property.

The Indian Bankruptcy Bill, 1885.
(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

Discharge of Bankrupt.

[11 & 12 Vic., c. 21, ss. 47 & 59-61. 46 & 47 Vic., c. 52, s. 28.]

27. *(1)* A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

Discharge of bankrupt.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

[11 & 12 Vic., c. 21, ss. 50 & 51.]

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(3) The facts herein before referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *primâ facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

[11 & 12 Vic., c. 21, ss. 55 & 56.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

[11 & 12 Vic., c. 21, s. 58.]

[46 & 47 Vic., c. 52, s. 29.]

28. In either of the following cases; that is to say:—

Fraudulent settlements.

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

[11 & 12 Vic., c. 21, ss. 48 & 62. 46 & 47 Vic., c. 52, s. 30.]

29. *(1)* An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

Effect of order of discharge.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

[11 & 12 Vic., c. 21, ss. 59 & 60.]

PART II.

ANNULMENT OF ADJUDICATION.

[11 & 12 Vic., c. 21, ss. 9 & 9. 46 & 47 Vic., c. 52, s. 35.]

30. *(1)* Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions and it appears to

Power for Court to annul adjudication in certain cases.

[New.]

The Indian Bankruptcy Bill, 1885.
(Part II.—Administration of Property.—Sections 31-37.)

the Court that the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

[11 & 12 Vic., c. 21, ss. 7 & 11.] (2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 36.] (4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs; and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of Debts.

[11 & 12 Vic., c. 21, s. 41, 46 & 47 Vic., c. 52, s. 37.] **31.** (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

Description of debts provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

[11 & 12 Vic., c. 21, s. 48.] (4) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

[11 & 12 Vic., c. 21, s. 39, 46 & 47 Vic., c. 52, s. 38.] **32.** Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order shall be made under this Act, and any other person proving or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

Mutual credit and set-off.

[46 & 47 Vic., c. 52, s. 39.] **33.** With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

Rules as to proof of debts.

[46 & 47 Vic., c. 52, s. 41.] **34.** (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

Priority of debts.

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and [11 & 12 Vic., c. 21, s. 46.]

(c) all wages of any labourer or workman, not exceeding five hundred rupees, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

[Act IX of 1872, s. 262.] (3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

[46 & 47 Vic., c. 52, s. 41.] **35.** (1) Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on this behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Preferential claim in case of apprenticeship.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

[11 & 12 Vic., c. 21, s. 23, 46 & 47 Vic., c. 52, s. 42.] **36.** (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

Power to landlord to distrain for rent.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

Property available for Payment of Debts.

[46 & 47 Vic., c. 52, s. 43.] **37.** The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on

Relation back of trustee's title.

The Indian Bankruptcy Bill, 1885.
(Part III.—Administration of Property.—Sections 38-44.)

which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

[46 & 47 Vic., c. 7, s. 44.] **38.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

Description of bankrupt's property divisible amongst creditors.

(1) property held by the bankrupt on trust for any other person;

[11 & 12 Vic., c. 21, s. 7.] (2) the tools (if any) of his trade and the necessary wearing-apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

[11 & 12 Vic., c. 21, s. 7.] (i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and

[11 & 12 Vic., c. 21, s. 23.] (iii) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Effect of Bankruptcy on antecedent Transactions.

[Cf. Act XIV of 1882, s. 295. 46 & 47 Vic., c. 52, s. 45.] **39.** (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

Restriction of rights of creditor under execution.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

[46 & 47 Vic., c. 52, s. 46.] **40.** (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Duties of Court executing decree as to goods taken in execution.

(2) An execution levied against the property of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

[46 & 47 Vic., c. 52, s. 47.] **41.** (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

Avoidance of voluntary settlements.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

[11 & 12 Vic., c. 21, s. 24, 46 & 47 Vic., c. 52, s. 48.] **42.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

Avoidance of preferences in certain cases.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

[46 & 47 Vic., c. 52, s. 49.] **43.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy—

Protection of *bonâ fide* transactions without notice.

(a) any payment of the bankrupt to any of his creditors;

(b) any payment or delivery to the bankrupt;

(c) any conveyance or assignment by the bankrupt for valuable consideration;

(d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

(1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

Realization of Property.

[11 & 12 Vic., c. 21, s. 21, 46 & 47 Vic., c. 52, s. 50.] **44.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by trustee.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 508 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be specified in general rules, and the Court may on his application enforce such acquisition or retention accordingly. XIV of 1882.

[11 & 12 Vic., c. 21, s. 25.] (3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

The Indian Bankruptcy Bill, 1885.
(Part III.—Administration of Property.—Sections 45-49.)

[46 & 47 Vic., c. 52, s. 51.]

Seizure of property of bankrupt.

45. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

[11 & 12 Vic., c. 21, s. 27. 46 & 47 Vic., c. 52, s. 53.]

Appropriation of portion of pay or salary to creditors.

46. *(1)* Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 21, s. 7. 46 & 47 Vic., c. 52, s. 54.]

Vesting and transfer of property.

47. *(1)* Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act, and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 21, s. 20.]

(3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[46 & 47 Vic., c. 52, s. 55.]

Disclaimer of onerous property.

48. *(1)* Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or, where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property:

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgagee or under tenant declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

[46 & 47 Vic., c. 52, s. 56.]

Powers of trustee to deal with property.

49. *(1)* Subject to the provisions of this Act, the trustee may do or any of the following things:—

[11 & 12 Vic., c. 21, s. 31.]

(a) sell all or any part of the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

[11 & 12 Vic., c. 21, s. 30.]

(d) exercise any powers the capacity to exercise which is vested in the trustee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

[Cf. Act XXXI of 1854, s. 2.]

(e) deal with property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

[3 & 4 Wm. IV, c. 74, s. 65.]

(2) Any dealing by a trustee under clause *(e)* with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

The Indian Bankruptcy Bill, 1885.
(Part IV.—Official Receivers.—Sections 50-60.)

[46 & 47 Vic., c. 52, s. 57.]

Powers exercisable by trustee with permission of committee of inspection.

50. The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

[11 & 12 Vic., c. 21, s. 29.]

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

(2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

[11 & 12 Vic., c. 21, s. 26.]

(6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

Distribution of Property.

[11 & 12 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 58.]

Declaration and distribution of dividends.

51. *(1)* Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vic., c. 52, s. 59.]

Joint and separate dividends.

52. *(1)* Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

[11 & 12 Vic., c. 21, s. 43. 46 & 47 Vic., c. 52, s. 60.]

Provisions for creditors residing at a distance, &c.

53. In the calculation and distribution of a dividend the trustee shall make provision for debts provable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

[46 & 47 Vic., c. 52, s. 61.]

Right of creditor who has not proved debt before declaration of a dividend.

54. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

[46 & 47 Vic., c. 52, s. 62.]

Final dividend.

55. When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claims, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

[11 & 12 Vic., c. 21, s. 45. 46 & 47 Vic., c. 52, s. 63.]

No suit for dividend.

56. No suit or action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

[46 & 47 Vic., c. 52, s. 64.]

Power to allow bankrupt to manage property.

57. *(1)* **The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.**

[11 & 12 Vic., c. 21, s. 47.]

Allowance to bankrupt for maintenance or service.

(2) The trustee may, from time to time, with the permission of the committee of inspection, make such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court.

[46 & 47 Vic., c. 52, s. 65.]

Right of bankrupt to surplus.

58. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

PART IV.

OFFICIAL RECEIVERS.

[11 & 12 Vic., c. 21, s. 14. 46 & 47 Vic., c. 52, s. 66 (1).]

Appointment of official receivers of debtors' estates.

59. *(1)* **The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.**

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

[46 & 47 Vic., c. 52, s. 66.]

Status of official receiver.

60. *(1)* **The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.**

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

The Indian Bankruptcy Bill, 1885.
(Part V.—Trustees.—Sections 61-67.)

(3) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

[46 & 47 Vic., c. 52, s. 69.] **Duties of official receiver as regards the debtor's conduct.**

61. As regards the debtor, it shall be the duty of the official receiver—

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

XLV of 1860.

(2) to make such other reports concerning the conduct of the debtor as the Court may direct;

(3) to take such part as may be directed by the Court in the public examination of the debtor;

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct.

[46 & 47 Vic., c. 52, s. 70.] **Duties of official receiver as to debtor's estate.**

62. *(1)* As regards the estate of a debtor it shall be the duty of the official receiver—

(a) pending the appointment of trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the first meeting of creditors;

(d) to issue forms of proxy for use at the meetings of creditors;

(e) to report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs;

(f) to advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;

(g) to act as trustee where no trustee is appointed or during any vacancy in the office of trustee.

(2) For the purpose of his duties as interim receiver or manager the official receiver shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be specified in the general rules, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property; and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and shall not, unless the Court otherwise orders, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods:

XIV of 1882.

Provided that, when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over all moneys and deal with all securities in such manner as the Court, from time to time, directs.

PART V.

TRUSTEES.

Remuneration of Trustee.

[11 & 12 Vic., c. 21, s. 18, 46 & 47 Vic., c. 52, s. 72.] **Remuneration of trustee.**

63. *(1)* Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

Costs.

[46 & 47 Vic., c. 52, s. 73.] **Allowance and taxation of costs.**

64. *(1)* Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional services.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. The officer shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

Receipts, Payments, Accounts, Audit.

[11 & 12 Vic., c. 21, ss. 15-21, Ben. rules, 18, 46 & 47 Vic., c. 52, s. 74.] **Bankruptcy estates account.**

65. *(1)* An account called the bankruptcy estates account shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, directs, pay the money received by him to the bankruptcy estates account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

[11 & 12 Vic., c. 21, s. 34.] *(4)* If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments out of money standing to the credit of the bankruptcy estates account shall be made by the treasury or bank in the prescribed manner.

[46 & 47 Vic., c. 52, s. 75.] **Trustee not to pay into private account.**

66. No trustee in a bankruptcy or under any composition or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

[46 & 47 Vic., c. 52, s. 76.] **Investment of surplus funds.**

67. *(1)* Whenever the cash balance standing to the credit of the bankruptcy estates account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

The Indian Bankruptcy Bill, 1885.
(Part V.—Trustees.—Sections 68-79.)

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankruptcy estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

[11 & 12 Vic., c. 21, s. 33, Ben. rules, 39-41, 46 & 47 Vic., c. 52, s. 78.] **Audit of trustee's accounts.**

68. *(1)* Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

[46 & 47 Vic., c. 52, s. 79.] **The trustee to furnish list of creditors.**

69. The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

[46 & 47 Vic., c. 52, s. 80.] **Books to be kept by trustee.**

70. The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

[46 & 47 Vic., c. 52, s. 81.] **Annual statement of proceedings.**

71. *(1)* Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

Release of Trustee.

[46 & 47 Vic., c. 52, s. 82.] **Release of trustee.**

72. *(1)* When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

Official Name.

[46 & 47 Vic., c. 52, s. 83.] **Official name of trustee.**

73. The trustee may sue and be used by the official name of "the trustee of the property of , a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Appointment and Removal.

[46 & 47 Vic., c. 52, s. 84.] **Power to appoint joint or successive trustees.**

74. *(1)* Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee; and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

[46 & 47 Vic., c. 52, s. 85.] **Office of trustee vacated by insolvency.**

75. If a receiving order is made against a trustee, he shall thereby vacate his office of trustee.

[11 & 12 Vic., c. 21, s. 18, 46 & 47 Vic., c. 52, s. 86.] **Removal of trustee.**

76. *(1)* The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee.

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

[46 & 47 Vic., c. 52, s. 87.] **Proceedings in case of vacancy in office of trustee.**

77. *(1)* If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee; but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

Voting Powers of Trustee.

[46 & 47 Vic., c. 52, s. 88.] **Limitation of voting powers of trustee.**

78. The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

Control over Trustee.

[46 & 47 Vic., c. 52, s. 89.] **Discretionary powers of trustee and control thereof.**

79. *(1)* Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct or whenever requested in writing to do so by one-fourth in value of the creditors.

The Indian Bankruptcy Bill, 1885.
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 80-91.)

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.]

80. If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against trustee.

[46 & 47 Vic., c. 52, s. 91.]

81. *(1)* The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over trustees.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

PART VI.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

[46 & 47 Vic., c. 52, s. 92.]

82. *(1)* The Courts having jurisdiction in bankruptcy under this Act shall be—

Courts having jurisdiction in bankruptcy.

(a) the High Courts of Judicature at Fort William, Madras and Bombay,

(b) the Court of the Recorder of Rangoon, and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

83. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

Local limits of their jurisdiction.

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 94 (2).]

84. All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

Jurisdiction in Presidency High Court to be exercised by Judge.

[46 & 47 Vic., c. 52, s. 97 (2).]

85. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 82 may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

Transfer of proceedings from Court to Court.

[46 & 47 Vic., c. 52, s. 97 (3).]

86. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Power to state special case.

[46 & 47 Vic., c. 52, s. 98.]

87. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

Exercise of jurisdiction in chambers.

[46 & 47 Vic., c. 52, s. 99.]

88. *(1)* Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

Delegation of powers to Presidency Judges of Small Causes.

(2) The powers referred to in sub-section *(1)* are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

[46 & 47 Vic., c. 52, s. 100.]

89. A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

Powers of Court appointed by Local Government.

[46 & 47 Vic., c. 52, s. 102.]

90. *(1)* Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

General power of Bankruptcy Courts.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the committal of such defaulting trustee, debtor or other person if in British India: Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

Appeals.

[46 & 47 Vic., c. 52, s. 104.]

91. *(1)* Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

Appeals in bankruptcy.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

[11 & 12 Vic., c. 21, s. 72.]

(a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court;

The Indian Bankruptcy Bill, 1885.
(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 92-105.)

(b) an appeal shall lie from the order of the Court of the Recorder of Rangoon to the Special Court;

(c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province;

(d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

Procedure.

[46 & 47 Vic., c. 52, s. 105.]

92. *(1)* Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

Discretionary powers of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[46 & 47 Vic., c. 52, s. 106.]

93. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

Consolidation of petitions.

[46 & 47 Vic., c. 52, s. 107.]

94. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor.

Power to change carriage of proceedings.

[46 & 47 Vic., c. 52, s. 108.]

95. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

Continuance of proceedings on death of debtor.

[46 & 47 Vic., c. 52, s. 109.]

96. The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

Power to stay proceedings.

[46 & 47 Vic., c. 52, s. 110.]

97. Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

Power to present petition against one partner.

[46 & 47 Vic., c. 52, s. 111.]

98. Where there or more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Power to dismiss petition against some respondents only.

[46 & 47 Vic., c. 53, s. 113.]

99. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

Property of partners to be vested in same trustee.

[46 & 47 Vic., c. 54, s. 113.]

100. Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

Actions by trustee and bankrupt's partners.

[43 & 47 Vic., c. 52 s. 114.]

101. Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

Actions on joint contracts.

[46 & 47 Vic., c. 52, s. 115.]

102. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

Proceedings in partnership name.

PART VII.

SMALL BANKRUPTCIES.

[46 & 47 Vic., c. 52, s. 121.]

103. When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

Summary administration in small cases.

(a) if the debtor is adjudged bankrupt, the official receiver shall be the trustee in the bankruptcy;

(b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;

(c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor:

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, require that a person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

104. *(1)* This part shall extend only to British India.

Local extent and construction of this Part.

(2) "The Court" in this Part means the Court before which an accused person is tried.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

[32 & 33 Vic., c. 62, s. 11. 46 & 47 Vic., c. 52, s. 163.]

105. Any person against whom a receiving order has been under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say,—

Punishment of fraudulent debtors.

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud;

(b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;

(c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud

The Indian Bankruptcy Bill, 1885.
(Part VIII.—Supplemental Provisions.—Sections 106-114.)

(d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:

(e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:

(f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:

(g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fail for the period of a month to inform such trustee as aforesaid thereof:

(h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:

(l) If after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:

[46 & 47 Vic., c. 52, s. 31.] *(m)* If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:

(n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:

(p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:

(q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

[32 & 33 Vic., c. 62, s. 12. 46 & 47 Vic., c. 52, s. 163.]

Penalty for absconding with property.

106. If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or attempts or makes preparation for quitting British India and for taking with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 13.]

Penalty on fraudulently obtaining credit, &c.

107. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

(1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;

(2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic., c. 62, s. 14.]

Penalty on false claim, &c.

108. If any creditor, in any bankruptcy composition or arrangement with creditors, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 15.]

Debts incurred by fraud.

109. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

[32 & 33 Vic., c. 62, s. 16. 46 & 47 Vic., c. 52, s. 104.]

Order by Court for prosecution on report of official receiver or trustee.

110. Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.

XLV of 1860.

[46 & 47 Vic., c. 52, s. 167.]

Criminal liability after discharge or composition.

111. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

PART IX.

SUPPLEMENTAL PROVISIONS.

Application of Act.

[46 & 47 Vic., c. 52, s. 152. 45 & 46 Vic., c. 75, s. 1 (5). Act III of 1872, s. 8.]

Application to married woman.

112. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

[46 & 47 Vic., c. 52, s. 153.]

Exclusion of partnerships and companies.

113. A receiving order shall not be made against any corporation, or against any partnership or association, or company registered under any enactment relating to companies for the time being in force.

[46 & 47 Vic., c. 52, s. 125.]

Administration in bankruptcy of estate of person dying insolvent.

114. *(1)* Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

The Indian Bankruptcy Bill, 1885.
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but that Court may, in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease: "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

General Rules.

[11 & 12 Vic., c. 21, ss. 53 & 76. 46 & 47 Vic., c. 52, s. 137.]

Power to make general rules.

115. *(1)* The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

Fees and Remuneration.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 138.]

Fees and remuneration.

116. *(1)* The High Court of a province may, with the previous sanction of the Governor General in Council, from time to time prescribe a scale of fees and percentages to be charged for or in respect of proceedings under this Act, and direct by whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

Evidence.

[46 & 47 Vic., c. 52, s. 132.]

Gazettes to be evidence.

117. *(1)* A copy of the *Gazette of India* or of a Local Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

[46 & 47 Vic., c. 52, s. 133.]

Evidence of proceedings at meetings of creditors.

118. *(1)* A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

[46 & 47 Vic., c. 52, s. 134.]

Evidence of proceedings in bankruptcy.

119. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

[11 & 12 Vic., c. 21, s. 86. 46 & 47 Vic., c. 52, s. 135.] [Act XIV of 1882, s. 107.]

Swearing of affidavits.

120. Subject to general rules any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

[46 & 47 Vic., c. 52, s. 136.]

Death of witness.

121. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4. 46 & 47 Vic., c. 52, s. 137.]

Bankruptcy Courts to have seals.

122. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction.

[46 & 47 Vic., c. 52, s. 138.]

Certificate of appointment of trustee.

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment.

Time.

[46 & 47 Vic., c. 52, s. 141.]

Computation of time.

124. *(1)* Whereby this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that

The Indian Bankruptcy Bill, 1885.

(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Notices.

[46 & 47 Vic., c. 52, s. 142.]

Service of notices.

125. All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Formal Defects.

[46 & 47 Vic., c. 52, s. 143.]

Formal defect not invalidate proceedings.

126. *(1)* No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

Bankrupt Trustee.

[46 & 47 Vic., c. 52, s. 147.]

XVII of 1866.

Application of Trustees Act to bankruptcy of trustee.

127. Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Corporations, &c.

[46 & 47 Vic., c. 52, s. 148.]

Acting of corporations, partners, &c.

128. For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

Construction of former Acts, &c.

[46 & 47 Vic., c. 52, s. 149 (3).]

Construction of enactments and instruments referring to 11 & 12 Vic., c. 21.

129. Where by any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 *(an Act to consolidate and amend the Laws relating to Insolvent Debtors in India)*, the enactment or instrument shall be constructed and have effect as if reference were made therein to the corresponding provisions of this Act.

[46 & 47 Vic., c. 52, s. 150.]

Certain provisions to bind the Crown.

130. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.]

Saving for existing rights of audience.

131. Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

Unclaimed Funds or Dividends.

[46 & 47 Vic., c. 52, s. 152.]

Unclaimed and undistributed dividends or funds.

132. *(1)* Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account of the Court. The treasury or bank at which the account is kept shall furnish him with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act pen the account referred to in this Act as the bankruptcy estates account.

Interpretation.

[46 & 47 Vic., c. 52, s. 168.]

Interpretation.

133. *(1)* In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"the Court" means the Court having jurisdiction in bankruptcy under this Act:

"affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour:

"available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

"debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:

"general rules" include forms:

"oath" includes affirmation, declaration under any legislative enactment and attestation on honour:

"ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"prescribed" means prescribed by general rules within the meaning of this Act:

"property" includes money, goods, things in action, land and every description of property, whether moveable or immoveable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

"resolution" means ordinary resolution:

"secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

"schedule" means schedule to this Act:

"sheriff" includes any officer charged with the execution of a writ or other process:

"special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"trustee" means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

Repeal.

[46 & 47 Vic., c. 52, s. 169.]

Repeal of enactments.

134. *(1)* The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; nor

The Indian Bankruptcy Bill, 1885.

(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(5) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Rangoon shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

[46 & 47 Vic., c. 52, Sch. I.]

THE FIRST SCHEDULE.

(See section 14.)

MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver may at any time summon a meeting of creditors, and shall do so when directed by the Court, or as requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof of the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

THE SECOND SCHEDULE.

[46 & 47 Vic., c. 52, Sch. II.]

(See section 33.)

PROOF OF DEBTS.

Proof in ordinary cases.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver,

The Indian Bankruptcy Bill, 1885.
(The Third Schedule.—Enactments repealed.)

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by secured Creditors.

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11 If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. *(a)* Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bond fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16 If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

Proof in respect of Distinct Contracts.

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical Payments.

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

Interest.

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debt payable at a future time.

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Admission or Rejection of Proofs.

22. The trustee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

THE THIRD SCHEDULE.

(See section 134.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and Chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amends the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

DRAFT ACT OF PARLIAMENT NO. 1.

BE it 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 Indian Bankruptcy (Extension of Powers) Act, 1885.

46 & 47 Vic., c. 52. Extent.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

Operation beyond India of Act applying English bankruptcy law to India. 24 & 25 Vic., c. 67. 46 & 47 Vic., c. 52.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease;

the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

Provisions applicable to property situated in England. 46 & 47 Vic., c. 52.

4. Where under any such law a receiving order or adjudication of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situate in England as if the order in question had been made in England.

[46 & 47 Vic., c. 52, s. 54, (4).] Effect of certificate of appointment of trustee.

5. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

THE SCHEDULE.

46 & 47 Vic., c. 52. PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

Section 45.
Section 46.
Section 50, sub-sections *(2)* and *(4)*.
Section 42.
Section 55.
Section 56, sub-section *(5)*.
Section 70, sub-section *(2)*, except in so far as it refers to the Board of Trade.

DRAFT ACT OF PARLIAMENT No. II.

BE it 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 Indian Bankruptcy (Extension of Powers) Act, 1885.

[47 & 48 Vic., c. 38, ss. 1 & 4. 17 & 18 Vic., c. 104, s. 208.] 24 & 25 Vic., c. 67. 46 & 47 Vic., c. [illegible] [illegible, s. 6 (1) & 7 (1).] Power to Legislative Council to apply or adapt English Bankruptcy Law: operation of laws passed under this power.

2. *(1)* 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 applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same,—

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or [Bill, s. 114 (10).]

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were as public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid. 46 & 47 Vic., c. 52.

Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

3. *(1)* The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

(a) a receiving order and the rescission of the same; [Bill, ss. 8 & 13, s. 20 (1).]

(b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business; [Bill, s. 9 (1) & s. 11 (1).]

(c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme; [Bill, s. 17 (8) & (15), s. 18, s. 22. Bill, s. 17 (11), s. 22 (3).]

(d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person; [Bill, s. 15 (3) s. 17 (11), s. 19, s. 20 (1), s. 22 (3), s. 37, s. 38, s. 41, s. 42, s. 43, s. 47 (1). Bill, s. 22 (2), s. 30.]

(e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release; [Bill, s. 17 (12) & (13), s. 20, s. 47 (2) & (3), s. 72, s. 74, s. 76, s. 77.]

(f) an order of discharge and the revocation of any such order; [Bill, ss. 27, 28 & 29.]

(g) the decision of a Court on any question of law or fact; and [Bill, s. 90 (1).]

(h) an order for the administration in bankruptcy of a deceased person's estate. [Bill, s. 114.]

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India. [Bill, s. 11, s. 44 (except sub-section (3) and the last sentence of sub-section (6)), s. 47, s. 49 (1), except clause (c), s. 50, s. 57 (1), s. 60, s. 63 (a), (b) and (g), s. 73, s. 74, s. 77 (4), s. 17 (9), ss. 117-128.]

(3) Provided* that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 45, 46, sub-sections *(2)* and *(4)* of section 50, section 52, section 55, sub-section *(5)* of section 56, and (except in so far as it refers to the Board of Trade), sub-section (2) of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act. [Cf. Bill, ss. 39, 40, s. 44 (3), s. 46, s 49 (1) (c) & (3), & s. 63 (3).] 46 & 47 Vic., c. 52.

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly. Effect of certificate of appointment of trustee. [46 & 47 Vic., c. 52, s. 54 (4).]

5. No action for a dividend shall lie against a trustee under any such law in any Court in the British dominions. No action for dividend. [46 & 47 Vic., c. 52, s. 63.]

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just. Power to stay proceedings. [46 & 47 Vic., c. 52, s. 10 (2).]

* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be re-produced in the Indian Act or will be re-produced in such a form that they would be unsuitable for application to property in England.

From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council, No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.
Board of Trade, to India Office, 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining, in the first instance, an Act of Parliament such as the Draft No. I conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, ESQ., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Government of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (perferably the Draft marked No. I), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained (in the terms of Draft No. I) conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. I should be applied for.

From R. GIFFEN, ESQ., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting, by direction of the Secretary of State for India in Council, copy of a despatch, with its enclosures, from the Government of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board observe that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. I which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-129 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 14 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain, whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIGNAM, ESQ., to the Hon'ble MR. C. P. ILBERT,—(dated Calcutta, the 23rd July, 1885.)

Bankruptcy Bill.

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Objects and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 40 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

Gray v. *Chick*, Coryton 136.
Re Shib Chundra Mullick, 8 B. L. R. 30.
Re Parke Pittar, 8 ,, 118.
Re Howard Brothers, 13 ,, (App.) 9.
Re T. Agabeg, 12 Cal. Rep. 165.

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Objects and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act. 1878—41 & 42 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book 1 of the register, which is confined to transfers of immoveable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 2554, dated 22nd September, 1885).

WITH reference to your letter of the 17th June last, No. 1039, I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley, the views of the other Hon'ble Judges will be requested upon the point raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885:—

Opinion.

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the back-ground and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners, names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(*Signed*) H. H. SHEPHARD,
Acting Advocate-General.

From R. S. BENSON, ESQ., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O., dated the 30th June, 1885, No. 1722, Judicial, forwarding, for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the HON'BLE T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian Bankruptcy and Insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency-towns, namely, 11 & 12 Vic., cap. 21, is very cumbrous and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 46 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. This, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. *Section 5 (1) a.*—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £ 50; but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

Section 15, sub-section (4).—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

Section 27, sub-section (3), clause (a).—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

Section 34, sub-section (1), clauses (b) & (c).—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £ 50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority under this head should be limited to Rs. 200 and not more.

Section 38, sub-section (2).—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children, should be exempted from the division of his property amongst his creditors; but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

Section 65, sub-section (4).—I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes once for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

Section 112.—This section renders a married woman subject to this Act in respect of her separate property. I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kinds of sridhanam property of a Hindu married woman. There are several kinds of sridhanam property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

Section 131.—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf on all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be rendered penal, inasmuch as it is a very common case for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, ESQ., Attorney-at-Law, Madras, to Chief Secretary to Government, —(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c., the Law of Bankruptcy and Insolvency in British India.

Memorandum.

Preliminary remarks.—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvent Law in India which shall apply alike to the English speculator and the Hindu Chetti. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattucotti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *toto cœlo* from the cruel story of the causes which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghali Street which arises out of the Englishman's practical idolatry of the fetish "CREDIT."

No native, unless denaturalised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked: there is simply a change in relations. If a large trader fails in a Presidency-town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Ilbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

Section 4.—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 43 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 47 and of section 9 (1), but until orders *by the Court* are made the provisions of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act.

Section 5 (1) (d) and section 7 (1).—The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition; and a debtor who gets himself incarcerated in such a place by a colluding creditor will prevent his being adjudicated a bankrupt For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Cocanada and Gopálpur, but the bulk of whose unsecured creditors were in the Presidency-town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (*d*), has "*England*," where this Bill has "local limits."

Section 27 (2).—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbrous process of obtaining first a rule *nisi* and then a rule absolute against the defaulter—a process which cost the estate Rs. 12 each time. To meet these contingencies I would suggest (1) that in the case of Government and *quasi*-Government *employés* the allocator do have the force of an attachment for a specified amount—probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

Section 39.—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expenses, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

Section 42 (1).—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case:—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

b cause they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at their backs as ever. The 16th week after X. Y & Co. stoppet, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

Section 88.—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administration report of the High Court (now in the press) that out of 199 applications in the year 1884-85 only 28 were from traders and over seventy returned assets "*nil.*"

Section 116.—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BENSON, ESQ., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2266, dated 12th August, 1885).

IN continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Handley on the draft Bill to amend the Law of Bankruptcy and Insolvency.

Minute.

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against again giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, ESQ., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency-towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

(1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106)
(2) "The Bankruptcy Act, 1854" (17 & 18 Vic., cap. 119);
(3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 134);
(4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
(5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4 The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency-towns and in Rangoon, Moulmein, Akyab, Bassein and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the presidency of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

9. It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, ESQ., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

IN continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2266, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Muthusami Aiyar has no remarks to make.

Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court in Madras:—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employés.	Pensioners.	Unemployed.
1880	6 Rs. 21,221 15 8 " 78,340 15 10 " 9,081 12 8 " 1,25,280 0 0 " 2,03,016 9 10 " 73,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 " 16,123 8 6 " 8,697 0 0 " 8,115 5 9 " 32,952 5 0 " 24,973 5 3 " 21,721 2 1		21	63	6	21
1882	3 Rs. [illegible] " [illegible] " [illegible]	12	48	80	12	33
1883	16 Rs. 24,504 8 10 " 1,919 9 4 " 4,194 6 9 " 5,312 10 9 " 7,55,677 13 4 " 9,721 0 5 " 5,154 14 10 " 3,060 3 1 " 9,876 13 0 " 53,600 0 0 " 10,504 4 8 " 2,80,316 10 3 No schedules filed in four numbers.	4 5	30 38	90 99	11 12	93 55
1884	6 Rs. 32,281 10 2 " 82,739 11 6 " 5,87,974 1 7 " 1,10,146 2 8 " 35,712 2 9 No schedule filed in one case.					

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of those trading cases there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

English Act. A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

6th.—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

7th.—It has happened several times that the Official Assignee has recovered large assets, and that the debtor then effects a settlement out of Court and annuls the insolvency by consent. I think it advisable to make provision that such cases should bear a portion of commission of the Official Assignee.

8th.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, ESQ., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 3093, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 22nd September 1885, No. 2554, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, ESQ., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2900, dated 4th November, 1885).

ADVERTISING to G. O., dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law; but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judgeship in the latter Court, may result in the appointment to the Small Cause Court of a Judge with precisely that experience which Mr. Justice Handley thinks wanting.

From H. BATTY, ESQ., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 8625, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1050 of the 17th June last, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of this Government, and also of the Hon'ble the Judges of the High Court and of such selected officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am desired to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

1. Letter, &c., from the Chief Judge, Court of Small Causes, Bombay, No. 41 of 7th August, 1885.
2. Letter from the Hon'ble the Advocate General, Bombay, No. 59 of 14th September, 1885.
3. Letter from the Secretary, Chamber of Commerce, Bombay, of 25th November, 1885.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to insert in the enabling Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1865. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency-jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Sealer of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, ESQ., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay,—(No. 41, dated 7th August, 1885).

IN compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honor to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, ESQ., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (3), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection; and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (*c*) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (*a*) limits the bankruptcy-jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (*b*) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (*c*). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (*c*), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (*b*) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (*c*) restricting the power of the Local Government to the appointment of Courts situate without the local limits of the jurisdiction of the High Court.

7. In section 91 (*a*) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 (if that section be enacted) lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. *Section 3 (1) (b).*—It would be advisable to define carefully what conveyance is fraudulent in a country like this, where *benámi* transactions are rather the rule than the exception, and in an Act which, to judge from section 82 (*c*), is intended to be capable of application by Native Judges in the Mufassal, who for the most part have not the opportunity of acquainting themselves with the English decisions.

10. *Section 3 (1) (d), (e) & (g).*—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c., &c.

11. *Section 7 (1).*—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (*1*) (*c*)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic., cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisons which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31 (2).*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessaries of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter at how long a period after, by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition either by a creditor or the debtor.

14. *Section 39 (1).*—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40 (2).*—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in *that* sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43 (2).*—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution-creditor at the time of the further part-payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110.*—I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 3 (1) (*d*), (*e*), (*g*). They are taken from an English Act framed when imprisonment for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion. *Section 105 (m)* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115 (3) and (4) and section 116.*—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic., cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible the same in London and Calcutta;" and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law; but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there), as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money-lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of native Western ideas, self-acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet been only very partially adopted here. The lowest ranks of workers in English society form, compared with Indian, a small proportion of the population, and non-workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about ¾ ths) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depauperisation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles;" at least, I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Insolvent Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'etre* of the Court.

"15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate office establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present head-quarters in the High Court building to the Small Cause Court, a distance of about a mile, and back.

"16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute 11 Vic., cap. 21, I am inclined to think it is not within the competence of the Indian legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and sometimes necessitate the payment of searching-fees in both offices, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

"17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *eundo morando et revertendo* between the two Courts.

"18. I believe that in Madras the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment-debtor has actually been arrested. On the other hand, any person may avail himself of the provisions of the Statute 11 Vic., cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

"19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction should be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense and without adding to the work of any other Court by the abolition of the present system of imprisonment for debt; for it is simply to avoid arrest, or to escape from imprisonment, that the great majority, if not all, of the unopposed insolvents apply for the benefit of the Act."

From the HON'BLE F. L. LATHAM, Advocate General, Bombay, to Under-Secretary to Government, Bombay,—(No. 59, dated 14th September, 1885).

WITH reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is avowedly an adoption, almost a transcript, of the last English Bankruptcy Act—that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before transplanting it to India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy, and which of its provisions require repeal or alteration; and the present insolvency law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to remain in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 (2) allows the creditors, if the Court declare such an appointment desirable, to appoint a person other than the Official Receiver to be trustee of the property of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I dread lest the effect of these sections should be to facilitate fraud and to lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1865 the temptation to this form of fraud was greater it was notoriously prevalent—I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to insist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill—*vide* Williams' *Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is, comparatively speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees in enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (8) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 no not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

From J. MARSHALL, ESQ., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I AM directed to acknowledge the receipt of your letter No. 4606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs. W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Slight, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vizbucandas Atmaram, of Messrs. Narandas Lajaram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtained the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and emendations which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance; and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorialise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible unfitness. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the effectual working of the Act so long as careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be unadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances; and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency-towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once make it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question. as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely:—

Member of the Legislative Council.
Justice of the Peace.
Member of the Town Council or Municipal Corporation.
Member of a Port Trust or Harbour Board.
Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber begs to submit the subjoined remarks:—

Section 5 (1) (d).—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the estate should be would up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

Section 8.—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

Section 12.—The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

Section 15.—As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under sub-section (2) (i), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (ii) the time be increased from seven to twenty days.

Section 16.—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to sub-section (1):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

Section 17.—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs; and it seems desirable, therefore, that the following words should be appended to sub-section (3):—

"with a full statement of the debtor's affairs."

Section 21, the Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of an insolvent are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable assistance in securing a favourable liquidation; but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment on committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should read:—

"The trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do all or any of the following things";

and in sub-sections (3) and (4) of the same section, (2) of section 51, (1) of section 57, and (1) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

Section 24.—The desirability of arranging to secure the arrest of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section as also under (2) of section 26.

Section 25.—The same provision as for the redirection and delivery of letters should be made for telegrams.

Section 27 (5) allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

Section 27 (6).—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the country at times under very short notice.

Section 34 (5).—Considering that the current rate of interest in India is 9 per cent. as compared with 4 per cent. in England, the rate of interest payable out of surplus funds, as provided for in this clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

Section 36 (1).—The Chamber is of opinion that the preference extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

Section 52 (2).—After the words "application of" the Chamber suggests the insertion of the words "the trustee or."

Section 54 (3).—It would be well to have the "prescribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charges may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

Section 67.—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable, instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

Section 70.—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mehtas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mehta* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

Section 88 (3).—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

Section 103.—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 Rs. 5,000. In estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon, as provided under clause (*c*).

From H. BATTY, ESQ., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

WITH reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th idem, and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, ESQ., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

WITH reference to your letter No. 4605, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Bayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, ESQ., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, ESQ., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

IN accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

Remarks.

Protection from arrest.—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and no protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection-orders, and afterwards by obtaining their personal discharge under section 47, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to dismiss petitions for want of prosecution, and (2) to cancel so much of the receiving order under section 8 (*1*) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order: there does not appear to be any provision to this effect in the proposed Act.

Adjudication of bankruptcy.—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should (1) make the statement required by section 15 and (2) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 24 of the proposed Act; but as absconding debtors almost invariably abscond to Native States it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

Composition with creditors.—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors hastily executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

Property of bankrupt.—The words of section 38 (*1*), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Mufassal or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

Discharge of bankrupt.—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 47, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

Penalties.—The provisions of sections 27, 105 and 107, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and, if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share mania, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

Decrees against bankrupt.—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

Procedure.—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of section 99 of the English Act, or such modification of them as may be considered proper, might with advantage be inserted in this Act, and work of a formal nature, such as taking such examinations in unopposed cases, granting receiving orders and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

Unclaimed dividends.—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estates account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1841, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by insolvents in their schedules as due, but which have not been proved, and are for the most part unprovable; and it is doubtful whether these dividends can be distributed under the Act of 1841. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of circumstances, has never become law, and it therefore seems necessary that some means of dealing with those funds should be provided by the proposed Act. The interest upon the first class of those funds at least might be applied towards the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

Appointment of Official Receiver.—Under the present Insolvent Act the Official Assignee can only be removed from office in the cases specified in section 10. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

Appendix.

Section 2. Regarding application of section 48 to England.—Section 48 could hardly be made applicable to England, but nevertheless cases may arise in which onerous property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

Section 21 (2).—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (*3*).

In cases in which the Official Receiver is acting, reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

See 11 & 12 Vic., c. 21, s. 28.

In that event some such words as the following might be added to section 21 (9):—

"by and with such notice to such creditors as the Court may think fit to direct."

Section 24.—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors absconding to Native States to be also arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court to some other part of British India, but only deals with the case of a debtor who is "about to abscond with a view," &c.

Section 34 (3). Municipal rates.—Port-trust dues, &c., are at present only entitled to dividends.

Sub-section (5). Interest after payment of principal in full.—As decrees in India carry interest at 6 per cent., in the same way interest after the receiving order should be allowed in India at 6 per cent. also.

Section 36.—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distraint upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put padlocks on the godowns or premises let to them, and claim a lien for rent; and as rent in Bombay is heavy, and the value of the goods so locked up uncertain, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.

Section 38, clause (2).—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking-pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic., cap 21, section 7, are "wearing-apparel, bedding, and other such necessaries."

Section 51 (2).—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

Section 57 (2). Allowance to bankrupt.—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of candidates for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time is necessary, or an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

Section 61. Official Receiver's report.—Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has *in every case* to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must (in cases of insolvency of traders) have the assistance of experienced Native accountants capable of themselves reading and understanding Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *mehtas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate), to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

Section 65 (5).—We do not consider that this provision can be of any value in India.

Section 67. Investment of moneys.—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (section 67 (3)).

Were it possible to distribute the moneys to creditors as quickly as is contemplated in the Act, there would be no great hardship in the present provision. In Bombay, however, considerable sums have always to be reserved to meet the possible costs of the litigation that invariably ensues on any large insolvency proving unsuccessful, and (as has already been pointed out) claims of creditors cannot be quickly adjusted.

It would be hard on creditors that money so locked up should not be invested for their benefit.

Perhaps the simplest way would be to leave the provisions of the Act as they are, and out of the interest accruing under the provisions of this section (67) to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until dividend is declared.

Section 88.—It appears from paragraph 29 of the draft "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay while the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and Registrar, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that in 1880 both the High Court and the Small Cause Court of Bombay were opposed to the introduction of this provision.

Sections 92 (4); 124. Times.—All "times" allowed for the act are far too short; and though full power of extension is given by section 92 (4), yet the times mentioned in the different sections for each Act should, as far as possible, approximate the average time within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

(1) the Courts sit weekly only;
(2) books of account are always in arrears, especially during the busy season, and take a long time to make up, and only a very limited number of *mehtas* can be employed on them at once;
(3) traders of any importance always have goods on their way to England or elsewhere, the account-sales of which are not received for a considerable time;
(4) no estate of any size can be realized without litigation owing to the invariable attempts made by bankrupts to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

Section 99. Petitions of partners in different Courts.—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency-towns would be transferred to the Court in which the first petition was filed; otherwise some provision is required on this point. See also section 13.

Section 103 (3).—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 6,000.

Where the gross assets of an estate are not more than Rs. 6,000, it would rarely be worth the creditor's while to attend meetings and take any direct interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases wish to have the bankrupt's affairs more expensively investigated and the bankrupt himself punished; but provision is made for this by clause (c) of this section (103).

Section 116 (2).—If the suggestions contained above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the remuneration of that officer also under this section.

Section 120, clause (4).—We doubt if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be also made before the British Resident or Consul or Political Agent?

Lien on bankrupt's books of account by solicitors and others.—There have been several cases lately in Bombay of solicitors claiming a lien on insolvent's books of account and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1669, there being power under that Act to make the rule. —See *Yate Lee on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PEACOCK, ESQ., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th February, 1886).

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th June, 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2. In reply, I am desired to submit, for the information of the Government of India, the accompanying replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades' Association, who were consulted by this Government, and to say that, with the exception of section 88 (1), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through; and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

The Solicitor to the Government of India, No. 1096, dated the 3rd September, 1885, and enclosure.
The Chief Judge, Court of Small Causes, Calcutta, No. 68, dated the 2nd October, 1885.
The Superintendent and Remembrancer of Legal Affairs, No 901, dated the 9th November, 1885.
Maharaja Sir Jotendro Mohun Tagore, K.C.S.I., dated the 31st August, 1885.
Babo[illegible]ro Churn Law, dated the 7th September, 1885.

From R. L. UPTON, ESQ., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal, —(No. 1096, dated 3rd September, 1885).

REFERRING to your No. 1336½J.D. of the 8th ultimo, I have the honour to forward you herewith a copy of the Hon ble the Advocate General's opinion on the subject therein referred to.

OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, and whose estate would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition the Bankruptcy Court of the Presidency in which they have debts due to them, and such Court should be vested with powers to adjudicate such persons bankrupt on their own petitions if it thinks fit, the power to adjudicate being discretionary, to be exercised according to the circumstances of the case. The objection to such a procedure would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court; but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the different Presidencies.

The 29th August 1885.

(*Signed*) G. C. PAUL,
Advocate General.

From G. C. SCONCE, ESQ., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1342 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned; but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, ESQ., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 8th July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency-towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mufassal, I consider the present Bill utterly and entirely unsuitable; but as there appears to no intention to make it current there, this is no detraction from its merits.

From MAHÁRÁJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1310 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and the Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 344), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (*l*) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unoften do, bring on insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is laid bare in the course of enquiry, and at the time of granting the discharge, and not precede enquiry. The provision, moreover, appears to me to be totally ineffectual as a salutary measure. A debtor who becomes insolvent in six months' time can easily avoid going to jail by getting up a creditor to petition against him, and the law is at once defeated. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine quâ non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (*d*) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy (clause (*a*) of section 273). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have carried on business for less than three years; as regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure: they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, such as a decree of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I look upon clause (*g*) of the same section as calculated to operate harshly. There are many merchants and traders now in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest action, of taking the benefit of the Insolvent Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (*2*) of section 46 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency-towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest those Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of powers by the High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORGA CHURN LAW, to Officiating Under-Secretary to Government, Bengal, —(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1341J.-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender; but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been formed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilised to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 &12 of Victoria, 21, has been in operation in the Presidency Courts has suggested; and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall, therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtors to it, and this is done in clause (*d*), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (*a*) of section 27 (*3*) is likely to act with hardship. In it mention is made of absence of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the whole period in the case of those who have carried on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure: they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. (16), leaves no room for such discretion.

8. The provision made in clause (*g*) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency-towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of taking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (*l*) of section 46 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become insolvents, but the next clause appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment, on sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court. This provision has been upheld in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since arisen to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into a civil right. They are granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—as provisions for old age—and are liable to stoppage at any time at the will of the donors, and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill invests the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, ESQ., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended to all cases in which the High Court has jurisdiction. For example, a person ordinarily resident in the Mufassal is liable to be used in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

Conditions on which creditor may petition.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

* * * * * *

(*d*) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

5. The Committee are of opinion that the amount to be paid to clerks under this section should be equivalent to three months' salary. To limit the amount to five hundred rupees would to inflict an undeserved hardship on a large number of employés. Not a few firms employ assistants whose salaries range from Rs. 200 to Rs. 500 a month, and who belong to a class of employés who contribute in no small degree to the proper carrying on and success of a business, and it appears to the Committee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

Priority of debts.

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

* * * * *

(*b*) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees;

* * * * *

6. The Committee would beg to suggest that in this section "three months" should be substituted for "one year." The powers of a landlord are sufficiently great, and the existing law provides him with ample facilities for recovering his dues, and for these reasons the Committee submit that, if he should be permitted under the proposed Act to levy distress "for one year's rent due prior to the data of the order of adjudication," he will be receiving an undue preference over all other creditors. The Committee would, therefore, urge that the period for which he may recover under this section should not exceed three months.

Power to landlord to distrain for rent.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

Description of bankrupt's property divisible amongst creditors.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

* * * * * *

But it shall comprise the following particulars:—

(iii) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Appropriation of portion of pay or salary to creditors.

46. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian Marine Service, or an officer or clerk or otherwise employed or engaged in the Civil Service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gubboy re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the *sole* possession of the partner or partners who happened to be resident in this country.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachments against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be unadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property, or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors, and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, ESQ., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legistative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

WITH reference to your letter No. 1040, dated the 17th June, 1885, asking for opinions on the provisions of the Bill to amend the Law of Bankruptcy and Insolvency in British India, I am directed to forward, for the information of His Excellency the Governor General in Council, a copy of the papers marginally noted on the subject.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 8th October, 1885.
Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

As regards the North-Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have houses in the Presidency-towns, and, as I understand section 4, creditors would be entitled to present bankruptcy-petitions against such firms; so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that increased use is being made by debtors of Chapter XX of the Civil Procedure Code. The number of applications for insolvency must vary more or less in concert with fluctuations in the number of applications for execution of decrees. Compared with these, the percentage of applications for insolvency has steadily increased from ·15 per cent. in 1881 to ·35 in 1882, to ·37 in 1883, and ·30 in 1884. I feel convinced that, meagre as the provisions of Chapter XX now are, they are still too intricate and expensive for the poor insolvent; but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present paper is no place to discuss those alterations.

I see little use in discussing *seriatim* the provisions of a Bill which is not to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the customs and wants of Presidency-towns to do so effectually.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 671—VII-78-2, dated 26th June, 1885, in the Judicial (Civil) Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting to be favoured with the Court's opinion thereon, and in reply to state as follows.

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Ilbert, Legislative Member of Council.

3. The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brodhurst believes it is not intended that any Court in these Provinces shall, for the present at all events, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Tyrrell also has no remarks to offer on the Bill.

From C. L. TUPPER, ESQ., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

WITH reference to your letter No. 1042, dated the 17th of June, 1885, I am desired by the Lieutenant-Governor to submit, for the information of the Government of India, the opinions of the officers noted on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

(1) Judges of the Chief Court (Registrar's No. 2582, dated 13th August, 1885).
(2) Government Advocate (No. 370D.A., dated 21st September, 1885).
(3) Bunsee Lall Ram Rattan, Rai Bahadur (No. 982, dated 2nd September, 1885).
(4) Rai Mela Ram (dated 27th August, 1885).
(5) Ram Kishen Das, Honorary Magistrate, Delhi (dated 25th September, 1885).
(6) Rai Bahadur Kallian Singh, Honorary Magistrate, Amritsar (dated 1st September, 1885).
(7) Chota Lall, Lahore, (dated 16th October, 1885).
(8) Lala Gagar Mal, Honorary Magistrate, Amritsar, (dated 15th October, 1885).
(9) Baggan Lal, Honorary Magistrate, Amritsar, (dated 1st September, 1885).

From T. G. WALKER, ESQ., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No 2582, dated 13th August, 1885).

IN reply to your letter No. 664-S., dated 13th July, 1885, forwarding, for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, ESQ., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 665-S. of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act only constitutes by its direct operation four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon. I also observe that while power is taken to confer upon Local Governments authority, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them, the insolvency sections of the Punjab Laws Act (1872) have not been repealed.

As moreover I am now, and have been for some time past, much pressed with important references, I trust that I may be permitted to refrain from discussing in detail a measure which is not intended to apply to this Province, and which appears to me to be far too advanced and technical for the state of things prevailing here.

From BUNSEE LAL RAM RATTAN, Rai Bahadur, to Under-Secretary to Government, Punjab, —(No. 982, dated 2nd September, 1885).

As directed in your letter No. 844-S. of 30th July 1885, which you have very kindly sent for any remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the law of bankruptcy and insolvency in India is worth of maintenance, and that the draft Statement of Objects and Reasons is worth of consideration.

I beg to suggest to afford the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c., should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage which after full consideration the Legislative ought to fix.

2nd.—In India there are lot of persons who, in anticipation of being insolvent give up their estate, cash and property to their sons or brother, and they themselves remain to be insolvent. In this case the Legislative should pronounce some kind of punishment to be awarded to such insolvent.

3rd.—To avoid re-occurrence of insolvent the Legislative should consider and order some kind of distinguished mark to be worn by the bankrupt, in order, if the bankrupt go to another country or city, he may soon be recognized as such a man, as in India there are many men who are dealing in this way, *i.e.*, open a shop in a city, and, while their trade became popular, they abstract lot of money by sending it to their homes or making it away otherwise, and afterwards declare themselves as insolvent. If some distinguished mark be ordered to be worn by the insolvent, there will be a kind of check over them.

4th.—In section 21 I beg that the committee should consist of 8 members, *i.e.*, 4 from among the creditors and 4 who do not any way mixed in the case, but know the custom of the city, and the Judge should take their opinion before passing any order on the file.

5th—In my opinion in section 38 the hereditary rights, such as villages or other landed property, should be included in the estate which must be sold too and assessed in the administration leaving a necessary portion for the insolvent only.

I beg to return the papers received with your letter under reply.

From RAI MELA RAM, to Secretary to Government, Punjab,—(dated 27th August, 1885).

I HAVE gone through the draft Bill received with your letter No. 8418. of the 30th July, and am very glad to come to know that steps have been taken to make up the deficiencies which have been observed during the last 35 years. Handing over the matter to the committee of creditors whose interest is chiefly concerned in such proceedings is a great improvement to bring this law to the point of completion, and I hope it will satisfy those who were sulking at the introduction of such a defective measure as that of the Insolvency and Bankruptcy. As far as my experience is concerned, I would beg to state that Part VII of the Bill, regarding the small bankruptcies, would not work efficiently in a Province like the Punjab until the educated party takes lead in the way of improving the commercial condition of the country. Of course it will be received with great satisfaction in Presidency and other towns where the people by means of their extensive education are sufficiently enabled to understand the objects and reasons of the measure in question. I would, however, beg to suggest that for such cases the qualifications of trustees must be prescribed, as they have to manage the estate without the control and supervision of those whose interest they are to guard.

2. In conclusion, I request that the Insolvent Estates Courts must be very strict in awarding punishment to the guilty debtors, as the number of rejected applications clearly shows the bad motive with which they have often been led to defraud their money-lenders.

From RAMKISHAN DAS, Honorary Magistrate, Delhi, to Under-Secretary to Government, Punjab,—(dated 25th September, 1885).

IN repty to your No. 844, dated 30th July last, enclosing a draft Bill on the law of Bankruptcy for opinion, I have the honour to submit the following remarks.

In my opinion the Bill should, when enacted into law, be made applicable to the Punjab and North-Western Provinces, and the District Courts empowered to exercise authority conferred on "*the Court*" under it. The provisions of the Bill, though based on the English law, are not so very abstruse or intricate as to be difficult of comprehension or to be peculiarly suitable to any particular town or city. They are catholic and general in their character, and may advantageously be extended to the Mufassal. Uniformity of principle—certainly so far as the British Indian Empire is concerned—necessitates the existence of one and the same law for identical cases and circumstances wherever they may occur in that empire. The provisions as to the voluntary management by creditors and as to appointment of trustees and the conduct of business by the insolvent under the supervision of trustees or of the committee of inspection are not new or strange. They are acted upon every day in this part of India. Indeed, there is hardly a case in which resort is not had to them as the most efficacious machinery for realising assets for distribution. I would therefore very strongly urge the extension of the Bill to the Mufassal.

SECTION 3 (*b*) and (*c*) may be fused into one clause. There is no meaning in keeping them separate.

SECTION 8 (2).—There is no benefit likely to accrue to the insolvent's estate by allowing a secured creditor to realise or deal with his security. Except in cases of English mortgages (as to which even there is considerable doubt), no mortgagee can exercise the power of sale, except through the medium of a Court, and why he should be allowed to bring a suit to sell the property and thus entail more costs, which are after all to come out of the insolvent's estate, is incomprehensible to me.

SECTION 15 (2).—For 3 days I would substitute 10 days, and for 7 days 1 month. The time mentioned in the section is very little, especially in the case of a creditor who has to enter on very difficult enquiries in order to submit the statement.

SECTION 15 (4).—The word "*so*" before stating should be omitted. "So" would mean *for this purpose, i.e.*, for inspecting statement. The penalty should be general and absolute, and not confined to any particular circumstance.

SECTION 17 (15) AND SECTION 18 relate to the same matter, and with some slight change of language could easily go into one section or clause.

SECTION 25.—This is a very harsh measure and has been strongly condemned recently by Mr. Justice Norris. If it is considered advisable to keep it, then there can be no meaning in the limitation of 3 months, which should be expunged.

SECTION 28 (2).—Would *deposits* come under this or not?

SECTION 31.—To this section add "*Barred debts, obligations without consideration—Voluntary bonds* shall not be proveable."

SECTION 36 should be omitted and its provisions added to section 34, which is their proper place.

SECTION 38.—Add executory contracts which the assignee or receiver may perform.

SECTION 46.—"Or engaged in the Civil service." Omit the word "Civil."

SECTION 48 (5).—Add "Provided that if the party does not agree and feels aggrieved, he may institute suit for declaration as to quantum of damages which he will be allowed to prove as a debt."

SECTION 48 (6).—"And on hearing such person" modify into "on hearing the trustee or such other person."

SECTION 49.—Add "(*f*) *Sue debtors.*" This power should be conferred on the trustee irrespective of the following section.

SECTION 64.—The word "solicitor" will have to be changed into "legal practitioner" or "pleader."

Adverting to the Statement of Objects and Reasons, it would of course be necessary to obtain the sanction of the British Parliament to ratify the measure. It is of no importance whether the sanction is antecedent or subsequent, but I consider Draft I to be the preferable of the two.

From RAI BAHADUR KALLIAN SINGH, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have the honour to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain part of British India, and they are as follows.

2. In Section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States comes within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing for instances—*Biluchistán*, &c., &c.

3. In the same section clause (*e*) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In Section 5, clause (*d*) paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary reside, &c., &c.

The above clause in the section is not clear to fix the period gives rise to a doubt.

5. In the Section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party, that the opposite party may come proper and unnecessary delay may not occur.

6. In the Section 6, clause 5, that the words to take security for payment of debt is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the Section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under Section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decrees of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree. It ought to be for those persons only who wish to get the dividend from the estate of bankrupt and not for others who do not wish to be benefited by the provisions of the Act.

9. Section 27 is silent. Clause (*c*) should be added that who contracted debt *recklessly* or *carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable time. After that he must declared free from the such debt, otherwise it would be once a *bankrupt* always a *bankrupt*.

From CHOTA LAL, House Proprietor and Contractor, to Under-Secretary to Government, Punjab,—(dated 16th October, 1885).

I BEG to acknowledge receipt of your letter, dated Simla, the 30th August, under cover of No. 844, enclosing a copy of a draft Bill to amend the law of Bankruptcy and Insolvency in certain parts of British India, with Draft Statement of Objects and Reasons, for my humble remarks on the same.

I have gone through the whole of the draft, and, so far as I can see, I agree with it, except in two or three places, for which I beg to offer the following remarks.

In Section (7), No. 3, the debtor's petition ought to be withdrawn without the leave of the Court, except in cases the Court thinks it fit as otherwise.

In Section (11) the manager for the debtor's estate ought to be appointed by the Court, as well as the receiver and the debtor also be consulted.

In (Section 6), No. 6, when persons owing the debtor acknowledge themselves as debtors to the debtor, the Court ought to give decree against them in favour of the receiver for the debtor.

In (Section 23) in cases where debtor is personally required to point out persons owing him, the expenses in so doing by the debtor ought to be given him.

Also there is required a section by which a debtor may settle with his creditors privately or by appointing arbitrators.

Hoping you approve of the above.

From LALA GAGAR MAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 15th October, 1885).

I BEG to acknowledge the receipt of your your favor, No. 540, dated 8th instant, as well as a copy of draft Bill to amend the Law of Bankruptcy and Insolvency for my opinion. In reply to that I beg to return herewith, under a separate cover, the said draft with my notes thereupon. Some delay occurred in forwarding the draft, as I had to consider it thoroughly. Please excuse delay.

Within a year.—This seems to be a very long time. For it is just possible that a person may contract large debts within a year, and he himself be unwilling to go to the Insolvency Court and the creditor may not be able to take any steps. Therefore in my opinion 3 months or 6 months at the most should be the limit.

* Rather vague. It should be *during office hours*, or some definite time or day should be fixed.

Signed must be defined, and made to include sealing and marking.

† *Vide* note to section 15, clause (4).

‡ Should be *and*. It is very easy to put the seal of Court on papers without the Judge knowing it. Seals are always in the hands of peons and others of the same class.

Section 5, clause (d).—The debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within *a year* before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

Section 15, clause (4).—Any person stating himself in writing to be a creditor of the bankrupt may personally or by agent inspect this statement at all *reasonable times*,* and take any copy thereof or extract therefrom * * * * * * * * *

Section 16, clause (8).—Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and *signed* by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all *reasonable times*,†

Section 17, clause (7).—If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, *or*‡ by the terms being embodied in an order of the Court.

Section 42, clause (1).—Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three* months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

Avoidance of preference in certain cases.

* Should be six months: three months is too little time.

PART V.

TRUSTEES.

Remuneration of Trustee.

Section 63, clause (1).—Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

Remuneration of trustee.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give this power to the creditors. It is sure to be abused.

Section 83, clause (c).—The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, *with the previous sanction of the Governor General in Council*, by that Local Government within the territories administered by it.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

Section 91, clause (c).—An appeal shall lie from the *order* of a Court appointed by a Local Government under section 82 of the High Court of the province.

The appealable orders should be *specified*. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

PART VII.

SMALL BANKRUPTCIES.

Section 103.—When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value *three thousand rupees*, the Court may make an order that the debtor's estate be administered in a summary manner, * * * * *

Summary administration in small cases.

Small Bankruptcies.—This should not be with regard to the *amount* of the debtor's property. It should be the reverse, *i.e.*, with reference to the amount of *debts due*, and the *amount* to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

Section 105.—Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with *imprisonment* which may extend to two years or *with fine* or with both; * * * * * * * *

Punishment of fraudulent debtors.

Imprisonment.—Simple or what?
Fine.—What amount?

Notices.

Section 125.—All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Service of notices.

Insert *registered* between the words "prepaid and "part."

Section 133 (1).—In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"The Court" means the Court having jurisdiction in bankruptcy under this Act:

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

Interpretation.

These interpretation clauses should be placed in the beginning.

Should be *one hour*.

24. If within *half* an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGGAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Although the General Clauses Act. I of 1868, defines the British India, but still remains doubtful as to its limits supposing, for instance *Biluchistán*, &c., &c.

3. In the same section, clause (*e*) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In section 5, clause (*d*), paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary reside. &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come proper and unnecessary delay may not occur.

6. In the section 6, clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decree of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who wish to get the dividend from the estate of bankrupt, and not for others who do not like to be benefited by the provision of the Act.

9. Section 27 is silent. Clause (*c*) should be added that who contracted debt *recklessly* or *carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable term. After that he must be declared free from that said debt, otherwise it would be once a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department,—(No. 4134—202, dated 24th October, 1885).

I AM directed to acknowledge your No. 1043, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Presidency-town, the four chief towns, in British Burma and the few large commercial centres to which it may hereafter be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of the extension of the Bill to any town in these provinces in the future is remote. Under these circumstances the Chief Commissioner does not think it necessary that he should make any observations on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Neill, Officiating Judicial Commissioner, and Mr. Venning, Commissioner of Nagpur. Neither of these officers has offered any criticisms on it.

From E. S. SYMES, ESQ., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 352—26-L., dated 15th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1044, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letters cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce on the provisions of the ill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

From Judge of Moulmein, No. 129-2, dated 24th August, 1885.
From Recorder of Rangoon, No. 164-51, dated 20th August, 1885.
From Secretary, Rangoon Chamber of Commerce, dated 5th December, 1885.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyab, and Bassein in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. MacEwen that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the limited jurisdiction in bankruptcy matters which it is proposed to enable the High Courts to confer on the Small Cause Courts in the presidency-towns.

5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (c) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicits special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter, which seem to be worthy of consideration. It seems very important that the application of the less cumbrous procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, apparently, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,74,000 of debts and only Rs. 43,000 (less than 2 per cent. of the debts) recovered by the Official Assignee in all, do not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is perhaps, therefore, the more reason for attempting, when the law is under revision, to free innocent debtors from some part of the pains and penalties now accruing to themselves and their families from non-fraudulent debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court also commends itself to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge is clearly in favour of such abolition, though he mentions that the retention of this penalty has been practically decided upon. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—4-L., dated the 21st July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Judicial Commissioner certain cases of imprisonment for civil debt in the hope that the learned Judge would advise or comment upon the matter. If anything of interest or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. MACLEOD, ESQ., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma,—(No. 129—2, dated the 24th August, 1885).

IN compliance with the request made in your letter No. 100—26L. (Judicial Department, Legislative), dated the 6th ultimo, I have the honour to offer the following opinion on the Indian Bankruptcy Bill.

In dealing with the first question raised in the 11th paragraph of the Statement of Objects and Reasons, namely, as to the extent to which the proposed law should be applied locally in British India, it is necessary to bear in mind the main object of a bankruptcy law, which is to relieve honest debtors from the punishment of imprisonment for debt. The securing of the debtor's property for the benefit of his creditors is really subsidiary to the relief to the debtor, and the question, therefore, should not be entirely judged with reference to the existing machinery for working the proposed law for the benefit of creditors.

The question, however, as discussed in the Statement of Objects and Reasons of the Bill, is not, as it was in the correspondence in 1882, whether it is advisable to abolish imprisonment for debt, but whether the privileges of the proposed law should be extended to debtors in India generally, or only to a favoured few who have the good fortune to be inhabitants of the small local areas to be brought under the operation of that law.

Allowing even that there are differences between the circumstances of indebtedness arising in commercial seaports and those occurring in the Mufassal, it seems to me desirable to have only one insolvency law for the whole of India, and this, as stated in paragraph 11 of Statement of Objects and Reasons of this Bill, might be effected by inserting in the proposed measure a chapter providing the modifications and simplifications necessary to suit the requirements of Mufassal Courts. Chapter XX of the Civil Procedure Code has been, if not long enough in force to pave the way for a measure such as the present, sufficiently tried to show the necessity for its very considerable amendment, if not for its abolition, and I consider it unadvisable to retain it in preference to a simplified but complete insolvency law.

If it should in the end be decided not to frame an Act applicable to the whole of British India, it should, I think, at least be left optional with persons resident beyond the local limits of the Courts with insolvency jurisdiction to avail themselves of the benefit of the insolvency law. Cases are conceivable in which it may be a less hardship to debtors and creditors to get insolvency affairs administered by a Court having jurisdiction under the proposed measure than by the ordinary local Court with limited powers under Chapter XX, Civil Procedure Code, such for instance as the case of a debtor who resides just outside the limits of an Insolvency Court or has considerable property within such limits.

Coming to that part of the Statement of Objects and Reasons which refers to the difference between the Bill and the law on which it is modelled, I would remark, in regard to the question of jurisdiction to entertain applications for a declaration of insolvency, that by reason of the difficulty in the case of natives of proving the fact of *residence* at all, it seems desirable to amend the provision by including *the personal carrying on of business or working for gain* as grounds of jurisdiction. This would afford creditors larger and easier means of proving the point of jurisdiction, which would probably be frequently raised by reason of the limitations imposed on it by the draft Bill.

As regards the provisions of the Bill, it is not easy to foresee how details, for the most part adapted to English modes of business, would work in practice in India. My remarks, therefore, will be directed and confined to what appear to me to be omissions in the Bill rather than to criticising the propriety or efficiency of the proposed procedure.

Section 8 (1).—If it is intended, as I think it must be, to give the Court power to release the debtor from jail if he should be there when the receiving order is made, provision for that should be made here by empowering the Court to order the release of the debtor wheresoever he may be confined. The power to release from jail, even if the jail be without the jurisdiction of the Court, is necessary in view of the different grounds which confer insolvency jurisdiction.

(2)—Under Act XXVIII of 1866, the power of sale is only conferred in respect of mortgages to which English law is applicable, and unless this provision is limited to the exercise of such power, mortgagees would be entitled to realize their securities by suit to the detriment of the interests of the unsecured creditors, which the expenses of the suit would occasion. This remark should be read in connexion with another, which I shall presently make in reference to the rights of mortgagees (*vide* 2nd Schedule 12*c*).

Section 19 (4).—Provision similar to that previously suggested should be made here also for the release of the debtor from jail if not released at the time of making the receiving order.

Section 26 (1).—The right to summon others than the debtor should be limited, as in the Civil Procedure Code, with reference to the means of communication between their place of residence and the court-house.

(2) I would add after the word "sum" the words "for his travelling expenses and subsistence."

Section 45.—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the procuration of the necessary authority from the Court having jurisdiction where the property is situate.

Sections 82 and 83.—As the Bill was drafted before the amendment of the Burma Courts Act, 1875, by the Act of 1885, whereby the insolvent jurisdiction before exercised by the Recorder of Rangoon in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give the Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

Part VII.—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees prescribed for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any decree that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of investigating small claims of insolvents must, I should think, act prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as disclosed by the facts stated in the schedule, but every other facility should be given him to realize the property of the debtor in the way I have indicated. No. 25 of the rules of the Calcutta High Court, framed under the present Insolvency Act, provides that the Official Assignee may sue without payment of *office fees* if he have no funds, but this does not include stamp-duty, to which my remarks are intended to apply.

Second Schedule 12 (c).—To meet the case of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be to the trustee to force a sale of mortgaged property at a reserved price equal to the amount due on the mortgage, as the trustee may not always be in a position to redeem.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgagee does not seek to foreclose his mortgage within some specified time.

From R. S. T. MACEWEN, ESQ., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma,—(No. 164—51, dated the 20th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 100—26-L., dated 6th July last, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for an expression of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute, and would require much more time than I have at present at my disposal to examine its provisions in detail and consider their probable effect in the event of its becoming law. But I may say that a new Act dealing with insolvency and bankruptcy in India has long been felt to be a necessity, and I think the general feeling has been, both amongst lawyers and commercial men, that any measure of the kind which is undertaken should be as clear, simple, and effective as possible. Whether this Bill fully answers these requirements it is difficult to say without a much more minute examination of its provisions than I am now able to give to it.

3. Part I (sections 3—29) of the Bill deals with the procedure to be followed from an act of bankruptcy to discharge, and in cases of large bankruptcies, where the bankrupts are traders and the property for distribution is considerable, the provisions are no doubt to the advantage of creditors, but they are more cumbrous than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Courts and of the Official Assignee (called Official Receiver in the Bill), and appear to contemplate (in large cases at least) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and intricate cases, seems unnecessary and undesirable. If generally adopted, the effect would be to take all bankruptcies likely to render reasonable remuneration to the trustee out of the hands of the Official Receiver and Trustee and to leave him with only such cases as would yield little or no returns; and as he is not a salaried officer, but dependent wholly upon commission for his own labour and the cost of his establishment, it would be difficult, if not impossible, to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a high salary to the Official Receiver and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a professional lawyer. At present the Official Assignee and his establishment cost the Government nothing. No doubt section 20 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors: the Official Receiver would probably object. At all events there would be a conflict of interests, and it might be difficult to refuse an application by the body or a majority of the creditors. Such applications would never be made in non-paying bankruptcies, and the practical effect might be to leave these and no others in the hands of the Official Receiver. It seems to be considered that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trusteeships. There are always a considerable number of persons ready to offer for any business that may be expected to pay, and sub-section (2) of section 64 contemplates the appointment of solicitors. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely made, it would be with the result just indicated. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and, in addition to the discretion imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to this effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is intended that he shall be a salaried officer and receive no commissions, then these observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration; and if he is to be a salaried officer, it may be well to enquire from what source his salary and establishment are to be met. The only court-fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the Courts at present. It is true Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does

not exceed Rs. 3,000 that this part applies. I annex a statement showing the number of insolvencies in this Court during the past three years, with the scheduled liabilities, assets, and actual recoveries. In 1882 there were 20 insolvencies, aggregating Rs 4,54,401 of liabilities, and scheduled assets amounting to Rs. 2,12,526, while the total recoveries amounted to Rs. 23,487, and of this sum Rs. 20,163 was secured, the sum which the Official Assignee recovered for distribution amongst creditors being only Rs. 3,324.

In 1883, out of 22 insolvencies with total liabilities of Rs. 14,17,824 and scheduled assets of Rs. 6,32,792, Rs. 82,823 was all that was recovered. Of this sum, Rs. 60,080 was secured, and the balance, Rs. 22,743, the Official Assignee called in.

In 1884 the total liabilities in 49 insolvencies was Rs. 10,03,035. The assets as per schedule amounted to Rs. 7,82,933, the recoveries to Rs. 56,446, of which Rs. 39,782 was secured and the Official Assignee recovered Rs. 16,664.

It is not quite clear what "property of the debtor" in section 103 is intended to cover. If it means scheduled assets, then Chapter VII would apply to about one-half of the business in this Court. Of the 91 insolvencies shown in the statement it would apply to 47. Having regard, however, to the results in the remaining 44 cases, it appears to me that the limit might very well be raised to Rs. 5,000, and I think it might with safety and advantage be raised to Rs. 10,000. In three only out of the 91 cases has property of the value of Rs. 10,000 and upwards been administered, and in seven cases has property between Rs. 5,000 and Rs. 10,000 been recovered. In the remaining 81 cases the property actually administered was less than Rs. 5,000. In 53 cases absolutely nothing was recovered. The provisions of section 14 relating to meetings of creditors would be inapplicable to the whole of these 81 cases.

In 9 out of 10 of these cases the insolvents only come into Court for the purpose of obtaining a protection order. They are either in jail in execution of a Civil Court decree or are threatened with arrest; they have little or no property—in many cases absolutely none. They are nearly all petty traders or impecunious clerks and other persons; the number of their creditors and the individual debts are small; there is seldom much, if any, opposition, and the whole business in these cases is of a simple and rudimentary character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The estates would not bear the cost, which would therefore fall upon the Government.

6. I have very little doubt, although I have not the means of testing my opinion by returns, that in the presidency-towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt there would be very little insolvency business in India; at all events it would be confined to *bonâ fide* trading bankruptcies. It seems to me that, no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind.

The true remedy is abolition of imprisonment for debt. It would curtail credit, and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

7. Section 103 (*b*) provides that the committee of inspection may be dispensed with in small bankruptcies, and (*c*) allows for other modifications by rules. But this is an inconvenient arrangement, and the power to make rules which absolutely annul the direct provisions of an Act is often questioned. I think where modifications are considered necessary they ought to be made in the Act itself in this part. I am opinion that all the provisions relating to meetings of creditors should be dispensed with in small bankruptcies, and that this modification should precede or follow clause (*b*).

8. I am also of opinion that in Courts where the Bankruptcy Act is in operation, Chapter XX of the Civil Procedure Code should not apply. The double jurisdiction and procedure lead to confusion, doubts, and uncertainty; persons will not know which procedure to come under, and objections and difficulties will be raised. As it is, Chapter XX has been very little used in the Courts now exercising insolvent jurisdiction. There is not a single instance of it in this Court, and until the High Court of Calcutta lately held that it had concurrent jurisdiction under the Civil Procedure Code, the power was doubted. At all events it had not been freely exercised, I am of opinion, therefore, that one of two courses ought to be followed with regard to this part of the subject—

(1) Additional provisions ought to be added to Chapter XX to provide more fully for small bankruptcies, and they should be omitted from this Act altogether; or

(2) Part VII ought to deal with them entirely and be the only law in the Courts to which the Act would apply, and Chapter XX of the Code should be restricted to Courts in which the Act did not apply.

I think the second is the preferable course, and that their proper place is in this Act; but the procedure should, as nearly as possible, be that of the Code.

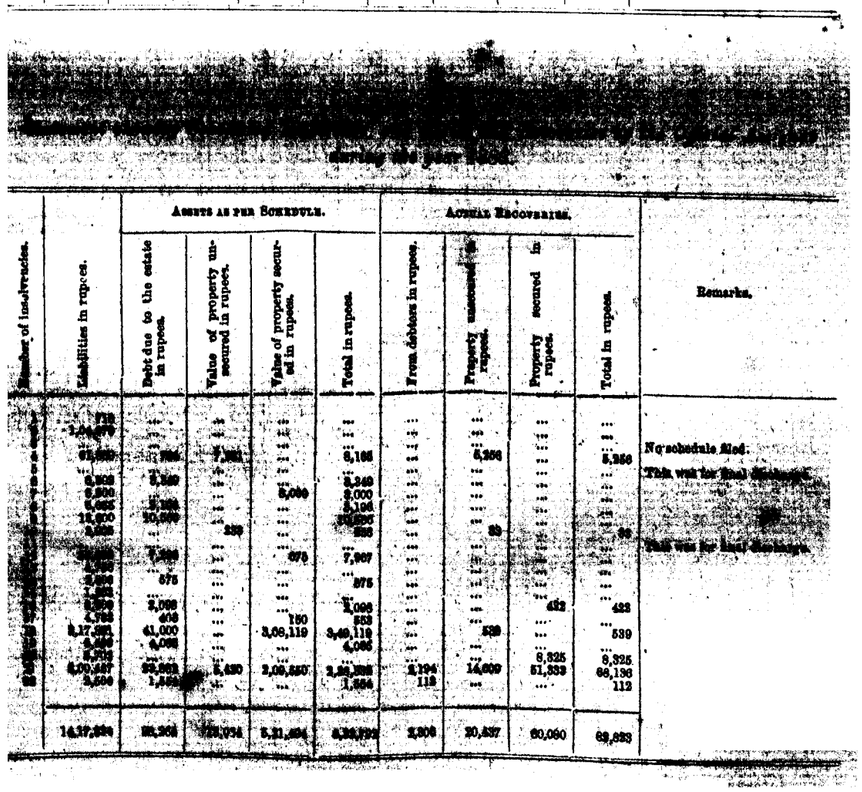
9. This Court has not at present the machinery necessary to carry out the provisions of the Bill, and even if a Chief Court should be constituted for British Burma, it will require some addition to its establishment to work the Act properly if all bankruptcies, where the property likely to be realized exceeds Rs. 3,000, were to be made subject to the full provisions of the Act. The principal Civil Courts at Moulmein and Akyab have lately been invested with insolvency jurisdiction, and certainly they have not, and are not, likely to obtain the establishments necessary for the purpose. The jurisdiction might no doubt revert to the Recorder or be vested in a Chief Court, but I think it would be a very great hardship to persons resident in these places to compel them to come to Rangoon in all cases of small bankruptcies. The principal Civil Courts in these places are quite competent to deal with small insolvencies, and with a simple procedure they would not require extra establishments. I think, therefore, that this is a matter of considerable importance so far as the seaport towns of this province are concerned.

10. Section 88 confers certain powers on the Judges of the Presidency Small Cause Courts. I see no objection to this provision. It will relieve the High Courts of a great deal of purely formal work and of a number of petty *unopposed* bankruptcies, and I presume the rules contemplated by sub-section (*l*) would fix a *pecuniary* limit beyond which these Courts could not receive or hear bankruptcy petitions. In the draft Bill to constitute a Chief Court for British Burma power has been taken to extend the Presidency Small Cause Courts Act to Rangoon. Similar power might be taken to extend, at any time, the provisions of section 88 to the Small Cause Court of Rangoon, although I could not at present recommend that the powers given by the Bill should be exercised by the Rangoon Small Cause Court. But if that Court is reconstituted under the Presidency Acts, and the necessary establishments are allowed, there is no reason why it should not exercise the same powers as the Presidency Courts.

11. I entirely approve of the penal sections of the Bill. I think they are most necessary and will meet most of the cases which arise in practice.

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	...	...	...	...	...	...	...	...	...	Registry of bankruptcy in Scotland.
2	9,905	399	...	...	399	...	920	...	920	The insolvent compromised with his creditors out of Court at four annas in the rupee.
3	13,310	13,527	....	...	13,527	146	...	...	146	
4	5,579	...	...	...	...	...	...	...	...	
5	24,167	1,096	...	8,600	9,696	114	...	1,760	1,874	
6	2,840	2,300	...	...	2,300	...	...	...	...	
7	...	...	...	...	...	...	673	...	673	No schedule filed; insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
8	11,097	...	...	...	...	...	...	8,050	8,050	
9	...	...	...	...	...	...	...	...	...	No schedule filed.
10	21,054	...	...	...	...	...	...	...	...	
11	2,38,847	...	478	1,24,500	1,24,978	...	475	...	475	Rupees 1,217 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
12	Cannot be ascertained as case is transferred to Akyab.					46	...	...	46	
13	2,969	...	...	...	...	...	...	...	...	
14	91,383	4,537	1,757	...	6,297	65	656	5,571	6,294	
15	5,971	3,543	80	750	4,373	25	...	1,553	1,578	
16	13,000	10,566	...	...	10,566	...	...	...	...	
17	9,227	1,460	...	4,876	6,336	89	...	3,229	3,318	
18	30,289	569	...	30,000	30,569	...	118	...	118	
19	5,426	...	...	...	...	...	...	...	...	
20	3,065	1,755	...	1,800	3,555	...	25	...	25	
	4,54,401	39,742	2,258	1,70,526	2,12,526	455	2,869	20,163	23,487	



Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	2,295	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,807	169	...	...	169	...	...	...	...	
4	5,612	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	This case is for final discharge.
6	3,365	...	127	...	127	...	43	...	43	
7	2,644	...	...	...	...	...	...	...	...	
8	2,559	396	...	...	396	...	...	...	...	
9	2,588	179	...	...	179	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	
12	...	...	...	...	...	...	...	...	...	No schedule filed.
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,157	7,755	150	...	7,905	13	661	...	674	
15	28,660	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed.
17	55,209	...	...	...	...	...	5,157	17,800	22,957	
18	9,970	3,046	995	...	4,041	...	698	...	698	
19	7,917	8,685	112	...	8,797	...	...	...	...	
20	8,266	785	183	...	968	...	420	...	420	
21	13,810	3,620	9,260	...	12,880	1,749	3,839	...	5,588	
22	20,693	2,957	...	7,300	10,257	...	...	5,932	5,932	
23	73,763	71,962	1,318	...	73,280	...	81	...	81	
24	57,047	67,389	2,573	...	69,962	...	1,313	...	1,313	The insolvents in these cases compromised with their creditors out of Court at eight annas in the rupee.
25	1,66,436	41,426	4,274	2,10,000	2,55,700	...	...	...	...	
26	85,336	50,057	3,688	...	53,745	...	...	...	...	
27	1,84,000	15,000	1,986	1,40,000	1,56,986	...	...	...	...	
28	...	...	...	...	...	...	...	...	...	This case is for final discharge.
29	11,095	...	...	...	...	...	630	...	630	
30	7,733	2,999	...	...	2,999	...	...	...	...	
31	10,950	5,309	141	6,776	12,226	...	516	1,500	2,016	
32	6,510	3,361	418	250	4,029	...	221	...	221	
33	9,600	...	20	...	20	...	...	...	...	
34	27,993	530	...	...	530	...	...	...	...	
35	8,175	260	7,207	13,000	20,467	...	...	...	...	
36	32,393	8,906	772	15,500	25,178	254	299	13,300	13,753	
37	...	...	...	...	...	...	...	...	...	No schedule filed.
38	Cannot be ascertained; case transferred to Moulmein						74	...	74	
39	10,519	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein						...	...	...	
41	3,913	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	...	2,000	2,000	...	...	525	525	
44	14,108	10,022	...	...	10,022	...	...	...	...	
45	...	...	...	...	...	...	...	...	...	This case is for final discharge.
46	6,491	5,747	186	...	5,933	...	...	...	...	
47	51,903	24,421	...	11,500	35,921	...	...	525	525	
48	Cannot be ascertained; case transferred to Moulmein						134	...	134	
49	32,706	...	...	...	...	...	...	...	...	
	10,03,035	3,42,897	33,710	4,06,326	7,82,933	2,016	14,648	39,782	56,446	

From J. STUART, ESQ., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by MR. J. C. GILLBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

FROM the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbrous, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1848) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinions elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1848 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful, whether as the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

[redacted]

We presume that the principle is inapplicable at present to the voluntary management of bankruptcy is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly; but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers. We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 32 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision, and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to overburden the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.

The following are instances of the stringency of the proposed Bill:—

Section 3, (1) (e).—"If execution issued against him has been levied by sale of his property in any civil proceeding in British India."

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

"That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods."

Section 15 (2).—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

Section 37, relating to the discharge of the bankrupt, especially 3 *(a)*, which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 48 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

Section 28, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immoveable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 41.

Section 34, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

Section 38.—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this [illegible] is less stringent than section 23 of the present Insolvent Act on the words "in his trade or business" are [illegible]. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the reputed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 144 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (3) does not appear adapted to this country; a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court; but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 as been longer in operation, and its advantages practically demonstrated, we would suggest that the simple principles of the [illegible] Act of 1869 should be adopted [illegible] by composition or arrangement. We [illegible] the Act to Indian circumstances and to render it possible [illegible] work an Act which will be such an enormous stride in legislation. Finally, we are glad that [illegible] has been a return to the older and more usual nomenclature, and that the terms 'bankrupt' and 'bankruptcy' will replace 'insolvent' and 'insolvency.'

From E. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 269—8L., dated 15th January, 1886).

WITH reference to paragraph 2 of my letter No. 352—26 L., dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

Note by Judicial Commissioner, British Burma.

I HAVE compared this Bill with the English Statute, 46 & 47 Vic., cap. 52, which very [illegible] Bill reproduces the Statute. To criticise the Bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statutes which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the bankruptcy law of the Presidency-towns should as closely resemble that in force in England as local conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, Esq., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1047, dated 7th June, 1885).

IN reply to your letter No. 1045, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, Esq., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1046, dated the 17th of June, 1885, forwarding for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill is well suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwára, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July, 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1047, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

Draft Bill to amend the Law of Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

From J. R. FITZGERALD, Esq., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 5706, dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1048, dated the 17th June, forwarding for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Cordery has no observations to offer in the matter.

From R. BELCHAMBERS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACGREGOR, Esq., Official Assignee, Calcutta, to Registrar, High Court, Calcutta, —(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

Section 3 (1) (d).—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwarees, who reside in Native States and carry on business in the Presidency-towns by their gumáshtas. Some such words as I have suggested would seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, movable or immovable, to be attached or taken in execution."

Section 3 (1) (e) and (g).—These clauses are very sweeping; I think they should be modified.

Section 7.—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to insolvent debtors, they are [illegible] defective in many respects, and residents in the [illegible] files a petition of insolvency, and [illegible] his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

Section 11.—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditors, whenever he considers such functionary necessary. He should also be empowered to appoint the debtor to be special manager if he considers such appointment expedient, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trustee not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to settle what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

Section 14.—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meetings might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

Section 15 (2).—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue advertisements calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

Section 16 (9).—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

Section 17.—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

Section 20.—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankruptcies and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

Section 20 (6).—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office dependent upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditors.

Section 21.—I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in cases when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

Section 22.—See my note on section 17, *ante*.

Section 23.—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

Section 26 (1).—I would add "or of any creditor who has proved his debt" after the word "trustee."

Section 26 (4) and (5).—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *benâmi* for the debtor.

Section 27 (3).—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 105, in which case it would be unnecessary to repeat them here.

Section 27 (5).—When there are creditors residing out of India longer notice than 14 days should be given.

Section 27 (7).—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

Section 32.—Would it not be well to specify who shall take the account—whether the Court or the trustee?

Section 34 (1) (b) and (c).—The present Act gives six months' wages, which seems reasonable.

Section 38 (2).—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

Section 38 (2).—The concluding words of this clause seem to be unnecessary in India.

Section 48 (1).—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

Section 50.—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own reponsibility and without sanction. See note on section 20.

Section 51 (2) and (3).—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"*with all convenient speed*"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

Section 52 (2).—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

Section 57 (1) and (2).—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee I would allow him to exercise the powers without previous permission.

Sections 59 to 62.—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptroller in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 134 (4), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater, than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons,—perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's office, and begins behind that Officer's back, to settle with his creditors taking [illegible] generally the true explanation [illegible] apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bonâ fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal ministerial officer in each bankruptcy should be invested with very extensive inquisitorial, and even *quasi*-judicial, powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bonâ fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authoritiy and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

Section 63.—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

Section 64 (3) would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

Section 65.—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of Bengal in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

Section 67 (*1*).—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the corpus of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

Section 67 (*2*).—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

Section 68.—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

Section 72. My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

Section 79.—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

Section 88.—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days; and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give those matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

Section 91.—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

Section 94.—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

Section 103 (*b*).—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

Section 105.—The following offences, all of which are common in this country, might be added to the list of offences which will render a debtor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to absent themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

Section 110.—The bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

Section 113.—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to be held to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clearer.

Section 132 (*2*).—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (*1*), *ante*.

Schedule II.—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord Loughborough in 1794, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

First.—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it, due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pigot* v. *Hastie* (I.L.R. 11 Cal.). The defendant, Mr. Hastie, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufassal, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

Second.—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a tradesman comes before the Insolvent Court, to find that his entire assets are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that their entire stock-in-trade and outstandings were mortgaged to two creditors, who stepped in at once and seized and sold the property. There are some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage-debts. It may safely be assumed that had the mortgages been registered, thus affording the public an opportunity of learning their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 unsecured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

Third.—A system of compulsory registration of business-partnerships would also be highly valuable.

Fourth.—The system of what are known as *benámi* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 570, dated 27th February, 1886).

In continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of this Court, as well as a printed copy of a note* by the Official Assignee, on the provisions of the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

[redacted]

We regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which are sought to be introduced by the Bill required grave consideration, and it has therefore been impossible to avoid the delay which has taken place.

We have held repeated sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, introducing English law and methods of procedure and English phraseology; and we had to decide whether the proposal to introduce the English Bankruptcy Act with modifications into this country offered advantages sufficient to counterbalance the mischief of completely upsetting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that much of the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand we think it preferable to adopt the phraseology of the English Act, except where there is strong reason for not doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealth with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to question. An enabling Statute [redacted] Act will give rise to questions as to whether the Indian Act has exceeded the powers [redacted] Statute. The best course will be for the Indian legislature to pass such [redacted] requirements of the country, and then to obtain from Parliament a Statute [redacted] such Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given to the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 21) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section; but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

* Printed with previous letter from Registrar, High Court, Calcutta, dated 13th February, 1886.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

(1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;

(2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;

(3) the expenses of an administration by the creditors would be very large: in all cases the trustee, and in many cases the committee of inspection, would have to be remunerated; the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to expedite the winding up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration are minimised, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, no step would be taken without legal assistance, which would have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19 (sub-sections (2) and (3)), 20, 21, 22, so much of section 23 as relates to meetings of creditors, sections 63 to 81 (both inclusive), section 103, sub-section (*b*), and section 118; and the following sections will require alteration, namely:—sections 47, 50, 110 and 132. The first schedule will also become unnecessary.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency-towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvent Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 336 be relieved from imprisonment as soon as he is arrested. The main advantage of proceeding under the Act is that if he be a trader he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsuited to the requirements of a commercial city like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require enumeration. They have been made apparent in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hastie*, I. L. R. 11 Calc. 151, and in the matter of *Leckie*, now pending).

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the court officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and the appointment of another officer with the same official designation but with different powers and duties would lead to confusion.

5. Section 3, sub-section (*l*) (*d*), should be altered to meet the case of a man carrying on a business by himself, or by his agent or gumáshta, and closing such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defeat or delay his creditors departs from his usual place of business within the jurisdiction of the Supreme Court is liable to be adjudicated an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraphs (*e*) and (*g*) of sub-section (*l*) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons lying in prison 21 days, and as to fraudulent executions, including not only executions in favor of creditors generally but also executions in the nature of [illegible]

6. The effect of the proposed Act would be to limit the jurisdiction of the High Court. By section 19 of the Charter of the Calcutta Court it is enacted "that the Court for the Relief of Insolvent Debtors at Calcutta shall be held before one of the Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India." By section 5 of the Indian Insolvent Act an insolvent debtor who is in prison within the limits of the town of Calcutta, or *who resides within the jurisdiction of the Supreme Court at Calcutta*, can petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to entitle all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvent Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta cannot pretend to be efficient or to meet in the smallest degree the requirements of the commercial classes. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the reception of the petition.

In the case of a creditor's petition we think that, as at present, if a *prima facie* case be made out on the petition, the debtor should be adjudicated an insolvent and his property vested in the Official Assignee at once. Any delay in making the vesting order would make it impossible in most cases to save any of the debtor's property for his creditors. In order to prevent the risk of an improper adjudication it will be well to provide that the debtor may at any time before his public examination come in and apply to have his adjudication annulled, and that it shall be so annulled unless the creditor satisfies the Court that the debtor has committed an act of bankruptcy. Section 19, sub-sections (*2*) and (*3*), might therefore be omitted from the Bill.

8. Section 9 of the proposed Bill does not clearly provide for *ad interim* protection-orders, and therefore we recommend that power should be given to the Court, in terms similar to the provisions of section 13 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection-order at any time.

9. We think that the mere fact "*that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India*" should not give a creditor or other person the right to set aside an adjudication, and we recommend that in section 13 of the Bill the above words in italics should be transposed and placed between the words "the debtor" and the words "other cause" later on in the same section.

10. With reference to section 15, sub-section (*l*), we think that the statement of affairs should be filed in court, and that a copy should be filed in the office of the Official Assignee. It is necessary that there should be two copies, and it is desirable that of the two the one filed in court should be taken as the original statement with respect to sub-section (*4*) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (*9*), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.

12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 26 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor should, before any relief is granted to him, satisfy the Court, not only that he has not been guilty of the acts specified in the Bill as disentitling him to his discharge, but also that he has been neither dishonest in his dealings nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 351 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an adjudication being annulled on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord should not be entitled after the bankruptcy to levy for more than three months' rent.

21. With regard to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

As the law at present stands, a creditor who procures an attachment before the vesting order is in a better [illegible] of his debtor than he would be without it, as he obtains a title preferable to [illegible]

[illegible] need remain, is the part relating to [illegible] should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he had not acted *bond fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (*2*) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of commission or percentage payable to him. We think that if, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts as contemplated by section 83, clause (*c*), and section 86, clause (*g*), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 88, clause (*a*).

29. We think that section 89 should be struck out; and that the Insolvency Court at Calcutta should have power to transfer to itself any insolvency proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 90 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section [illegible] persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 106 (*3*) and the proviso at the end of section 108 should be struck out.

33. If section 109 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 116 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy-proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 129.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or otherwise should be saved.

In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires alteration.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(*Signed*) A. WILSON.
(„) J. PIGOT.
(„) E. J. TREVELYAN.

From S. E. J. CLARKE, ESQ., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India, Legislative Department,—(dated 30th April, 1886).

MY Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will doubtless forward them to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, ESQ., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I AM directed by my Committee, in reply to your No. 1335 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law, and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognise the peculiar circumstances of India, or the difficulties which those circumstances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public; and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure, some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question re-opened. Those who have transactions directly with English markets and in the natural [illegible] the number of whom is slowly but steadily increasing, evince quite as much [illegible] compel a registration of partnerships as the European community. [illegible] with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the legislature, should not be overlooked, is the practical exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Court, and though in the case of Europeans the shelter might not be so effectual as in the case of Natives, yet the fact ought not to escape the attention of the legislature that under present circumstances for a Native insolvent to cross from British into Native territory is to give him an immunity the certainty of obtaining which is found to encourage reckless speculation and a ready resort to fraudulent practices. The impunity with which a fraudulent Native debtor can set his creditors at defiance, and in especial the smallness of the dividends derivable from the estates of Native insolvents, have been grievances of the mercantile community in this city for very many years. Indeed, so far back as 1853, the latter formed the subject of a reference from the Chamber of Commerce to Mr. John Cochrane, the then Official Assignee. What the Chamber then complained of is still a serious ground of complaint. There seems to be no good reason why, with proper precautions, decrees of the Indian High Courts should not be allowed to run in the jurisdiction of Native States. The matter is one which my Committee feel is most properly within the province of the Foreign Department of the Government of India, but they see no reason why the Legislative Department should not move the Foreign Office to deal effectually with so important a question, nor why the Foreign Department should not undertake this task in close communication with the Legislative Department, and, if need be, with the Judges of the High Courts in India. The greater the improvement in the bankruptcy law of India and the greater the simplicity which may mark the procedure of the Insolvency Courts, the greater will be the anxiety of a Native insolvent who has been guilty of fraud, concealment of property, the setting up of fictitious co-partners or wrongful preference of particular creditors to avoid appearing before an Insolvency Commissioner; and in this way it may well happen that improvements in law and procedure will have a tendency to accentuate and render more acute the grievance alluded to above and which is felt equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a trustee appointed by the creditors the primary authority for administering an insolvent's estate, whilst the Official Receiver is only to act if the creditors fail to appoint a trustee.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the premises upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which powers they consider all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (5) of section 26, they can see no objection why a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of its being shown that he acted under a mistake or upon information wrong in itself but accepted by him as correct. Redress in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are amended as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all annecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reprobating. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant, it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a direction to the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from the accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtor's affairs. So long as creditors believe that to attend meetings is to proceed without knowledge, to arrive at no result or practically to waste time, so long will they [illegible] to the Official Receiver power to sell [illegible]

The attention of the Committee, in the course of the discussions on the draft Bill, has been in various ways strongly drawn to the question of protection against *bénámi* dealings and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the transfer something of a time sanction. *Bénámi* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before and in consideration of marriage, or in the case of a covenant made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provisions of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Allusion has been made to *bénámi* cases and to the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *bénámi* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *bénámi* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps suddenly in, closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or find their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where for

all practical purposes it may be said to be carried on for the benefit of the creditor holding a possessory mortgage. In England this class of cases is dealt with by the Bills of Sales Act. Instruments of the kind alluded to must be registered within twenty-one days, and under certain circumstances are absolutely null and void as against a decree of the Court, a trustee in bankruptcy or in the event of the insolvency of the maker of the mortgage. In India it is very desirable that all instruments of this class should be made to come under the provisions for compulsory registration. The records of the Insolvent Court and the experience of the Official Assignee will amply bear out the necessity for some action such as that just suggested. It seems to convert the Bankruptcy Courts into a shelter for fraudulent dealings when a bankrupt who has deprived the general body of his creditors of security for their claims applies to the Court for protection against any steps they might ordinarily institute against him.

My Committee approve of the provision which retains for India imprisonment for debt. A very great number of Native traders are not subjects of the British Government, and have a means of conveying greater or lesser portions of their assets out of the jurisdiction of British Courts. Another large section of Native traders shelter themselves behind the Hindu custom of a joint family; where such a custom prevails, and where important classes of Native dealers have their domicile beyond the limits of the territories directly administered by the Government of India, it is necessary that imprisonment for debt should be retained even if on general grounds a good case could not be made out in its favour.

Section 34 provides that a limit of Rs. 500 as wages shall be paid, in priority to all other debts, to any clerk or servant who may have rendered services to the bankrupt during four months before the date of the receiving order. My Committee are strongly in favour of a limit in the amount to be paid under this section, but they consider Rs. 500 too low considering the average range of the salaries of assistants. They would make the limit Rs. 1,000, but would require that the amount of wages due to any clerk or servant should be certified by the Official Receiver or Trustee, or the official accountant of the Receiver's office.

Section 36 gives power to a landlord to distrain for one year's rent accrued due prior to the date of the order of adjudication. This provision would appear to be unnecessary considering the powers already ordinarily enjoyed by landlords.

My Committee are not disposed to cavil at the provision contained in section 46 of the Bill. Where the Crown reserves to itself the right to dismiss its servants as a punishment for insolvency, it seems reasonable that it should retain the alternative of regulating the amount to be retrenched from the pay of an employé.

It would appear to be in consonance with reason and the spirit of the Bill that the lying in prison of a person under a warrant of arrest in execution of a decree of the Courts, as well as the closing of, or departing from, a place of business with intent to defeat or delay creditors, should be declared to be acts of bankruptcy on which a receiving order should be made. The latter is, under the present law, a ground for adjudicating a trader, and the lying in prison under a warrant of arrest in execution of a decree a ground for adjudicating a non-trader, a bankrupt. There seems to my Committee no good reason why they should be omitted from the proposed Act, more especially as cases can readily be conceived in which the omission of these circumstances as acts of bankruptcy might give rise to difficulty. The lying of a debtor in prison is sufficient to give the proposed Bankruptcy Court jurisdiction, and it ought therefore to be declared to be an act of bankruptcy. It does not appear to my Committee that paragraphs 19, 20 and 21 of the Statement of Objects and Reasons give any good reason for excluding the jurisdiction of the Court in cases where persons or personally subject to the jurisdiction otherwise, and by reason of their being imprisoned or having within a twelvemonth ordinarily resided or had a place of business within the local limits of the Court's jurisdiction. At present persons who come to Calcutta to sell produce, purchase goods, or to make contracts in this city for such purposes, are in respect of such contracts liable to be sued in the Calcutta High Court.

As the draft Bill is framed a Calcutta merchant who had obtained a decree against a person in the position referred to would be unable to avail himself of the provisions of the proposed Bankruptcy Act for enforcing payment of the amount for which he had obtained a decree. My Committee are decidedly of opinion that it would be a great advantage to the mercantile community if in the proposed Act the bankruptcy jurisdiction were extended so as to include all cases in which the High Court has jurisdiction to entertain a suit.

The order and disposition clause, section 38, sub-section (3), provides for all moveable property in the order and disposition of a bankrupt, with the consent of the true owner, being dealt with as the property of the insolvent. This sub-section (3) is substantially identical with the order and disposition clause in the present Act. Under the section of the existing Act it has been held that property left by the true owner, being a mortgagee, in the possession of a firm the resident member of which becomes an insolvent, is not in the possession, order or disposition of the insolvent within the meaning of the Act, inasmuch as it is not in his sole possession, order or disposition, but in that of himself and his absent partners jointly. It was therefore ruled in *ex parte Gubboy* in *re Morgan* (I. L. R. 6 Calc. 633) that the clause does not apply. It is very rare indeed to find in any business, whether carried on by Europeans or Natives, that all the partners are resident, and, this being so, the ruling referred to has in a large majority of cases the effect to a great extent of nullifying the possession, order or disposition clause, which is a very useful position to be maintained in the interests of the creditors generally of a bankrupt estate. My Committee would therefore suggest that sub-section (3) of section 38 of the draft Bill should be amended in a way to meet the difficulty which the decision in *Gubboy* in *re Morgan* has raised. Possibly section 102 of the Bill, which provides that a creditor of a firm may proceed in bankruptcy against the firm in the name in which it carries on business, may in the case of some of the acts of bankruptcy specified in section 30 of the Bill get over the difficulty which has been pointed out. But the matter is doubtful, and the question is one of such great importance that my Committee consider the doubt should be removed as far as possible.

My Committee cannot accept the suggestion made in section 88 that any of the functions of a Court of Bankruptcy should be delegated to a Small Cause Court Judge. The Small Cause Court is a Court of summary jurisdiction. Its files are overloaded with business, and to transfer to it insolvency business would alter the character of the Court, establish direct insolvency jurisdictions in the Presidency-towns, and prove an inconvenience instead of a convenience to the public. The preferable course would be to follow existing precedents and provide for the appointment of a Registrar of the Bankruptcy Court. The work could not be imposed upon the Registrar of the High Court, for the officer is in the Calcutta High Court already overburdened with business. A Registrar of the Bankruptcy Court might have delegated to him duties similar to those performed by Registrars in Bankruptcy at Home. He might also perform the functions which under the English Bankruptcy Act are fulfilled by the Board of Trade.

It would probably be found a convenience if affidavits which have to be made in England and Scotland in cases of Indian bankruptcy should be sworn before the Permanent Commissioners already appointed by the Indian High Courts to take affidavits in those countries, and that affidavits sworn before such Commissioners should be admissible in bankruptcy proceedings in this country.

My Committee consider that a trustee appointed under section 20 should, unless good cause can be shown to the contrary, invariably be a creditor of the insolvent; such a trustee once appointed should only be removeable by order of the Court and upon cause shown. My Committee do not think it would further the ends of justice to allow a trustee, so far as his work is concerned, to be at the risk of disputes amongst the creditors. Besides, by making him removeable only by an order of Court, a greater directness of responsibility is obtained, and by so much a greater security for the interests of all concerned. Where a trustee is appointed my Committee

incline to think that he should liquidate the bankrupt's estate under the inspection of the Official Receiver, who in such a case would fulfil the functions of a Committee of Inspection.

Section 26 might be amended so as to give the Court power to order, according to the information elicited in the course of proceedings before it, to deliver over any money or property which that information might show to have been received from the insolvent as the result of a fraudulent preference, as also any property vested in him by a fraudulent settlement or which he appeared to hold *bénâmi* for the bankrupt.

Sub-section (5) of section 27 appears to have taken no account of the possibility of creditors residing out of India. In such a case the notice of 14 days provided by the sub-section would be insufficient. The sub-section might be so amended as to show clearly the distinction between English and Indian creditors as respects the notice.

In section 32 there is an omission. The section provides for accounts to be taken when there have been mutual dealings between a bankrupt and any other person, but does not state to whom the account shall be rendered.

Section 38 gives Rs. 200 as the value of the excepted articles. The existing Act gives Rs. 300 as the value of such articles, and my Committee do not see why this limit should not be maintained in the proposed Act.

My Committee would suggest that the time allowed under section 48 for a trustee to disclaim onerous property should be enlarged from two months to six months. The circumstances of India are in every way so different from those in England, and such great difficulty attaches to a proper ascertainment of the character of properties, that to limit the period of disclaimer under this section to two months only would, my Committee believe, seriously interfere with its working.

My Committee would make the permission vested by section 50 in the Committee of Inspection depend rather upon an order of the Court. The same remark applies to section 57.

Clause (2) of section 52 appears to overlook the radical differences between separate and joint estates. These differences ought to be acknowledged so far that the direction to declare dividends together should be amended and powers given to declare dividends separately.

It would facilitate business if the latter portion of clause (3) of section 64, from the words "The officer shall, &c.," to the words "duly sanctioned," were omitted. If a trustee or manager acts with the permission of the Court under sections 50 and 57, there is no need for him to take further sanction for the details dealt with in this sub-section, more especially as all charges incurred under this sub-section must be taxed.

Referring to section 65, my Committee would not recommend any interference with the existing system, by which bankruptcy estates accounts are kept in the name of the Official Assignee and audited by Government officials who submit half-yearly reports on such audit to the High Court. The like remark applies to section 67, clause (1).

In section 94, which gives the Court power to change the carriage of proceedings, my Committee would include besides any other creditors the trustee or the Official Receiver as persons who might be substituted to carry on the proceedings.

In section 103, clause (b), my Committee can see no reason for making the action of the Official Receiver depend upon the "permission of the Court," and would recommend that those words be omitted.

My Committee would add to the offences punishable under section 105 of the Bill the following:—failing to give proper assistance in realising his assets; procuring or assisting to raise a fraudulent claim against the assets of the estate; improperly interfering with the realisation of the assets; fraudulently making away with property; doing that which might result in preventing the disposal of the property at its proper value; showing a fraudulent preference to any creditor or entering into any composition with any creditor; inducing any creditor by an improper preference or otherwise to neglect or delay to proceed with a petition, or to agree to the discharge of the bankrupt.

My Committee cannot approve of the transfer of offences provided for in section 110, and would prefer that the Bankruptcy Court should itself deal with offences under the Bankruptcy Act.

The wording of section 113, providing for the exclusion of partnerships and companies, should be made more clear. As it stands it might be objected that it excludes ordinary business partnerships from the operation of the Act, which is against the present practice as well as against the spirit of the draft Act itself.

My Committee cannot see what utility will result from changing the designation of the "Official Assignee" to that of "Official Receiver". There is already an officer of the High Court known by this latter designation, and to retain the style "Official Receiver" would be to introduce something of confusion and to change a title thoroughly well known and comprehended.

In conclusion my Committee desire me to report their opinion that the draft Bill is an advance upon the existing Act. They would suggest that the legislature should consider the expediency of retaining Chapter XX of the Civil Procedure Code as regards the local limits of the Courts established under the bankruptcy law, and they would again urge that in the consideration of the draft Bill the utmost weight, and the most careful attention, should be given to the points of difference between the circumstances of England and India.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 5, 1886.

☞ 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 [redacted]

THE INDIAN BANKRUPTCY BILL, 1886.

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A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. *(1)* This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as [illegible] Council [illegible]

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act.

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Acts of Bankruptcy.

Acts of bankruptcy.

2. *(1)* A debtor commits an act of bankruptcy if [illegible] of the following cases:—

(a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immoveable, to be attached or taken in execution;

[11 & 12 Vic., c. 21, s. 9.]

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

[L. R. 13 Q. B. D. C. A. 471, and Law Journal, September 21st, 1885.]

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

Receiving Order.

[46 & 47 Vic., c. 52, s. 5.]

Jurisdiction to make receiving order.

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

[46 & 47 Vic., c. 52, s. 6 (1), clause (d).]

Restrictions on jurisdiction.

4. *(1)* The Court shall not have jurisdiction to make a receiving order unless—

(a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits;

provided as follows:—

(i) in any case where an application for declaring a debtor insolvent has been made under section 344 of the Code of Civil Procedure to any Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court if competent so to do under its Letters Patent or section 25 of the Code of Civil Procedure, and may then make a receiving order under this Act in supersession of all or any of the proceedings which may have been previously taken under the said Code;

[See s. 337 of this Bill.]

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses *(a)* and *(b)* of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso *(i)* to sub-section *(1)* shall be subject to such modifications, if any, of those provisions as may be prescribed.

Conditions on which creditor may petition.

5. *(1)* A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 6.]

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

[11 & 12 Vic., c. 21, s. 10.]

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

Proceedings and order on creditor's petition.

6. *(1)* A creditor's petition shall be verified [as to service, see 46 & 47 Vic., c. 52, s. 7 (1)] by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court may, on such security (if any) being given to the Court, order that any creditor who has petitioned against the debtor may be substituted for the petitioner, or may give leave to any creditor to petition in his own name, upon such terms as to the payment of the costs of the petition down to the time of dismissing the petition, and as to any proceedings commenced by the petitioning creditor and consequential upon the dismissal, and as to security for costs, and otherwise, as the Court may think just, and may order the petition to be dismissed on the application of the person substituted or added, or of any creditor so substituted or added, or of the petitioner, if the Court is satisfied that the debt of the petitioning creditor was secured at the time when the petition was presented, or that the debt has been paid or secured since the presentation of the petition, or that for any other reason the petitioner is not entitled in the opinion of the Court to have a receiving order made on his petition.

[as to appeal, see 46 & 47 Vic., c. 52, s. 12.]

(5) Where the debtor appears on the petition and disputes the debt or the act of bankruptcy alleged in the petition, the Court may, if it thinks fit, instead of dismissing the petition, stay all proceedings on the petition for such time as may be necessary to allow the petitioning creditor to prosecute any action commenced by him to establish his debt or the act of bankruptcy, or any appeal from the decision of the Court on the question of the debt or act of bankruptcy.

[46 & 47 Vic., c. 52, s. 11.]

(6) Where the debtor appears on the petition and disputes the debt or the act of bankruptcy alleged in the petition, the Court may, if it thinks just, instead of dismissing the petition, stay all proceedings on the petition, and allow the petitioning creditor to withdraw his petition on such terms as it thinks just, and may substitute or add as petitioning creditor any creditor who has been joined as a petitioning creditor in the petition, or who has given security for the costs of the petition, and who is willing to proceed with the petition, and may make such order as to the costs of the petitioning creditor who withdraws his petition, and of any creditor substituted or added, as the Court thinks just.

The Indian Bankruptcy Bill, 1886.
(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-14.)

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 8.]

Debtor's petition and order thereon.

7. *(1)* A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 49. 46 & 47 Vic., c. 52, s. 9.]

[See s. 35 of this Bill.]

Effect of receiving order.

8. *(1)* On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise [illegible] in the same manner as he

[11 & 12 Vic., c. 21, s. 49, 46 & 47 Vic., c. 52, s. 10.]

Discretionary power as to appointment of interim receiver and stay of proceedings.

9. *(1)* The Court may, [illegible] necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic., c. 52, s. 11.]

Service of order staying proceedings.

10. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

[illegible]

Power to appoint special manager.

11. *(1)* If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

[46 & 47 Vic., c. 52, s. 13.]

Advertisement of receiving order.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 14.]

Power to Court to rescind receiving order in certain cases.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to [illegible] the same other Court having [illegible]

[illegible] the Court may, upon such terms as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition, upon such terms, if any, as the Court may think fit.

Proceedings consequent on Order.

[11 & 12 Vic., c. 21, ss. 13 & 49. 46 & 47 Vic., c. 52, ss. 13 & 14.]

Debtor's statement of affairs.

14. *(1)* When a receiving order is made against a debtor, he shall prepare [illegible] and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within seven days from the date of the order;

(ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section *(1)* or sub-section *(3)* at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

Proposal for composition or scheme of arrangement

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

Public Examination of Debtor.

[46 & 47 Vic., c. 52, s. 17.]

Public examination of debtor.

16. *(1)* Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his affairs, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

Composition or Scheme of Arrangement.

[New, cf. 46 & 47 Vic., c. 52, s. 18.]

Consideration of proposal for composition or scheme of arrangement.

17. *(1)* Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section *(1)*, by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section *(1)*, requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

[cf. 46 & 47 Vic., c. 52, s. 18.]

Acceptance, approval and effect of composition or scheme.

18. *(1)* The composition or scheme proposed by the debtor shall not be deemed to be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved agree in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is bankrupt to refuse his discharge, the Court or if any such facts are proved as would under this Act justify the Court in refusing or suspending the debtor's discharge, the Court

may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which

[illegible] assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt," and "order of adjudication" as in the last preceding sub-section.

(13) A composition or scheme shall not be [illegible] by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

Limitation of effect of composition or scheme.

19. Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

Adjudication of Bankruptcy.

[Bankruptcy Rules, 1885, para. 155.]

Adjudication of bankruptcy.

20. *(1)* At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

[46 & 47 Vic., c. 52, s. 20.]

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee.

[11 & 12 Vic., c. 21, s. 35.]

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

[46 & 47 Vic., c. 52, s. 23.]

Power to accept composition or scheme after bankruptcy adjudication.

21. *(1)* Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or

[illegible] compositions or schemes accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

Control over Person and Property of Debtor.

[cf. 46 & 47 Vic., c. 52, s. 24.]

Duties of debtor as to discovery and realization of property.

22. *(1)* Every debtor against whom a receiving order is made shall, unless [illegible] prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

The Indian Bankruptcy Bill, 1886.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 23-26.)

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic., c. 52, s. 25.]

Arrest of debtor under certain circumstances.

23. *(1)* The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

[46 & 47 Vic., c. 52, s. 26.]

Re-direction of debtor's letters and telegrams.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

[46 & 47 Vic., c. 52, s. 27.]

Discovery of debtor's property.

25. *(1)* The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

Discharge of Bankrupt.

Discharge of bankrupt.

26. *(1)* A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

The Indian Bankruptcy Bill, 1886.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-28.)

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property:

[11 & 12 Vic., c. 21, ss. 50 & 51.]

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal

XLV of 1860.

Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit or other legal proceeding properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *primâ facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to such creditor who has proved, and the Court may hear the official assignee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

[11 & 12 Vic., c. 21, ss. 85 & 86.]

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

[11 & 12 Vic., c. 21, s. 58.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

[46 & 47 Vic., c. 52, s. 29.]

Fraudulent settlements.

27. In either of the following cases, that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

[11 & 12 Vic., c. 21, ss. 48 & 62. 46 & 47 Vic., c. 52, s. 30.]

Effect of order of discharge.

28. *(1)* An order of discharge shall not release the bankrupt from any debt on a recognisance, or from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

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(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of Property.—Sections 29-32.)

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, ss. 59 & 60.] *(5)* An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

DISQUALIFICATIONS OF BANKRUPT.

[46 & 47 Vic., c. 52, ss. 32 & 34.] **29.** *(1)* Where a debtor is adjudged bankrupt he shall, subject to the provisions of this section, be disqualified for—

Disqualifications of bankrupt.

(a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861; (24 & 25 Vic., c. 67.)

(b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;

(c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

(a) the adjudication of bankruptcy against him is annulled; or

(b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of Debts.

[11 & 12 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 37.] **30.** *(1)* Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

Description of debts provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. [11 & 12 Vic., c. 21, s. 48.]

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

31. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him. [11 & 12 Vic., c. 21, s. 39. 46 & 47 Vic., c. 52, s. 38.]

Mutual credit and set-off.

32. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of [46 & 47 Vic., c. 52, s. 39.]

Rules as to proof of debts.

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 33-37.)

proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

[46 & 47 Vic., c. 52, s. 40.] **33.** *(1)* In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

Priority of debts.

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

[11 & 12 Vic., c. 21, s. 46.] *(b)* all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

[Act IX of 1872, s. 262.] *(3)* In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

[46 & 47 Vic., c. 52, s. 41.] **34.** *(1)* Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Preferential claim in case of apprenticeship.

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of the apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

[11 & 12 Vic., c. 21, s. 22. 46 & 47 Vic., c. 52, s. 42.] **35.** *(1)* The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

Power to landlord to distrain for rent.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

Property available for Payment of Debts.

[46 & 47 Vic., c. 52, s. 43.] **36.** The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

Relation back of assignee's title.

[46 & 47 Vic., c. 52, s. 44.] **37.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

Description of bankrupt's property divisible amongst creditors.

(1) property held by the bankrupt on trust for any other person;

(2) the tools (if any) of his trade and the necessary wearing-apparel, bedding and other such necessaries of himself, his wife and children, to a value, inclusive of tools and apparel and the other things aforesaid, not exceeding two hundred rupees in the whole: [11 & 12 Vic., c. 21, s. 7.]

But it shall comprise the following particulars:—

(3) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge; [11 & 12 Vic., c. 21, s. 7.]

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bank-

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(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic., c. 21, s. 23.] *(5)* all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Effect of Bankruptcy on antecedent Transactions.

[Cf. Act XIV of 1882, s. 295. 46 & 47 Vic., c. 52, s. 45.] **38.** *(1)* Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

Restriction of rights of creditor under execution.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

[46 & 47 Vic., c. 52, s. 46.] **39.** *(1)* Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official assignee, but the costs of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Duties of Court executing decree as to goods taken in execution.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

[46 & 47 Vic., c. 52, s. 47.] **40.** *(1)* Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settler of property which has accrued to the settler after marriage in right of his wife, shall, if the settler becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settler becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settler was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settler in the property had passed to the trustee of the settlement on the execution thereof.

Avoidance of voluntary settlements.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settler's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

[11 & 12 Vic., c. 21, s. 24. 46 & 47 Vic., c. 52, s. 48.] **41.** *(1)* Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

Avoidance of preferences in certain cases.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

[46 & 47 Vic., c. 52, s. 49.] **42.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

Protection of *bonâ fide* transactions without notice.

(a) any payment of the bankrupt to any of his creditors,

(b) any payment or delivery to the bankrupt,

(c) any conveyance or assignment by the bankrupt for valuable consideration, or

(d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

(1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

Realization of Property.

[11 & 12 Vic., c. 21, s. 27. 46 & 47 Vic., c. 52, s. 50.] **43.** *(1)* The official assignee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by assignee.

The Indian Bankruptcy Bill, 1886.
(Part III.—Administration of Property.—Sections 44-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

XIV of 1882.

[11 & 12 Vic., c. 21, s. 25.] *(3)* Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

[46 & 47 Vic., c. 52, s. 51.] **44.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, [illegible] any building or [illegible] where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

Seizure of property of bankrupt.

[11 & 12 Vic., c. 21, s. 27. 46 & 47 Vic., c. 52, s. 52.] **45.** *(1)* Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 268 of that Code, direct.

Appropriation of portion of pay or other income to creditors.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any department to dismiss a bankrupt.

[11 & 12 Vic., c. 21, s. 7. 46 & 47 Vic., c. 52, s. 54. 11 & 12 Vic., c. 21, s. 20.] **46.** The property of a debtor who has been adjudged bankrupt shall pass from the official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

Vesting and transfer of property.

[46 & 47 Vic., c. 52, s. 55.] **47.** *(1)* Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Disclaimer of onerous property.

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property [illegible] affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

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(Part III.—Administration of Property.—Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

[46 & 47 Vic., c. 52, s. 56.]

48. *(1)* Subject to the provisions of this Act, the official assignee may do all or any of the following things:—

Powers of assignee as to dealing with property.

[11 & 12 Vic., c. 21, s. 31.]

(a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

[11 & 12 Vic., c. 21, s. 30.]

(d) exercise any powers the capacity to exercise which is vested in the official assignee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

[Cf. Act XXXI of 1854, s. 2.]

(e) deal with any property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

[3 & 4 Wm. IV, c. 74, s. 65.]

(2) Any dealing by an official assignee under clause *(e)* of sub-section *(1)* with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

[46 & 47 Vic., c. 52, s. 57.]

49. The official assignee may, subject to any general or special orders of the Court, do all or any of the following things:—

Powers exerciseable by assignee subject to orders of Court.

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

[11 & 12 Vic., c. 21, s. 29.]

(2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a legal practitioner or other agent to take any proceedings or do any business;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

[11 & 12 Vic., c. 21, s. 28.]

(6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

Distribution of Property.

[11 & 12 Vic., c. 21, s. 41, 46 & 47 Vic., c. 52, s. 58.]

50. *(1)* Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

Declaration and distribution of dividends.

(2) The first dividend, if any, shall be declared and be payable within six months after the adjudication, unless the official assignee satisfies the

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Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vic., c. 52, s. 59.]

51. *(1)* Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

[11 & 12 Vic., c. 21, s. 43. 46 & 47 Vic., c. 52, s. 60.]

52. In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

Provision for creditors residing at a distance, &c.

[46 & 47 Vic., c. 52, s. 61.]

53. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Right of creditor who has not proved debt before declaration of a dividend.

[46 & 47 Vic., c. 52, s. 62.]

54. When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

Final dividend.

[11 & 12 Vic., c. 21, s. 45. 46 & 47 Vic., c. 52, s. 63.]

55. No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

No suit for dividend.

[46 & 47 Vic., c. 52, s. 64.]

56. *(1)* The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct.

Power to allow bankrupt to manage property, and allowance to bankrupt for maintenance or service.

[11 & 12 Vic., c. 21, s. 47.]

(2) The official assignee may, from time to time, make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made.

[46 & 47 Vic., c. 52, s. 65.]

57. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

Right of bankrupt to surplus

PART IV.

OFFICIAL ASSIGNEES.

Appointment and Removal.

[11 & 12 Vic., c. 21, s. 14. 46 & 47 Vic., c. 52, s. 66 (1).]

58. *(1)* The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such person as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct.

Appointment and removal of official assignees of debtors' estates.

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

The Indian Bankruptcy Bill, 1886.
(Part IV.—Official Assignees.—Sections 59-64.)

(3) Notwithstanding anything in sub-sections *(1)* and *(2)*, the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 *(an Act to consolidate and amend the Laws relating to Insolvent Debtors in India)*, and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Courts Act, 1875, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

XVII of 1875.

Duties.

[46 & 47 Vic., c. 52, s. 68.]

59. *(1)* The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

Functions of official assignee.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

[46 & 47 Vic., c.52, s. 69.]

60. As regards the debtor, it shall be the duty of the official assignee—

Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

XLV of 1860.

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;.

[46 & 47 Vic., c. 52, s. 70.]

61. *(1)* As regards the estate of a debtor it shall be the duty of the official assignee—

Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed.

[See ss. 9 & 11 of this Bill.]

XIV of 1882.

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs.

[See s. 64 of this Bill.]

Remuneration.

[11 & 12 Vic., c. 21, s. 19. 46 & 47 Vic., c. 52, s. 73.]

62. *(1)* The remuneration to be paid to the official assignee shall be fixed by general rules.

Remuneration of official assignee.

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section *(1)* shall be received by an official assignee as such.

Costs.

[46 & 47 Vic., c. 52, s. 73.]

63. *(1)* No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

Allowance and taxation of costs.

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

Receipts, Payments, Accounts and Audit.

[11 & 12 Vic., c. 21, ss. 15-21. Ben. Rule, 15. 46 & 47 Vic., c. 52, s. 74.]

64. *(1)* Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe.

Bankruptcy Estates and Dividends Accounts.

[New.]

(2) Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed.

[46 & 47 Vic., c. 52, s.

(3) The said accounts shall be opened as soon as may be after the passing of this Act.

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction

The Indian Bankruptcy Bill, 1886.
(Part IV.—Official Assignees.—Sections 65-71.)

of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

[11 & 12 Vic., c. 21, s. 34.]

(5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

[46 & 47 Vic., c. 52, s. 75.]

65. An official assignee shall not pay any sums received by him as official assignee into his private banking account.

Assignee not to pay into private account.

[47 Vic., s. 76.]

66. *(1)* Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

Investment of surplus funds.

(2) When the Court has made an order under sub-section *(1)*, it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

[11 & 12 Vic., c. 21, s. 35. Ben. Rules, 39-41. [illegible] & 47 Vic., c. [illegible], s. 76.]

67. *(1)* Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

Audit of assignee's accounts.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so submitted to be audited, by such officer as the Governor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

[46 & 47 Vic., c. 52, s. 79.]

68. The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors.

Assignee to furnish list of creditors.

[46 & 47 Vic., c. 52, s. 80.]

69. The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books.

Books to be kept by assignee.

[46 & 47 Vic., c. 52, s. 81.]

70. *(1)* Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

Periodical statement of proceedings.

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

Release.

[46 & 47 Vic., c. 52, s. 82.]

71. *(1)* When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly.

Release of assignee.

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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(Part V.—Special Assignees.—Sections 72-77.)

respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Official Name.

[46 & 47 Vic., c. 52, s. 83.]

72. The official assignee may sue and be sued by the name of "the official assignee of the property of , a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Name of assignee.

Vacation of Office on Insolvency.

[46 & 47 Vic., c. 52, s. 85.]

73. If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

Office of assignee vacated by insolvency.

Control.

[46 & 47 Vic., c. 52, s. 89.]

74. *(1)* Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

Discretionary powers of assignee and control thereof.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.]

75. If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against assignee.

[46 & 47 Vic., c. 52, s. 91.]

76. *(1)* In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over assignee.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

[11 & 12 Vic., c. 21, s. 17. 46 & 47 Vic., c. 52, s. 21.]

77. *(1)* If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

Appointment and removal of special assignee.

[New.]

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

[New.]

(3) At the meeting convened under sub-section *(2)* the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

[46 & 47 Vic., c. 52, s. 21, sub-s. (2).]

(5) The appointment of a special assignee shall take effect as from the date of the certificate.

[46 & 47 Vic., c. 52, s. 21, sub-s. (4).]

(6) If the Court disapproves of the appointment made at the meeting summoned under sub-section *(2)*, it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

[New.]

(7) If either at the meeting summoned under sub-section *(2)* or at the further meeting summoned under sub-section *(6)* the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section *(4)*, the official assignee shall be the assignee throughout the bankruptcy.

[New.]

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

[46 & 47 Vic., c. 52, s. 84.]

(9) Where the Court disapproves of the appointment of any one of more persons than one

[New.]

The Indian Bankruptcy Bill, 1886.
(Part V.—Special Assignees.—Section 78.)

appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them.

[46 & 47 Vic., c. 52, s. 84.]

(10) Provided, with respect to sub-sections *(6)*, *(7)*, *(8)* and *(9)*, that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

[46 & 47 Vic., c. 52, s. 86.]

(11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

[46 & 47 Vic., c. 52, s. 86.]

(12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

[46 & 47 Vic., c. 52, s. 87.]

(13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

[46 & 47 Vic., c. 52, s. 87.]

(14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

[46 & 47 Vic., c. 52, s. 87.]

(15) If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

[46 & 47 Vic., c. 52, s. 87.]

(16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

Status of special assignee.

78. Where a special assignee has been appointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section *(3)*, section 26, sub-sections *(2)*, *(4)* and *(6)*, sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

[46 & 47 Vic., c. 52, s. 87.]

(b) the special assignee shall not do any of the things mentioned in section 49 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

[46 & 47 Vic., c. 52, s. 88.]

(c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

[46 & 47 Vic., c. 52, s. 64.]

(d) the special assignee shall not, without the previous sanction of the Court, or, if the Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section *(1)* of section 56, or make any allowance to the bankrupt under sub-section *(2)* of that section;

[46 & 47 Vic., c. 52, s. 72.]

(e) the remuneration, if any, of the special assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

[46 & 47 Vic., c. 52, s. 72.]

(f) the special assignee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

[46 & 47 Vic., c. 52, s. 72.]

(g) when no remuneration has been voted to the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

[46 & 47 Vic., c. 52, s. 68.]

(h) the special assignee shall supply the official assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;

[46 & 47 Vic., c. 52, s. 83.]

(i) where the special assignee has not previously resigned or vacated or been removed from his office, his release under section 71 shall operate as a removal of him from his office;

[46 & 47 Vic., c. 52, s. 88.]

(j) the vote of the special assignee, or of his partner, clerk, legal practitioner or legal practitioner's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

The Indian Bankruptcy Bill, 1886.
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)

PART VI.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

[46 & 47 Vic., c. 52, s. 92.]

Courts having jurisdiction in bankruptcy.

79. *(1)* The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

Local limits of their jurisdiction.

80. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section *(1)*, be the following, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12 Vic., c. 21, s. 8. 46 & 47 Vic., c. 52, s. 94(2).]

Jurisdiction to be exercised by a single Judge.

81. All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

[46 & 47 Vic., c. 52, s. 97(2).]

Transfer of proceedings from Court to Court.

82. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

[46 & 47 Vic., c. 52, s. 97, (3).]

Power to state special case.

83. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

[46 & 47 Vic., c. 52, s. 98.]

Exercise of jurisdiction in chambers.

84. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

[46 & 47 Vic., c. 52, s. 99.]

Delegation of powers to officers of Court and Presidency Judges of Small Causes.

85. *(1)* Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section *(1)* are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

[46 & 47 Vic., c. 52, s. 100.]

Powers of Court of Recorder of Rangoon and Court appointed by Local Government.

86. The Court of the Recorder of Rangoon, and any Court appointed by a Local Goverment under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed.

[46 & 47 Vic., c. 52, s. 102.]

General powers of Bankruptcy Courts.

87. *(1)* Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

The Indian Bankruptcy Bill, 1886.
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 88-95.)

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer to himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

Appeals.

[46 & 47 Vic., c. 52, s. 104.]

Appeals in bankruptcy.

88. *(1)* Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause *(b)* of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

Procedure.

[46 & 47 Vic., c. 52, s. 105.]

Discretionary powers of the Court.

89. *(1)* Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[46 & 47 Vic., c. 52, s. 106.]

Consolidation of petitions.

90. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

[46 & 47 Vic., c. 52, s. 107.]

Power to change carriage of proceedings.

91. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of proceedings to the official assignee.

[46 & 47 Vic., c. 52, s. 108.]

Continuance of proceedings on death of debtor.

92. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

[46 & 47 Vic., c. 52, s. 109.]

Power to stay proceedings.

93. The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

[46 & 47 Vic., c. 52, s. 110.]

Power to present petition against one partner.

94. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

[46 & 47 Vic., c. 52, s. 111.]

Power to dismiss petition against some respondents only.

95. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

The Indian Bankruptcy Bill, 1886.
(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors. —Sections 96-102.)

[46 & 47 Vic., c. 52, s. 112.]

Property of partners to be vested in same assignee.

96. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

[46 & 47 Vic., c. 52, s. 113.]

Suits by assignee and bankrupt's partners.

97. Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

[46 & 47 Vic., c. 52, s. 114.]

Suits on joint contracts.

98. Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the bankrupt.

[46 & 47 Vic., c. 52, s. 115.]

Proceedings in partnership name.

99. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

Annulment of Adjudication.

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 35.]

Power for Court to annul adjudication in certain cases.

100. *(1)* Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where in some part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication.

[New.]

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein, on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

[46 & 47 Vic. c. 52, s. 36.]

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

PART VII.

SMALL BANKRUPTCIES.

[46 & 47 Vic. c. 52, s. 121.]

Summary administration in small cases.

101. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

(a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;

(b) no appeal shall lie from any order of the Court, except by order of the Court;

(c) the estate shall, where practicable, be distributed in a single dividend;

(d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

Construction of this Part.

102. *(1)* "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

The Indian Bankruptcy Bill, 1886.
(Part VIII.—Fraudulent Debtors and Creditors.—Sections 103-104.)

[32 & 33 Vic., c. 62, s. 11. 46 & 47 Vic., c. 52, s. 163.]

Punishment of fraudulent debtors.

103. Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say—

(a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud:

(b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud:

(c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud:

(d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:

(e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:

(f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:

(g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee aforesaid thereof:

(h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law.

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs:

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses:

[46 & 47 Vic., c. 52, s. 31.]

(m) if while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing that person that he is an undischarged bankrupt:

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

[32 & 33 Vic., c. 62, s. 12. 46 & 47 Vic., c. 52, s. 168.]

Penalty for absconding with property.

104. If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 13.]

105. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

Penalty on fraudulently obtaining credit, &c.

(a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;

(b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic., c. 62, s. 14.]

106. If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

Penalty on false claim, &c.

[32 & 33 Vic., c. 62, s. 15.]

107. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

Debts incurred by fraud.

[32 & 33 Vic., c. 62, s. 16. 46 & 47 Vic., c. 52, s. 164.]

108. Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

Order by Court for prosecution on report of assignee.

XLV of 1860.

[46 & 47 Vic., c. 52, s. 167.]

109. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

PART IX.

SUPPLEMENTAL PROVISIONS.

Application of Act.

[46 & 47 Vic., c. 52, s. 152. 46 & 47 Vic., c. 52, s. 1 (5) [illegible] c. 4.]

110. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

Application to married women.

[46 & 47 Vic., c. 52, s. 123.]

111. A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

Exclusion of corporations and companies.

[46 & 47 Vic., c. 52, s. 125.]

112. *(1)* Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

Administration in bankruptcy of estate of person dying insolvent.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 113-119.)

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

General Rules.

[11 & 12 Vic., c. 21, ss. 58 & 73. 46 & 47 Vic., c. 52 s. 127.]

113. *(1)* The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

Power to make general rules.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

Fees.

[46 & 47 Vic., c. 52, s. 128.]

XIV of 1882.

114. The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

Fees.

Evidence.

[46 & 47 Vic., c. 52, s. 129.]

115. *(1)* A copy of the *Gazette of India*, or of the Gazette of a Local Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

Gazettes to be evidence.

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

[46 & 47 Vic., c. 52, s. 133.]

116. *(1)* A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

Evidence of proceedings at meetings of creditors.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

[46 & 47 Vic., c. 52, s. 134.]

117. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

Evidence of proceedings in bankruptcy.

[illegible] 46 & 47 Vic., c. 52, s. 135.]

118. Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

[illegible] Act XIV of 1882, s. 197.]

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

[46 & 47 Vic., c. 52, s. 136.]

119. In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the

Death of witness.

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 120-130.)

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4. 46 & 47 Vic., c. 52, s. 137.]

120. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

Bankruptcy Courts to have seals.

[46 & 47 Vic., c. 52, s. 138.]

121. A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

Certificate of appointment of assignee.

Time.

[46 & 47 Vic., c. 52, s. 141.]

122. *(1)* Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Computation of time.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Notices.

123. All notices and other documents for the service of which no special mode is directed may be sent by unpaid post letter to the last known address of the person to be served therewith.

Service of notices.

Formal Defects.

124. *(1)* No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

Formal defect not to invalidate proceedings.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

Bankrupt Trustee.

125. Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorise the appointment of a new trustee in substitution for the bankrupt (whether voluntarily assigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Application of Trustee Act to bankruptcy of trustee.

Corporations, Firms and Lunatics.

126. For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

[46 & 47 Vic., c. 52, s. 148.]

Acting of corporations, firms and lunatics.

Construction of former Acts, &c.

127. Whereby any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

[46 & 47 Vic., c. 52, s. 149 (2).]

Construction of enactments and instruments referring to 11 & 12 Vic., c. 21.

128. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

[46 & 47 Vic., c. 52, s. 150.]

Certain provisions to bind the Crown.

129. Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act, and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.]

Saving for existing rights of audience.

Unclaimed Funds or Dividends.

130. *(1)* Where an assignee under any bankruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court *ex* credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

[46 & 47 Vic., c. 52, s. 152.]

Payment into Court of unclaimed or undistributed dividends or funds.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section *(1)* means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

[Act II of 1874, s. 32.]

131. Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

Lapse and credit to Government of unclaimed or undistributed dividends.

[Act II of 1874, s. 33. Act of 1874, s. 69.]

132. Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Claims to moneys paid into Court or credited to Government under section 130 or section 131.

[redacted]

account and credit of the [redacted] the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

133. *(1)* Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

Distribution of certain unclaimed dividends reserved in respect of unproved claims under 11 & 12 Vic., c. 21.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably among the creditors of the estate who have proved their debts or demands.

Debtor's Books.

134. *(1)* No person shall, as against the assignee, be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

[Bankruptcy Rules, 1883, para. 259.]

Access to debtor's books.

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee.

[New.]

Interpretation.

135. *(1)* In this Act, unless the context otherwise requires,—

[46 & 47 Vic., c. 52, s. 166.]

Interpretation.

(1) "province" means the territories under the administration of a Local Government:

(2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province:

(3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act:

(4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour:

(5) "assignee" means an official assignee or special assignee:

(6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the re-

[redacted]

(7) "debt" includes any debt or liability by this Act made provable in bankruptcy:

(8) "general rules" includes forms:

(9) "Government treasury" includes a bank which conducts treasury business for the Government:

(10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour:

(12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

(13) "prescribed" means prescribed by general rules within the meaning of this Act:

(14) "property" includes money, goods, things in action, land and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

(15) "schedule" means a schedule to this Act:

The Indian Bankruptcy Bill, 1886.
(Part IX.—Supplemental Provisions.—Section 136.)
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

(17) "sheriff" includes any officer charged with the execution of a writ or other process:

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

Repeal.

[46 & 47 Vic., c. 52, s. 169.]

136. *(1)* The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

Repeal of enactments.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; or

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; or

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

[46 & 47 Vic., c. 52, Sch. I.]

THE FIRST SCHEDULE.

(See section 17.)

MEETINGS OF CREDITORS.

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

11. It shall be competent to the assignee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every insertion therein shall be in the handwriting of the person giving the proxy.

16. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In that case the instrument of

[illegible]

person to vote at any specified meeting or specified adjournment thereof, for or against any specified resolution, or for or against any specified person as special assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, [illegible] securing the special assignmentship, except [illegible] direction at a meeting of creditors, the Court shall [illegible] no remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of [illegible] to the contrary.

[illegible] may appoint the official assignee [illegible] to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless three creditors are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

The Indian Bankruptcy Bill, 1886.
(The Second Schedule.—Proof of Debts.)

THE SECOND SCHEDULE.

(See section 32.)

[46 & 47 Vic., c. 52, Sch. II.]

PROOF OF DEBTS.

Proof in ordinary cases.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorized by or on

[illegible]

4. The affidavit shall contain or refer to a statement or account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by Secured Creditors.

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

The Indian Bankruptcy Bill, 1886.
(The Second Schedule.—Proof of Debts.)

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (*a*) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(*b*) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee, or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(*c*) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

Taking Accounts of Property mortgaged and Sale thereof.

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bankrupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of and attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

Proof in respect of Distinct Contracts.

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical Payments.

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

The Indian Bankruptcy Bill, 1886.
(The Third Schedule.—Enactments repealed.)

Interest.

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debt payable at a future Time.

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Admission or Rejection of Proofs.

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been [illegible] who made it [illegible] its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

(See section 136.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends of Insolvent [illegible]	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1882). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassein; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33 and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.* Speaking on the subject in 1875,† he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

* Legislative Proceedings, 1876, page 241.
† Legislative Proceedings, 1875, page 76.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money-decrees. In his speech on the passing of this Act, Mr. Whitley Stokes said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would be altered accordingly.‡

‡ Abstract of Proceedings, 1879, page 202.

5. The circular referred to by Mr. Stokes was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 500 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kennedy brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion: and among the comments and criticisms which were passed upon it the doubt is not unfrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law, under the charge for advertising notices of insolvency in the provincial Gazettes and in the *London Gazette* to be defrayed from the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court deemed it necessary—

(1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and

(2) to appoint an Official Assignee of such position and character as might afford an additional guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realisation and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1848, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the [illegible] which will be found in the present Bill are the result of the opinions received. One question which arose was whether the new law should be introduced throughout India, or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modifications and simplifications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulmein, Akyab and Bassein, and a power being taken to extend it to other commercial centres, such as Karáchi.

13. The Bill accordingly (section 72) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts in the territories administered by them. The local limits of the jurisdiction of the High Courts when exercising bankruptcy jurisdiction are (section 56) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulmein, Akyab and Bassein. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General in Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accrue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immoveable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings concurrently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like those just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provisions of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are deemed by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and its operation can only be further extended by Parliament.

21. Several of the authorities who have recorded opinions on the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (*l*), clauses (*e*) and (*g*), of the English Act. Those clauses therefore have been excluded from the Bill (section 2), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition ordinarily resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act, which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstance that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a house of business within the local limits, as Pontifex, J., held them, in the cases of *Tariny Churn Goho* (I. B. L. R., App. 26) and *Howard Brothers* (1. B. L. R. 254), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an up-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law—see *re Tietkins*, I. B. L. R., O. C., 84, on the one hand, and *er Blackwell*, 9 Bo. H. C. Rep. 461, and *re Ricks*, 3 Mad. H. C. Rep. 151, on the other.

25. It has, however, been provided (section 4), on the recommendation of the Committee of the Judges of the High Court at Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the Code of Civil Procedure and deal with them under the Act. It has also been provided (section 4) that in any prescribed class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the [illegible] and may [illegible] have been instituted under the Code, the Court may stay the proceedings under the Code wherever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 20).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 71).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to rescind a receiving order or annul an adjudication of bankruptcy when it considers that the debtor's estate would be more conveniently administered in some other part of British India or of Her Majesty's dominions elsewhere. When an adjudication is annulled under the latter section, anything done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similarly wide powers are conferred on the English Bankruptcy Courts the provisions regarding concurrent bankruptcies contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improbable that the existing scale of remuneration will be altered during the incumbency of present office-holders.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law. It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 26 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Gubboy* v. *Miller* (I. L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881, with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21 :—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case, and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bills of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against rival decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahárájá Sir Jotendro Mohun Tagore and Bábú Doorga Churn Law the provisions of section 45 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (*l*) (*e*) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1854. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 48 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (*a*) money held by it on account of estates before declaration of dividend, and (*b*) declared dividends awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividends and held for creditors till their dividends are paid to them or, through their default, lapse to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section *(1)*, clause *(e)*, of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (*i*) to section 4, sub-section *(1)*.

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that in the present proposed Act, section 51), for the declaration of dividends only among creditors who "have proved their debts.*" A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sales were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

* No unclaimed dividends of this class can arise under the proposed new Act (see section 55).

48. Section 134 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself, and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the free access of creditors to those books.

49. Section 136 (3) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 18 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Loughborough in 1794, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (4), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

The 14th May, 1886. C. P. ILBERT.

COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED TO IN THE STATEMENT OF OBJECTS AND REASONS.

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Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).

WITH reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassein, Moulmein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor General's Council the extended powers required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,* and which are fully described in paragraph 25 of the despatch last referred to.

* 11 & 12 Vic., c. 21.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents presented by section 288 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two; but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

† 17 & 18 Vic., c. 104.

‡ 47 & 48 Vic., c. 38.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts, and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our despatch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic., c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill, to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill."

* * * * * *

Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State, No 32, dated the 12th June, 1885.

DRAFT OF A BILL TO

Amend and consolidate the Law of Bankruptcy and Insolvency in British India.

[The preamble, which will recite the enabling Statute, will be settled after that Statute has become law.] [46 & 47 Vic., c. 52, s. 1.]

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

Preliminary.

Short title and commencement.

1. (*1*) This Act may be cited as the Indian Bankruptcy Act, 1885.

(*2*) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

Local extent.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883:

46 & 47 Vic., c. 52.

Provided that the following shall not extend to England, namely:—

Sections 39 and 40;
Section 44, sub-section (*2*);
Section 48;
Section 49, sub-section (*1*), clause (*e*), and sub-section (*2*);
Section 62, sub-section (*2*).

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Acts of Bankruptcy.

[46 & 47 Vic., c. 52 s. 4.] Acts of bankruptcy.

3. (*1*) A debtor commits an act of bankruptcy in each of the following cases:—

(*a*) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(*b*) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(*c*) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(*d*) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;

(*e*) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;

(*f*) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(*g*) if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within *fifteen* days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the order giving leave to effect the service, either comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(*h*) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(*2*) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

Receiving Order.

[46 & 47 Vic., c. 52, s. 5.]

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate

Jurisdiction to make receiving order.

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 6.]

5. (*1*) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

Conditions on which creditor may petition.

(*a*) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

[11 & 12 Vic., c. 21, s. 10.]

(*b*) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(*c*) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and

(*d*) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(*2*) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

[46 & 47 Vic., c. 52, s. 7.]

6. (*1*) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner,

Proceedings and order on creditor's petition.

(*2*) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(*3*) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(*4*) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(*5*) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

The Indian Bankruptcy Bill, 1885.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5. 46 & 47 Vic., c. 52, s. 9.]

Debtor's petition and order thereon.

7. *(1)* A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 49. 46 & 47 Vic., c. 52, s. 9.]

Effect of receiving order.

8. *(1)* On the making of a receiving order the official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit, action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 12 Vic., c. 21, s. 49. 46 & 47 Vic., c. 52, s. 10.]

Discretionary powers as to appointment of receiver and stay of proceedings.

9. *(1)* The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit, action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic., c. 52, s. 11.]

Service of order staying proceedings.

10. When the Court makes an order staying any suit, action or proceeding or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the Court before which the proceeding is pending.

[46 & 47 Vic., c. 52, s. 13.]

Power to appoint special manager.

11. *(1)* The official receiver of a debtor's estate may, on the application of any creditor or creditors, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the creditors may by resolution at an ordinary meeting determine, or, in default of any such resolution, as may be prescribed.

[46 & 47 Vic., c. 52, s. 13.]

Advertisement of receiving order.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 14.]

Power to Court to annul receiving order in certain cases.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon an application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

Proceedings consequent on Order.

[46 & 47 Vic., c. 52, s. 15.]

First and other meetings of creditors.

14. *(1)* As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

[11 & 12 Vic., c. 21, ss. 9 & 13, 46 & 47 Vic., c. 52, s. 16.]

Debtor's statement of affairs.

15. *(1)* Where a receiving order is made against a debtor, he shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

(i) if the order is made on the petition of the debtor, within three days from the date of the order;

(ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

Public Examination of Debtor.

[46 & 47 Vic., c. 52, s. 17.]

Public examination of debtor.

16. *(1)* Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

Composition or Scheme of Arrangement.

[46 & 47 Vic., c. 52, s. 18.]

Power for creditors to accept and Court to approve composition or arrangement.

17. *(1)* The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor, or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

The Indian Bankruptcy Bill, 1885.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 18-20.)

[46 & 47 Vic., c. 52, s. 19.]

Effect of composition or scheme.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

Adjudication of Bankruptcy.

[Bankruptcy Rules, 1885, para. 155.]

Adjudication of bankruptcy.

19. *(1)* At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

[46 & 47 Vic., c. 52, s. 20.]

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

[Bankruptcy Rules, 1885, para. 156.]

(3) When a receiving order is made and no creditors attend at the time and place appointed for the first meeting or one adjournment thereof, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee.

[11 & 12 Vic., c. 21, s. 35.]

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

[11 & 12 Vic., c. 21, ss. 7 & 11. 46 & 47 Vic., c. 52, s. 23.]

Appointment of trustee.

20. *(1)* The official receiver shall be the trustee of the property of the bankrupt unless some other person is appointed trustee under the provisions next hereinafter contained.

(2) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declares that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under sub-section *(2)* and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precedes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court; and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.

The Indian Bankruptcy Bill, 1885.

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section *(2)*, forthwith summon a meeting of creditors for the purpose of appointing a trustee.

[46 & 47 Vic., c. 52, s. 22.]

Committee of inspection.

21. *(1)* In any case in which a declaration is made under section 20, sub-section *(2)*, and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

[46 & 47 Vic., c. 52, s. 23.]

Power to accept composition or scheme after bankruptcy adjudication.

22. *(1)* Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

Control over Person and Property of Debtor.

[46 & 47 Vic., c. 52, s. 24.]

Duties of debtor as to discovery and realization of property.

23. *(1)* Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic., c. 52, s. 25.]

Arrest of debtor under certain circumstances.

24. *(1)* The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court:

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

[46 & 47 Vic., c. 52, s. 26.]

Re-direction of debtor's letters.

25. Where a receiving order is made against a debtor, the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

[46 & 47 Vic., c. 52, s. 27.]

Discovery of debtor's property.

26. *(1)* The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

The Indian Bankruptcy Bill, 1885.

(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

Discharge of Bankrupt.

[21 & 22 Vic., c. 21, ss. 47 & 49-61. 46 & 47 Vic., c. 52, s. 30.]

Discharge of bankrupt.

27. *(1)* A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property:

[21 & 22 Vic., c. 21, ss. 49 & 61.]

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

XLV of 1860.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

[11 & 12 Vic., c. 21, ss. 35 & 36.]

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

[11 & 12 Vic., c. 21, s. 58.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

[46 & 47 Vic., c. 52, s. 29.]

Fraudulent settlements.

28. In either of the following cases; that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

[21 & 22 Vic., c. 21, ss. 48 & 49. 46 & 47 Vic., c. 52, s. 30.]

Effect of order of discharge.

29. *(1)* An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, ss. 50 & 60.]

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

ANNULMENT OF ADJUDICATION.

[11 & 12 Vic., c. 21, ss. 8 & 9. 46 & 47 Vic., c. 52, s. 34.]

Power for Court to annul adjudication in certain cases.

30. *(1)* Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions and it appears to

[New.]

The Indian Bankruptcy Bill, 1885.

(Part II.—Administration of Property.—Sections 31-37.)

the Court that the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

[11 & 12 Vic., c. 21, ss. 7 & 11.] *(2)* Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 36.] *(4)* For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs; and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of Debts.

[12 & 13 Vic., c. 21, s. 41. 46 & 47 Vic., c. 52, s. 37.] **31.** *(1)* Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

Description of debts provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

[11 & 12 Vic., c. 21, s. 48.] *(4)* An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

[12 & 13 Vic., c. 21, s. 39. 46 & 47 Vic., c. 52, s. 38.] **32.** Where there have been mutual credits, mutual debts or other mutual dealings between a debtor and a creditor against whom a receiving order shall be made under this Act, and any other person proving or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

Mutual credit and set-off.

33. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

[46 & 47 Vic., c. 52, s. 39.]

Rules as to proof of debts.

34. *(1)* In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

[46 & 47 Vic., c. 52, s. 40.]

Priority of debts.

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and [11 & 12 Vic., c. 21, s. 46.]

(c) all wages of any labourer or workman, not exceeding five hundred rupees, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

[Act IX of 1874, s. 229.] *(3)* In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

[46 & 47 Vic., c. 52, s. 41.]

35. *(1)* Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on this behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Preferential claim in case of apprenticeship.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

[11 & 12 Vic., c. 21, s. 22. 46 & 47 Vic., c. 52, s. 43.]

36. *(1)* The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

Power to landlord to distrain for rent.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

Property available for Payment of Debts.

[46 & 47 Vic., c. 52, s. 42.]

37. The bankruptcy of a debtor, whether the petition is presented by himself or by a creditor, shall take place on the debtor's own petition or upon that of a creditor or creditors, and shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy [illegible]

Relation back of trustee's title.

The Indian Bankruptcy Bill, 1885.

(Part III.—Administration of Property.—Sections 38-44.)

which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

[46 & 47 Vic., c. 52, s. 44.] **38.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

Description of bankrupt's property divisible amongst creditors.

(1) property held by the bankrupt on trust for any other person;

[11 & 12 Vic., c. 21, s. 7.] *(2)* the tools (if any) of his trade and the necessary wearing-apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

[11 & 12 Vic., c. 21, s. 7.] (i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and

[11 & 12 Vic., c. 21, s. 23.] (iii) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Effect of Bankruptcy on antecedent Transactions.

[Cf. Act XIV of 1882, s. 295. 46 & 47 Vic., c. 52, s. 45.] **39.** *(1)* Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

Restriction of rights of creditor under execution.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

[36 & 37 Vic., c. 52, s. 46.] **40.** *(1)* Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Duties of Court executing decree as to goods taken in execution.

(2) An execution levied against the property of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

[36 & 37 Vic., c. 52, s. 47.] **41.** *(1)* Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settler becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

Avoidance of voluntary settlements.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

[11 & 12 Vic., c. 21, s. 24. 46 & 47 Vic., c. 52, s. 48.] **42.** *(1)* Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

Avoidance of preferences in certain cases.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

[46 & 47 Vic., c. 52, s. 49.] **43.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy—

Protection of *bonâ fide* transactions without notice.

(a) any payment of the bankrupt to any of his creditors;

(b) any payment or delivery to the bankrupt;

(c) any conveyance or assignment by the bankrupt for valuable consideration;

(d) any contract, dealing or transaction by or with the bankrupt for valuable consideration;

Provided that both the following conditions are complied with, namely:—

(1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

Realization of Property.

[11 & 12 Vic., c. 21, s. 21. 46 & 47 Vic., c. 52, s. 50.] **44.** *(1)* The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by trustee.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be specified in general rules, and the Court may on his application enforce such acquisition or retention accordingly. XIV of 1882.

[11 & 12 Vic., c. 21, s. 25.] *(3)* Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

The Indian Bankruptcy Bill, 1885.

(Part III.—Administration of Property.—Sections 45-49.)

[46 & 47 Vic., c. 52, s. 51.]

45. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

Seizure of property of bankrupt.

[11 & 12 Vic., c. 21, s. 27. 46 & 47 Vic., c. 52, s. 53.]

46. *(1)* Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

Appropriation of portion of pay or salary to creditors.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 21, s. 7. 46 & 47 Vic., c. 52, s. 54.]

47. *(1)* Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act, and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

Vesting and transfer of property.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 21, s. 20.]

(3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[46 & 47 Vic., c. 52, s. 55.]

48. *(1)* Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or, where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property:

Disclaimer of onerous property.

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgagee or under tenant declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person board either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

[11 & 12 Vic., c. 21, s. 31. 46 & 47 Vic., c. 52, s. 56.]

49. *(1)* Subject to the provisions of this Act, the trustee may do or any of the following things:—

Powers of trustee to deal with property.

(a) sell all or any part of the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

[11 & 12 Vic., c. 21, s. 31.]

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

(d) exercise any powers the capacity to exercise which is vested in the trustee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

[11 & 12 Vic., c. 21, s. 30.]

(e) deal with property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

[Cf. Act XXII of 1854, s. 2.]

(2) Any dealing by a trustee under clause *(e)* with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

[3 & 4 Wm. IV. c. 74, s. 65.]

The Indian Bankruptcy Bill, 1885.

(Part IV.—Official Receivers.—Sections 50-60.)

[46 & 47 Vic., c. 52, s. 57.]

50. The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

Powers exerciseable by trustee with permission of committee of inspection.

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

[11 & 12 Vic., c. 21, s. 29.]

(2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

[11 & 12 Vic., c. 21, s. 28.]

(6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

Distribution of Property.

[11 & 12 Vic., c. 21, s. 31. 46 & 47 Vic., c. 52, s. 58.]

51. *(1)* Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

Declaration and distribution of dividends.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vic., c. 52, s. 59.]

52. *(1)* Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

53. In the calculation and distribution of a dividend the trustee shall make provision for debts provable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

[11 & 12 Vic., c. 21, s. 43. 46 & 47 Vic., c. 52, s. 60.]

Provisions for creditors residing at a distance, &c.

54. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

[46 & 47 Vic., c. 52, s. 61.]

Right of creditor who has not proved debt before declaration of a dividend.

55. When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claims, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

[46 & 47 Vic., c. 52, s. 62.]

Final dividend.

56. No suit or action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

[11 & 12 Vic., c. 21, s. 45. 46 & 47 Vic., c. 52, s. 63.]

No suit for dividend.

57. *(1)* The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.

[46 & 47 Vic., c. 52, s. 64.]

Power to allow bankrupt to manage property.

(2) The trustee may, from time to time, with the permission of the committee of inspection, make such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court.

[11 & 12 Vic., c. 21, s. 47.]

Allowance to bankrupt for maintenance or service.

58. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

[46 & 47 Vic., c. 52, s. 65.]

Right of bankrupt to surplus.

PART IV.

OFFICIAL RECEIVERS.

[11 & 12 Vic., c. 21, s. 14. 46 & 47 Vic., c. 52, s. 66 (1).]

59. *(1)* The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.

Appointment of official receivers of debtors' estates.

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

[46 & 47 Vic., c. 52, s. 67.]

60. *(1)* The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.

Status of official receiver.

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

The Indian Bankruptcy Bill, 1885.
(Part V.—Trustees.—Sections 61-67.)

(3) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

[46 & 47 Vic., c. 52, s. 69.]

Duties of official receiver as regards the debtor's conduct.

61. As regards the debtor, it shall be the duty of the official receiver—

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

XLV of 1860.

(2) to make such other reports concerning the conduct of the debtor as the Court may direct;

(3) to take such part as may be directed by the Court in the public examination of the debtor;

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct.

[46 & 47 Vic., c. 52, s. 70.]

Duties of official receiver as to debtor's estate.

62. (1) As regards the estate of a debtor it shall be the duty of the official receiver—

(a) pending the appointment of trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the first meeting of creditors;

(d) to issue forms of proxy for use at the meetings of creditors;

(e) to report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs;

(f) to advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;

(g) to act as trustee where no trustee is appointed or during any vacancy in the office of trustee.

(2) For the purpose of his duties as interim receiver or manager the official receiver shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be specified in the general rules, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property; and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and shall not, unless the Court otherwise orders, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods:

XIV of 1882.

Provided that, when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over all moneys and deal with all securities in such manner as the Court, from time to time, directs.

PART V.

TRUSTEES.

Remuneration of Trustee.

[11 & 12 Vic., c. 21, s. 19. 46 & 47 Vic., c. 52, s. 72.]

Remuneration of trustee.

63. (1) Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

Costs.

[46 & 47 Vic., c. 52, s. 73.]

Allowance and taxation of costs.

64. (1) Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional services.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. The officer shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer; and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

Receipts, Payments, Accounts, Audit.

[11 & 12 Vic., c. 21, ss. 16-21. Ben. rules, 15: 46 & 47 Vic., c. 52, s. 74.]

Bankruptcy estates account.

65. (1) An account called the bankruptcy estates account shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, directs, pay the money received by him to the bankruptcy estates account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

[11 & 12 Vic., c. 21, s. 34.]

(4) If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments out of money standing to the credit of the bankruptcy estates account shall be made by the treasury or bank in the prescribed manner.

[46 & 47 Vic., c. 52, s. 75.]

Trustee not to pay into private account.

66. No trustee in a bankruptcy under any composition or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

[46 & 47 Vic., c. 52, s. 76.]

Investment of surplus funds.

67. (1) Whenever the cash balance standing to the credit of the bankruptcy estates account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

The Indian Bankruptcy Bill, 1885.
(Part V.—Trustees.—Sections 68-79.)

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankruptcy estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

[11 & 12 Vic., c. 21, s. 33. Ben. rules, 39-41. 46 & 47 Vic., c. 52, s. 78.]

Audit of trustee's accounts.

68. (1) Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

[46 & 47 Vic., c. 52, s. 79.]

The trustee to furnish list of creditors.

69. The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

[46 & 47 Vic., c. 52, s. 80.]

Books to be kept by trustee.

70. The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

[46 & 47 Vic., c. 52, s. 81.]

Annual statement of proceedings.

71. (1) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

Release of Trustee.

[46 & 47 Vic., c. 52, s. 82.]

Release of trustee.

72. (1) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

Official Name.

[46 & 47 Vic., c. 52, s. 83.]

Official name of trustee.

73. The trustee may sue and be used by the official name of "the trustee of the property of , a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Appointment and Removal.

[46 & 47 Vic., c. 52, s. 84.]

Power to appoint joint or successive trustees.

74. (1) Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee; and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or, failing to give security, or not being approved of by the Court.

[46 & 47 Vic., c. 52, s. 85.]

Office of trustee vacated by insolvency.

75. If a receiving order is made against a trustee, he shall thereby vacate his office of trustee.

[11 & 12 Vic., c. 21, s. 18. 46 & 47 Vic., c. 52, s. 86.]

Removal of trustee.

76. (1) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee.

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

[46 & 47 Vic., c. 52, s. 87.]

Proceedings in case of vacancy in office of trustee.

77. (1) If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee; but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

Voting Powers of Trustee.

[46 & 47 Vic., c. 52, s. 88.]

Limitation of voting powers of trustee.

78. The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

Control over Trustee.

[46 & 47 Vic., c. 52, s. 89.]

Discretionary powers of trustee and control thereof.

79. (1) Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.]

Appeal to Court against trustee.

80. If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

[46 & 47 Vic., c. 52, s. 91.]

Control of Court over trustees.

81. *(1)* The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

PART VI.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

[46 & 47 Vic., c. 52, s. 92.]

Courts having jurisdiction in bankruptcy.

82. *(1)* The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay,

(b) the Court of the Recorder of Rangoon, and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

Local limits of their jurisdiction.

83. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12 Vic., c. 21, s. 8. 46 & 47 Vic., c. 52, s. 93 (2).]

Jurisdiction in Presidency High Court to be exercised by Judge.

84. All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

[46 & 47 Vic., c. 52, s. 97 (2).]

Transfer of proceedings from Court to Court.

85. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 82 may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

[46 & 47 Vic., c. 52, s. 97 (3).]

Power to state special case.

86. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall states the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

[46 & 47 Vic., c. 52, s. 96.]

Exercise of jurisdiction in chambers.

87. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

[46 & 47 Vic., c. 52, s. 99.]

Delegation of powers to Presidency Judges of Small Causes.

88. *(1)* Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub section *(1)* are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

[46 & 47 Vic., c. 52, s. 100.]

Powers of Court appointed by Local Government.

89. A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

[46 & 47 Vic., c. 52, s. 102.]

General power of Bankruptcy Courts.

90. *(1)* Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the exercise of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the committal of such defaulting trustee, debtor or other person if in British India: Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

Appeals.

[46 & 47 Vic., c. 52, s. 104.]

Appeals in bankruptcy.

91. *(1)* Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal shall lie from the order of a single Judge [1 & 11 Vic., c. 32, s. 7] of one of the said High Courts of Judicature to the High Court;

(b) an appeal shall lie from the order of the Court of the Recorder of Rangoon to the Special Court;

(c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province;

(d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

Procedure.

[46 & 47 Vic., c. 52, s. 105.]

Discretionary powers of the Court.

92. *(1)* Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[46 & 47 Vic., c. 52, s. 106.]

Consolidation of petitions.

93. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

[46 & 47 Vic., c. 52, s. 107.]

Power to change carriage of proceedings.

94. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount specified by this Act in the case of the petitioning creditor.

[46 & 47 Vic., c. 52, s. 108.]

Continuance of proceedings on death of debtor.

95. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

[46 & 47 Vic., c. 52, s. 109.]

Power to stay proceedings.

96. The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

[46 & 47 Vic., c. 52, s. 110.]

Power to present petition against one partner.

97. Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

[46 & 47 Vic., c. 52, s. 111.]

Power to dismiss petition against some respondents only.

98. Where there or more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

[46 & 47 Vic., c. 52, s. 112.]

Property of partners to be vested in same trustee.

99. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

[46 & 47 Vic., c. 52, s. 113.]

Actions by trustee and bankrupt's partners.

100. Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

[46 & 47 Vic., c. 52, s. 114.]

Actions on joint contracts.

101. Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

[46 & 47 Vic., c. 52, s. 115.]

Proceedings in partnership name.

102. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

PART VII.

SMALL BANKRUPTCIES.

[46 & 47 Vic., c. 52, s. 121.]

Summary administration in small cases.

103. When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

(a) if the debtor is adjudged bankrupt, the official receiver shall be the trustee in the bankruptcy;

(b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;

(c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor:

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

Local extent and construction of this Part.

104. *(1)* This part shall extend only to British India.

(2) "The Court" in this Part means the Court before which an accused person is tried.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

[32 & 33 Vic., c. 62, s. 11. 46 & 47 Vic., c. 52, s. 183.]

Punishment of fraudulent debtors.

105. Any person against whom a receiving order has been under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say,—

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud:

(b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud:

(c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud

The Indian Bankruptcy Bill, 1885.
(Part VIII.—Supplemental Provisions.—Sections 106-114.)

(d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:

(e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:

(f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:

(g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fail for for the period of a month to inform such trustee as aforesaid thereof:

(h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

(k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:

(l) If after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:

[46 & 47 Vic., c. 52, s. 31.] *(m)* If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:

(n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

(o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:

(p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:

(q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

[32 & 33 Vic., c. 62, s. 12. 46 & 47 Vic., c. 52, s. 163.]

Penalty for absconding with property.

106. If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or attempts or makes preparation for quitting British India and for taking with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 13.]

Penalty on fraudulently obtaining credit, &c.

107. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

(1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;

(2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;

(3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic., c. 62, s. 14.]

Penalty on false claim, &c.

108. If any creditor, in any bankruptcy composition or arrangement with creditors, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

[32 & 33 Vic., c. 62, s. 15.]

Debts incurred by fraud.

109. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

[32 & 33 Vic., c. 62, s. 16. 46 & 47 Vic., c. 52, s. 164.]

Order by Court for prosecution on report of official receiver or trustee.

110. Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.

XLV of 1860.

[46 & 47 Vic., c. 52, s. 167.]

Criminal liability after discharge or composition.

111. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

PART IX.

SUPPLEMENTAL PROVISIONS.

Application of Act.

[46 & 47 Vic., c. 52, s. 152. 45 & 46 Vic., c. 75, s. 1 (5). Act III of 1874, s. 8.]

Application to married woman.

112. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

[46 & 47 Vic., c. 52, s. 153.]

Exclusion of partnerships and companies.

113. A receiving order shall not be made against any corporation, or against any partnership or association, or company registered under any enactment relating to companies for the time being in force.

[46 & 47 Vic., c. 52, s. 126.]

Administration in bankruptcy of estate of person dying insolvent.

114. *(1)* Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

The Indian Bankruptcy Bill, 1885.
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but that Court may, in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease: "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

General Rules.

[11 & 12 Vic., c. 21, ss. 58 & 76. 46 & 47 Vic., c. 52, s. 168.]

Power to make general rules.

115. *(1)* The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

Fees and Remuneration.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 169.]

Fees and remuneration.

116. *(1)* The High Court of a province may, with the previous sanction of the Governor General in Council, from time to time prescribe a scale of fees and percentages to be charged for or in respect of proceedings under this Act, and direct by whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

Evidence.

[46 & 47 Vic., c. 52, s. 132.]

Gazettes to be evidence.

117. *(1)* A copy of the *Gazette of India* or of a Local Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

[46 & 47 Vic., c. 52, s. 133.]

Evidence of proceedings at meetings of creditors.

118. *(1)* A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

[46 & 47 Vic., c. 52, s. 134.]

Evidence of proceedings in bankruptcy.

119. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

[11 & 12 Vic., c. 21, s. 80. 46 & 47 Vic., c. 52, s. 135.]

Swearing of affidavits.

120. Subject to general rules any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—
(a) any Court or Magistrate,
(b) any officer whom the High Court of a province may appoint in this behalf, or
(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

[46 & 47 Vic., c. 52, s. 138.]

Death of witness.

121. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4. 46 & 47 Vic., c. 52, s. 137.]

Bankruptcy Courts to have seals.

122. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction.

[46 & 47 Vic., c. 52, s. 139.]

Certificate of appointment of trustee.

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment.

Time.

[46 & 47 Vic., c. 52, s. 141.]

Computation of time.

124. *(1)* Whereby this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that

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(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

Notices.

[46 & 47 Vic., c. 52, s. 142.] **125.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Service of notices.

Formal Defects.

[46 & 47 Vic., c. 52, s. 143.] **126.** *(1)* No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

Formal defect not invalidate proceedings.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

Bankrupt Trustee.

[46 & 47 Vic., c. 52, s. 147.] XXVII of 1866. **127.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Application of Trustee Act to bankruptcy of trustee.

Corporations, &c.

[46 & 47 Vic., c. 52, s. 148.] **128.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

Acting of corporations, partners, &c.

Construction of former Acts, &c.

[46 & 47 Vic., c. 52, s. 149 (2).] **129.** Where by any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall be constructed and have effect as if reference were made therein to the corresponding provisions of this Act.

Construction of enactments and instruments referring to 11 & 12 Vic., c. 21.

[46 & 47 Vic., c. 52, s. 150.] **130.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

Certain provisions to bind the Crown.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.] **131.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

Saving for existing rights of audience.

Unclaimed Funds or Dividends.

[46 & 47 Vic., c. 52, s. 152.] **132.** *(1)* Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account of the Court. The treasury or bank at which the account is kept shall furnish him with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

Unclaimed and undistributed dividends or funds.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act pay the account referred to in this Act as the bankruptcy estates account.

Interpretation.

Interpretation. **133.** *(1)* In this Act, unless the context otherwise requires,— [46 & 47 Vic., c. 52, s. 153.]

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"the Court" means the Court having jurisdiction in bankruptcy under this Act:

"affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour:

"available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

"debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:

"general rules" include forms:

"oath" includes affirmation, declaration under any legislative enactment and attestation on honour:

"ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"prescribed" means prescribed by general rules within the meaning of this Act:

"property" includes money, goods, things in action, land and every description of property, whether moveable or immoveable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

"resolution" means ordinary resolution:

"secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

"schedule" means schedule to this Act:

"sheriff" includes any officer charged with the execution of a writ or other process:

"special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"trustee" means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

Repeal.

Repeal of enactments. **134.** *(1)* The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule. [46 & 47 Vic., c. 52, s. 169.]

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; nor

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(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Rangoon shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

[46 & 47 Vic., c. 52, Sch. 1.]

THE FIRST SCHEDULE.

(See section 14.)

MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt; but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation shall have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

THE SECOND SCHEDULE.

[46 & 47 Vic., c. 52, Sch. II.]

(See section 33.)

PROOF OF DEBTS.

Proof in ordinary cases.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver,

The Indian Bankruptcy Bill, 1885.
(The Third Schedule.—Enactments repealed.)

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by secured Creditors.

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. *(a)* Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee, and interest as provided by this Act.

Proof in respect of Distinct Contracts.

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical Payments.

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

Interest.

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

Debt payable at a future time.

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Admission or Rejection of Proofs.

22. The trustee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

THE THIRD SCHEDULE.

(See section 134.)

ENACTMENTS REPEALED.

A.—Statute repealed.

Year and Chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amends the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—Acts repealed.

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

DRAFT ACT OF PARLIAMENT NO. 1.

BE it 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 Indian Bankruptcy (Extension of Powers) Act. 1885.

Extent.

46 & 47 Vic., c. 52.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

Operation beyond India of Act applying English bankruptcy law to India.

34 & 35 Vic., c. 57.

46 & 47 Vic., c. 52.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease;

the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

Provisions applicable to property situated in England.

46 & 47 Vic., c. 52.

[46 & 47 Vic., c. 54, (4).]

4. Where under any such law a receiving order or adjudication of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situate in England as if the order or adjudication had been made in England.

Effect of certificate of appointment of trustee.

5. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

THE SCHEDULE.

PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

46 & 47 Vic., c. 52.

Section 45.
Section 46.
Section 50, sub-sections *(2)* and *(4)*.
Section 42.
Section 55.
Section 56, sub-section *(5)*.
Section 70, sub-section *(2)*, except in so far as it refers to the Board of Trade.

DRAFT ACT OF PARLIAMENT No. II.

BE it 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 Indian Bankruptcy (Extension of Powers) Act, 1885.

Power to Legislative Council to apply or adapt English Bankruptcy Law: operation of laws passed under this power.

[47 & 48 Vic., c. 38, ss. 1 & 4. 17 & 18 Vic., c. 104, s. 288.] 24 & 25 Vic., c. 97.

46 & 47 Vic., c. 52.

[Bill, ss. 5 (1) (d) & 7 (1).]

2. *(1)* 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 applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same,—

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

[Bill, s. 114 (10).]

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

46 & 47 Vic., c. 52.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid.

Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

3. *(1)* The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

(a) a receiving order and the rescission of the same; [Bill, ss. 8 & 13, s. 20 (1).]

(b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business; [Bill, s. 9 (1) & s. 11 (1).]

(c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme; [Bill, s. 17 (8) & (15), s. 18, s. 22. Bill, s. 17 (11), s. 22 (3).]

(d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person; [Bill, s. 15 (3) s. 17 (11), s. 19, s. 20 (1), s. 22 (3), s. 37, s. 38, s. 41, s. 42, s. 43, s. 47 (1). Bill, s. 22 (2), s. 30.]

(e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release; [Bill, s. 17 (12) & (13), s. 20, s. 47 (2) & (3), s. 72, s. 74, s. 76, s. 77.]

(f) an order of discharge and the revocation of any such order; [Bill, ss. 27, 28 & 29.]

(g) the decision of a Court on any question of law or fact; and [Bill, s. 90 (1).]

(h) an order for the administration in bankruptcy of a deceased person's estate. [Bill, s. 114.]

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India. [Bill, s. 11, s. 44 (except sub-section (2) and the last sentence of sub-section (5)), s. 47, s. 49 (1), except clause (c), s. 50, s. 57 (1), s. 60, s. 62 (a), (b) and (g), s. 73, s. 74, s. 77 (4), s. 17 (6), ss. 117-123.]

(3) Provided* that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 45, 46, sub-sections *(2)* and *(4)* of section 50, section 52, section 55, sub-section *(5)* of section 56, and (except in so far as it refers to the Board of Trade), sub-section *(2)* of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act. [Cf. Bill, ss. 39, 40, s. 44 (2), s. 48, s. 49 (1) (c & (2), & s. 62 (2).] 46 & 47 Vic., c. 52.

Effect of certificate of appointment of trustee.

46 & 47 Vic., c. 52, s. 54 (4).]

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

No action for dividend.

46 & 47 Vic., c. 52, s. 63.]

5. No action for a dividend shall lie against a trustee under any such law in any Court in the British dominions.

Power to stay proceedings.

46 & 47 Vic., c. 52, s. 10 (2).]

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just.

* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be re-produced in the Indian Act or will be re-produced in such a form that they would be unsuitable for application to property in England.

From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council, No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.
Board of Trade, to India Office, 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining, in the first instance, an Act of Parliament such as the Draft No. 1 conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, ESQ., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Government of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (perferably the Draft marked No. I), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained (in the terms of Draft No. I) conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. I should be applied for.

From R. GIFFEN, ESQ., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting, by direction of the Secretary of State for India in Council, copy of a despatch, with its enclosures, from the Government of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board observe that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. I which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 14 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIGNAM, ESQ., to the Hon'ble MR. C. P. ILBERT,—(dated Calcutta, the 23rd July, 1885.)

Bankruptcy Bill.

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Objects and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 40 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

Gray v. *Chick*, Coryton 136.
Re Shib Chundra Mullick, 8 B. L. R. 30.
Re Parke Pittar, 8 ,, 118.
Re Howard Brothers, 13 ,, (App.) 9.
Re T. Agabeg, 12 Cal. Rep. 165.

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Objects and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act. 1878—41 & 42 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book 1 of the register, which is confined to transfers of immoveable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 2554, dated 22nd September, 1885).

WITH reference to your letter of the 17th June last, No. 1039, I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley, the views of the other Hon'ble Judges will be requested upon the point raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885:—

Opinion.

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, I have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the back-ground and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners' names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(*Signed*) H. H. SHEPHARD,
Acting Advocate-General.

From R. S. BENSON, Esq., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O., dated the 30th June, 1885, No. 1722, Judicial, forwarding, for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the HON'BLE T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian Bankruptcy and Insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency-towns, namely, 11 & 12 Vic., cap. 21, is very cumbrous and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 46 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. This, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. *Section 5 (1) a.*—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £ 50; but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

Section 15, sub-section (4).—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

Section 27, sub-section (3), clause (a).—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

Section 34, sub-section (1), clauses (b) & (c).—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £ 50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority under this head should be limited to Rs. 200 and not more.

Section 38, sub-section (2).—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children, should be exempted from the division of his property amongst his creditors; but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

Section 65, sub-section (4).—I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes once for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

Section 112.—This section renders a married woman subject to this Act in respect of her separate property. I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kinds of sridhanam property of a Hindu married woman. There are several kinds of sridhanam property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

Section 131.—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf on all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be rendered penal, inasmuch as it is a very common case for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, Esq., Attorney-at-Law, Madras, to Chief Secretary to Government, —(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c., the Law of Bankruptcy and Insolvency in British India.

Memorandum.

Preliminary remarks.—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvent Law in India which shall apply alike to the English speculator and the Hindu Chetti. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattucotti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *toto cœlo* from the cruel story of the causes which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghali Street which arises out of the Englishman's practical idolatry of the fetish "CREDIT."

No native, unless denaturalised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked: there is simply a change in relations. If a large trader fails in a Presidency-town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Ilbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

Section 4.—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 43 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 40 and of section 70 (1), but until orders by the Court are made the provisions of these sections have no effect, whereas the old "vesting order" related back by virtue of the Act.

Section 5 (1) (d) and section 7 (1).—The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition; and a debtor who gets himself incarcerated in such a place by a colluding creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Cocanada and Gopalpur, but the bulk of whose unsecured creditors were in the Presidency-town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (*d*), has "*England*," where this Bill has "local limits."

Section 27 (2).—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbrous process of obtaining first a rule *nisi* and then a rule absolute against the defaulter—a process which cost the estate Rs. 12 each time. To meet these contingencies I would suggest (1) that in the case of Government and *quasi*-Government *employés* the allocator to have the force of an attachment for a specified amount—probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

Section 39.—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expenses, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

Section 42 (1).—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case:—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at their backs as ever. The 16th week after X, Y & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

Section 88.—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administration report of the High Court (now in the press) that out of 199 applications in the year 1884-85 only 28 were from traders and over seventy returned assets "*nil.*"

Section 116.—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute. Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BENSON, ESQ., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 226, dated 12th August, 1885).

IN continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Handley on the draft Bill to amend the Law of Bankruptcy and Insolvency.

Minute.

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against again giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, ESQ., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency-towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

(1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106)
(2) "The Bankruptcy Act, 1854" (17 & 18 Vic., cap. 119);
(3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 134);
(4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
(5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency-towns and in Rangoon, Moulmein, Akyab, Bassein and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the presidency of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A Euro can merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

9. It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, ESQ., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

IN continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2266, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Muthusami Aiyar has no remarks to make.

Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court Madras:—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employés.	Pensioners.	Unemployed.
1880	6 Rs. 21,221 15 8 ,, 78,340 15 10 ,, 9,081 12 8 ,, 1,25,280 0 0 ,, 2,03,016 9 10 ,, 73,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 ,, 16,123 8 6 ,, 8,697 0 0 ,, 8,115 5 9 ,, 32,952 5 0 ,, 24,973 5 3 ,, 21,721 2 1		21	63	6	21
1882	3 Rs. 2,858 9 9 ,, 38,174 3 1 ,, 85,821 7 9	12	48	80	12	33
1883	16 Rs. 24,504 8 10 ,, 1,919 9 4 ,, 4,194 6 9 ,, 5,312 10 9 ,, 7,55,677 13 4 ,, 9,721 0 5 ,, 5,454 14 10 ,, 3,060 3 1 ,, 9,876 13 0 ,, 53,000 0 0 ,, 10,504 4 8 ,, 2,80,316 10 3 No schedules filed in four numbers.	4	30	90	11	60
1884	6 Rs. 32,281 10 2 ,, 82,739 11 6 ,, 5,87,974 1 7 ,, 1,10,146 2 8 ,, 35,712 2 9 No schedule filed in one case.	5	38	99	1	55

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of these trading cases there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

English Act. A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

6th.—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

7th.—It has happened several times that the Official Assignee has recovered large assets, and that the debtor then effects a settlement out of Court and cancels the insolvency by consent. I think it advisable to make provision that such cases should bear a portion of commission of the Official Assignee.

8th.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 3003, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 22nd September, 1885, No. 2554, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2900, dated 4th November, 1885).

ADVERTISING to G. O., dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law; but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judgeship in the latter Court, may result in the appointment to the Small Cause Court of a Judge with precisely that experience which Mr. Justice Handley thinks wanting.

From H. BATTY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 8625, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1050 of the 17th June last, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of this Government, and also of the Hon'ble the Judges of the High Court and of such selected officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am desired to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

1. Letter, &c., from the Chief Judge, Court of Small Causes, Bombay, No. 41 of 7th August, 1885.
2. Letter from the Hon'ble the Advocate General, Bombay, No. 59 of 14th September, 1885.
3. Letter from the Secretary, Chamber of Commerce, Bombay, of 25th November, 1885.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to insert in the enabling Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1865. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency-jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Sealer of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinio of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay,—(No. 41, dated 7th August, 1885).

In compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honor to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (3), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection; and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (*c*) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (*a*) limits the bankruptcy-jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (*c*) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (*c*). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (*c*), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (*c*) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (*c*) restricting the power of the Local Government to the appointment of Courts situate without the local limits of the jurisdiction of the High Court.

7. In section 91 (*a*) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 (if that section be enacted) lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. *Section 3 (1) (b).*—It would be advisable to define carefully what conveyance is fraudulent in a country like this, where *benámi* transactions are rather the rule than the exception, and in an Act which, to judge from section 82 (*c*), is intended to be capable of application by Native Judges in the Mufassal, who for the most part have not the opportunity of acquainting themselves with the English decisions.

10. *Section 3 (1) (d), (e) & (g).*—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c., &c.

11. *Section 7 (1).*—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (1) (*e*)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic., cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisons which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31* (2).—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessaries of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter at how long a period after, by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition either by a creditor or the debtor.

14. *Section 39* (1).—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40* (2).—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in *that* sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43* (2).—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution-creditor at the time of the further part-payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110.*—I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 3 (1) (*d*), (*e*), (*g*). They are taken from an English Act framed when imprisonment for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion. *Section 105* (*m*) I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115* (3) *and* (4) *and section 116.*—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic., cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible the same in London and Calcutta;" and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law; but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there, as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money-lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilisation born of native Western ideas, self-acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet been only very partially adopted here. The lowest ranks of workers in English society form, compared with Indian, a small proportion of the population, and non-workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about ⅞ths) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depauperisation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles;" at least, I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Insolvent Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this

extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'etré* of the Court.

"15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate office establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present head-quarters in the High Court building to the Small Cause Court, a distance of about a mile, and back.

"16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute 11 Vic. cap. 21, I am inclined to think it is not within the competence of the Indian legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and sometimes necessitate the payment of searching-fees in both offices, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

"17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *eundo morando et revertendo* between the two Courts.

"18. I believe that in Madras the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment-debtor has actually been arrested. On the other hand, any person may avail himself of the provisions of the Statute 11 Vic., cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

"19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction should be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense and without adding to the work of any other Court by the abolition of the present system of imprisonment for debt; for it is simply to avoid arrest, or to escape from imprisonment, that the great majority, if not all, of the unopposed insolvents apply for the benefit of the Act."

From the HON'BLE F. L. LATHAM, Advocate General, Bombay, to Under-Secretary to Government, Bombay,—(No. 59, dated 14th September, 1885).

WITH reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is avowedly an adoption, almost a transcript, of the last English Bankruptcy Act,—that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before transplanting it to India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy, and which of its provisions require repeal or alteration; and the present insolvency law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to remain in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 (2) allows the creditors, if the Court declare such an appointment desirable, to appoint a person other than the Official Receiver to be trustee of the property of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I dread lest the effect of these sections should be to facilitate fraud and to lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1865 the temptation to this form of fraud was greater it was notoriously prevalent—I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to insist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill—*vide* Williams' *Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is, comparatively speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees in enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (8) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 no not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

From J. MARSHALL, ESQ., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I AM directed to acknowledge the receipt of your letter No. 4606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs. W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Slight, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vizbucandas Atmaram, of Messrs. Narandas Lajaram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtained the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and emendations which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance; and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorialise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible unfitness. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the effectual working of the Act so long as careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be unadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances; and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency-towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once make it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely:—

Member of the Legislative Council.
Justice of the Peace.
Member of the Town Council or Municipal Corporation.
Member of a Port Trust or Harbour Board.
Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber begs to submit the subjoined remarks:—

Section 5 (1) (d).—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the estate should be would up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

Section 8.—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

Section 12.—The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

Section 15.—As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under sub-section (2) (*i*), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (*ii*) the time be increased from seven to twenty days.

Section 16.—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to sub-section (*1*):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

Section 17.—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs; and it seems desirable, therefore, that the following words should be appended to sub-section (*3*):—

"with a full statement of the debtor's affairs."

Section 21, the Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of an insolvent are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable assistance in securing a favourable liquidation; but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment on committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should enable—

"The trustee may, with the permission of the Court and after such notice to creditors as the Court may prescribe, do all or any of the following things":

and in sub-sections (*3*) and (*4*) of the same section, (*3*) of section 51, (*1*) of section 57, and (*1*) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

Section 24.—The desirability of arranging to secure the arrest of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section as also under (*2*) of section 26.

Section 25.—The same provision as for the redirection and delivery of letters should be made for telegrams.

Section 27 (5) allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

Section 27 (6).—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the country at times under very short notice.

Section 34 (5).—Considering that the current rate of interest in India is 9 per cent. as compared with 4 per cent. in England, the rate of interest payable out of surplus funds, as provided for in this clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

Section 36 (1).—The Chamber is of opinion that the preference extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

Section 52 (2).—After the words "application of" the Chamber suggests the insertion of the words "the trustee or."

Section 64 (3).—It would be well to have the "prescribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charges may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

Section 67.—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable, instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

Section 70.—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mehtas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mehta* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

Section 88 (3).—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

Section 103.—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 Rs. 5,000 In estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon, as provided under clause (c).

From H. BATTY, ESQ., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

WITH reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th idem, and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, ESQ., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

WITH reference to your letter No. 4605, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Bayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, ESQ., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, ESQ., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

IN accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

Remarks.

Protection from arrest.—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and no protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection-orders, and afterwards by obtaining their personal discharge under section 47, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to dismiss petitions for want of prosecution, and (2) to cancel so much of the receiving order under section 8 (1) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order: there does not appear to be any provision to this effect in the proposed Act.

Adjudication of bankruptcy.—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should (1) make the statement required by section 15 and (2) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 24 of the proposed Act; but as absconding debtors almost invariably abscond to Native States it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

Composition with creditors.—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors hastily executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

Property of bankrupt.—The words of section 38 (1), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Mufassal or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

Discharge of bankrupt.—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 47, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

Penalties.—The provisions of sections 27, 105 and 107, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and, if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share mania, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

Decrees against bankrupt.—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

Procedure.—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of section 99 of the English Act, or such modification of them as may be considered proper, might with advantage be inserted in this Act, and work of a formal nature, such as taking such examinations in unopposed cases, granting receiving orders and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

Unclaimed dividends.—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estates account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1841, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by insolvents in their schedules as due, but which have not been proved, and are for the most part unprovable; and it is doubtful whether these dividends can be distributed under the Act of 1841. Section 7 of Bill No. 8 of 1881, which was intended to remedy this state of circumstances, has never become law, and it [illegible] The interest spent [illegible] Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

Appointment of Official Receiver.—Under the present Insolvent Act the Official Assignee can only be removed from office in the cases specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

Appendix.

Section 2. Regarding application of section 48 to England.—Section 48 could hardly be made applicable to England, but nevertheless cases may arise in which onerous property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

Section 21 (2).—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (2).

In cases in which the Official Receiver is acting, reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

In that event some such words as the following might be added to section 21 (9):—

See 11 & 12 Vic., c. 21, s. 28.

"by and with such notice to such creditors as the Court may think fit to direct."

Section 24.—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors absconding to Native States to be also arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court to some other part of British India, but only deals with the case of a debtor who is "about to abscond with a view," &c.

Section 34 (1). Municipal rates.—Port-trust dues, &c., are at present only entitled to dividends.

Sub-section (5). Interest after payment of principal in full.—As decrees in India carry interest at 6 per cent, in the same way interest after the receiving order should be allowed in India at 6 per cent. also.

Section 36.—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distraint upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put padlocks on the godowns or premises let to them, and claim a lien for rent; and as rent in Bombay is heavy, and the value of the goods so locked up uncertain, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.

Section 38, clause (2).—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking-pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic., cap 21, section 7, are "wearing-apparel, bedding, and other such necessaries."

Section 51 (2).—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

Section 57 (2). Allowance to bankrupt.—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of candidates for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time is necessary, or an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

Section 61. Official Receiver's report.—Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has *in every case* to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must (in cases of insolvency of traders) have the assistance of experienced Native accountants capable of themselves reading and understanding Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *mehtas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate), to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

Section 65 (3).—We do not consider that this provision can be of any value in India.

Section 67. Investment of moneys.—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (section 67 (3)).

Were it possible to distribute the moneys to creditors as quickly as is contemplated in the Act, there would be no great hardship in the present provision. In Bombay, however, considerable sums have always to be reserved to meet the possible costs of the litigation that invariably ensues on any large insolvency proving unsuccessful, and (as has already been pointed out) claims of creditors cannot be quickly adjusted.

It would be hard on creditors that money so locked up should not be invested for their benefit.

Perhaps the simplest way would be to leave the provisions of the Act as they are, and out of the interest accruing under the provisions of this section (67) to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until dividend is declared.

Section 88.—It appears from paragraph 29 of the draft "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay while the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and Registrar, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that in 1880 both the High Court and the Small Cause Court of Bombay were opposed to the introduction of this provision.

Sections 92 (4); 124. Times.—All "times" allowed for the act are far too short; and though full power of extension is given by section 92 (4), yet the times mentioned in the different sections for each Act should, as far as possible, approximate the average time within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

(1) the Courts sit weekly only;
(2) books of account are always in arrears, especially during the busy season, and take a long time make up, and only a very limited number of *mehtas* can be employed on them at once;
(3) traders of any importance always have goods on their way to England or elsewhere, the account-sales of which are not received for a considerable time;
(4) no estate of any size can be realized without litigation owing to the invariable attempts made by bankrupts to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

Section 99. Petitions of partners in different Courts.—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency-towns would be transferred to the Court in which the first petition was filed; otherwise some provision is required on this point. See also section 13.

Section 103 (3).—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 6,000.

Where the gross assets of an estate are not more than Rs. 6,000, it would rarely be worth the creditor's while to attend meetings and take any direct interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases wish to have the bankrupt's affairs more expensively investigated and the bankrupt himself punished; but provision is made for this by clause (c) of this section (103).

Section 116 (2).—If the suggestions contained above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the remuneration of that officer also under this section.

Section 120, clause (4).—We doubt if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be also made before the British Resident or Consul or Political Agent?

Lien on bankrupt's books of account by solicitors and others.—There have been several cases lately in Bombay of solicitors claiming a lien on insolvent's books of account and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1869, there being power under that Act to make the rule.—See *Yate Lee on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PEACOCK, ESQ., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th February, 1886).

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th June, 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India, with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2. In reply, I am desired to submit, for the information of the Government of India, the accompanying replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades' Association, who were consulted by this Government, and to say that, with the exception of section 88 (1), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through; and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

The Solicitor to the Government of India, No. 1096, dated the 3rd September, 1885, and enclosure.
The Chief Judge, Court of Small Causes, Calcutta, No. 68, dated the 2nd October, 1885.
The Superintendent and Remembrancer of Legal Affairs, No. 901, dated the 9th November, 1885.
Maharája Sir Jotendro Mohun Tagore, K.C.S.I., dated the 31st August, 1885.
Baboo Doorga Churn Law, dated the 7th September, 1885.

From R. L. UPTON, ESQ., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal,—(No. 1096, dated 3rd September, 1885).

REFERRING to your No. 1336½J.D. of the 8th ultimo, I have the honour to forward you herewith a copy of the Hon'ble the Advocate General's opinion on the subject therein referred to.

OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to [illegible] that non-trading traders, who have had large commercial transactions, and whose affairs require to be [illegible] carried on business, and such Court should be vested with powers to adjudicate such persons bankrupt on their own petition if it thinks fit, the powers to adjudicate the Bankruptcy Court of the Presidency [illegible] being discretionary, to be exercised according to the circumstances of the case. The objection to such a procedure would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court; but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the different Presidencies.

(*Signed*) G. C. PAUL,
Advocate General.

The 29th August 1885.

From G. C. SCONCE, ESQ., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1342 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned; but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, ESQ., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 8th July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency-towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mufassal, I consider the present Bill utterly and entirely unsuitable; but as there appears to be no intention to make it current there, this is no detraction from its merits.

From MAHÁRÁJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1340 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and the Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 344), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (*l*) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unoften do, bring on insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is laid bare in the course of enquiry, and at the time of granting the discharge, and not precede enquiry. The provision, moreover, appears to me to be totally ineffectual as a salutary measure. A debtor who becomes insolvent in six months' time can easily avoid going to jail by getting up a creditor to petition against him, and the law is at once efeated. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine quâ non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (*d*) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy (clause (*x*) of section 273). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have carried on business for less than three years: as regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure: they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, such as a decree of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I look upon clause (*g*) of the same section as calculated to operate harshly. There are many merchants and traders now in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest action, of taking the benefit of the Insolvent Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (*l*) of section 46 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency-towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest those Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of powers by the High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORGA CHURN LAW, to Officiating Under-Secretary to Government, Bengal, —(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1341 J.-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been formed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilised to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 &12 of Victoria, 21, has been in operation in the Presidency Courts has suggested; and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall, therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtors to it, and this is done in clause (*d*), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (*a*) of section 27 (*3*) is likely to act with hardship. In it mention is made of absence of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the whole period in the case of those who have carried on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure: they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. (16), leaves no room for such discretion.

8 The provision made in clause (*g*) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency-towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of taking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (*l*) of section 46 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become insolvents, but the next clause appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment, on sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court. This provision has been upheld in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since arisen to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into a civil right. They are granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—as provisions for old age—and are liable to stoppage at any time at the will of the donors, and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill invests the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, ESQ., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended to all cases in which the High Court has jurisdiction. For example, a person ordinarily resident in the Mufassal is liable to be used in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

Conditions on which creditor may petition.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

* * * * *

(*d*) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

5. The Committee are of opinion that the amount to be paid to clerks under this section should be equivalent to three months' salary. To limit the amount to five hundred rupees would to inflict an undeserved hardship on a large number of employés. Not a few firms employ assistants whose salaries range from Rs. 200 to Rs. 500 a month, and who belong to a class of employés who contribute in no small degree to the proper carrying on and success of a business, and it appears to the Committee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

Priority of debts.

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

* * * * *

(*b*) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees;

* * * * *

6 The Committee would beg to suggest that in this section "three months" should be substituted for "one year." The powers of a landlord are sufficiently great, and the existing law provides him with ample facilities for recovering his dues, and for these reasons the Committee submit that, if he should be permitted under the proposed Act to levy distress "for one year's rent due prior to the data of the order of adjudication," he will be receiving an undue preference over all other creditors. The Committee would, therefore, urge that the period for which he may recover under this section should not exceed three months.

Power to landlord to distrain for rent.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distraint (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gubboy re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the *sole* possession of the partner or partners who happened to be resident in this country.

Description of bankrupt's property divisible amongst creditors.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

* * * * *

But it shall comprise the following particulars:—

(iii) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

Appropriation of portion of pay or salary to creditors.

46. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian Marine Service, or an officer or clerk or otherwise employed or engaged in the Civil Service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachments against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be unadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property, or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors, and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, ESQ., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legislative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

WITH reference to your letter No. 1040, dated the 17th June, 1885, asking for opinions on the provisions of the Bill to amend the Law of Bankruptcy and Insolvency in British India, I am directed to forward, for the information of His Excellency the Governor General in Council, a copy of the papers marginally noted on the subject.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 8th October, 1885.
Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

As regards the North-Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have houses in the Presidency-towns, and, as I understand section 4, creditors would be entitled to present bankruptcy petitions against such firms; so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that increased use is being made by debtors of Chapter XX of the Civil Procedure Code. The number of applications for insolvency must vary more or less in concert with fluctuations in the number of applications for execution of decrees. Compared with these, the percentage of applications for insolvency has steadily increased from ·15 per cent. in 1881 to ·35 in 1882, to ·37 in 1883 and ·30 in 1884. I feel convinced that, meagre as the provisions of Chapter XX now are, they are still too intricate and expensive for the poor insolvent; but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present paper is no place to discuss those alterations.

I see little use in discussing *seriatim* the provisions of a Bill which is not to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the customs and wants of Presidency-towns to do so effectually.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 671—VII-78-2, dated 26th June, 1885, in the Judicial (Civil) Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting to be favoured with the Court's opinion thereon, and in reply to state as follows.

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Ilbert, Legislative Member of Council.

3 The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brodhurst believes it is not intended that any Court in these Provinces shall, for the present at all events, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Tyrrell also has no remarks to offer on the Bill.

From C. L. TUPPER, ESQ., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

WITH reference to your letter No. 1042, dated the 17th of June, 1885, I am desired by the Lieutenant-Governor to submit, for the information of the Government of India, the opinions of the officers noted on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

(1) Judges of the Chief Court (Registrar's No. 2582, dated 13th August, 1885).
(2) Government Advocate (No. 370D.A., dated 21st September, 1885).
(3) Bunsee Lall Ram Rattan, Rai Bahadur (No. 982, dated 2nd September, 1885).
(4) Rai Mela Ram (dated 27th August, 1885).
(5) Ram Kishen Das, Honorary Magistrate, Delhi (dated 25th September, 1885).
(6) Rai Bahadur Kallian Singh, Honorary Magistrate, Amritsar (dated 1st September, 1885).
(7) Chota Lall, Lahore, (dated 16th October, 1885).
(8) Lala Gagar Mal, Honorary Magistrate, Amritsar, (dated 15th October, 1885).
(9) Baggan Lal, Honorary Magistrate, Amritsar, (dated 1st September, 1885).

From T. G. WALKER, ESQ., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No 2582, dated 13th August, 1885).

IN reply to your letter No. 664-S., dated 13th July, 1885, forwarding, for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, ESQ., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 665-S. of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act only constitutes by its direct operation four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon. I also observe that while power is taken to confer upon Local Governments authority, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them, the insolvency sections of the Punjab Laws Act (1872) have not been repealed.

As moreover I am now, and have been for some time past, much pressed with important references, I trust that I may be permitted to refrain from discussing in detail a measure which is not intended to apply to this Province, and which appears to me to be far too advanced and technical for the state of things prevailing here.

From BUNSEE LAL RAM RATTAN, Rai Bahadur, to Under-Secretary to Government, Punjab, —(No. 982, dated 2nd September, 1885).

As directed in your letter No. 844-S. of 30th July 1885, which you have very kindly sent for any remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the law of bankruptcy and insolvency in India is worth of maintenance, and that the draft Statement of Objects and Reasons is worth of consideration.

I beg to suggest to afford the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c., should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage which after full consideration the Legislative ought to fix.

2nd.—In India there are lot of persons who, in anticipation of being insolvent give up their estate, cash and property to their sons or brother, and they themselves remain to be insolvent. In this case the Legislative should pronounce some kind of punishment to be awarded to such insolvent

3rd.—To avoid re-occurrence of insolvent the Legislative should consider and order some kind of distinguished mark to be worn by the bankrupt, in order, if the bankrupt go to another country or city, he may soon be recognized as such a man, as in India there are many men who are dealing in this way, *i.e.*, open a shop in a city, and, while their trade became popular, they abstract lot of money by sending it to their homes or making it away otherwise, and afterwards declare themselves as insolvent. If some distinguished mark be ordered to be worn by the insolvent, there will be a kind of check over them.

4th.—In section 21 I beg that the committee should consist of 8 members, *i.e.*, 4 from among the creditors and 4 who do not any why mixed in the case, but know the custom of the city, and the Judge should take their opinion before passing any order on the file.

5th.—In my opinion in section 38 the hereditary rights, such as villages or other landed property, should be included in the estate which must be sold too and assessed in the administration leaving a necessary portion for the insolvent only.

I beg to return the papers received with your letter under reply.

From RAI MELA RAM, to Secretary to Government, Punjab,—(dated 27th August, 1885).

I HAVE gone through the draft Bill received with your letter No. 8448. of the 30th July, and am very glad to come to know that steps have been taken to make up the deficiencies which have been observed during the last 35 years. Handing over the matter to the committee of creditors whose interest is chiefly concerned in such proceedings is a great improvement to bring this law to the point of completion, and I hope it will satisfy those who were sulking at the introduction of such a defective measure as that of the Insolvency and Bankruptcy. As far as my experience is concerned, I would beg to state that Part VII of the Bill, regarding the small bankruptcies, would not work efficiently in a Province like the Punjab until the educated party takes lead in the way of improving the commercial condition of the country. Of course it will be received with great satisfaction in Presidency and other towns where the people by means of their extensive education are sufficiently enabled to understand the objects and reasons of the measure in question. I would, however, beg to suggest that for such cases the qualifications of trustees must be prescribed, as they have to manage the estate without the control and supervision of those whose interest they are to guard.

2. In conclusion, I request that the Insolvent Estates Courts must be very strict in awarding punishment to the guilty debtors, as the number of rejected applications clearly shows the bad motive with which they have often been led to defraud their money-lenders.

From RAMKISHAN DAS, Honorary Magistrate, Delhi, to Under-Secretary to Government Punjab,—(dated 25th September, 1885).

IN repty to your No. 844, dated 30th July last, enclosing a draft Bill on the law of Bankruptcy for opinion, I have the honour to submit the following remarks.

In my opinion the Bill should, when enacted into law, be made applicable to the Punjab and North-Western Provinces, and the District Courts empowered to exercise authority conferred on "*the Court*" under it. The provisions of the Bill, though based on the English law, are not so very abstruse or intricate as to be difficult of comprehension or to be peculiarly suitable to any particular town or city. They are catholic and general in their character, and may advantageously be extended to the Mufassal. Uniformity of principle—certainly so far as the British Indian Empire is concerned—necessitates the existence of one and the same law for identical cases and circumstances wherever they may occur in that empire. The provisions as to the voluntary management by creditors and as to appointment of trustees and the conduct of business by the insolvent under the supervision of trustees or of the committee of inspection are not new or strange. They are acted upon every day in this part of India. Indeed, there is hardly a case in which resort is not had to them as the most efficacious machinery for realising assets for distribution. I would therefore very strongly urge the extension of the Bill to the Mufassal.

SECTION 3 (*b*) and (*c*) may be fused into one clause. There is no meaning in keeping them separate.

SECTION 8 (2).—There is no benefit likely to accrue to the insolvent's estate by allowing a secured creditor to realise or deal with his security. Except in cases of English mortgages (as to which even there is considerable doubt), no mortgagee can exercise the power of sale, except through the medium of a Court, and why he should be allowed to bring a suit to sell the property and thus entail more costs, which are after all to come out of the insolvent's estate, is incomprehensible to me.

SECTION 15 (2).—For 3 days I would substitute 10 days, and for 7 days 1 month. The time mentioned in the section is very little, especially in the case of a creditor who has to enter on very difficult enquiries in order to submit the statement.

SECTION 16 (4).—The word "*so*" before stating should be omitted. "So" would mean *for this purpose, i.e.*, for inspecting statement. The penalty should be general and absolute, and not confined to any particular circumstance.

SECTION 17 (15) AND SECTION 18 relate to the same matter, and with some slight change of language could easily go into one section or clause.

SECTION 25.—This is a very harsh measure and has been strongly condemned recently by Mr. Justice Norris. If it is considered advisable to keep it, then there can be no meaning in the limitation of 3 months, which should be expunged.

SECTION 28 (2).—Would *deposits* come under this or not?

SECTION 31.—To this section add "*Barred debts, obligations without consideration—Voluntary bonds* shall not be proveable."

SECTION 36 should be omitted and its provisions added to section 34, which is their proper place.

SECTION 38.—Add executory contracts which the assignee or receiver may perform.

SECTION 46.—"Or engaged in the Civil service." Omit the word "Civil."

SECTION 48 (5).—Add "Provided that if the party does not agree and feels aggrieved, he may institute a suit for declaration as to quantum of damages which he will be allowed to prove as a debt."

SECTION 48 (6).—"And on hearing such person" modify into "on hearing the trustee or such other person."

SECTION 49.—Add "(*f*) *Sue debtors.*" This power should be conferred on the trustee irrespective of the following section.

SECTION 64.—The word "solicitor" will have to be changed into "legal practitioner" or "pleader."

Adverting to the Statement of Objects and Reasons, it would of course be necessary to obtain the sanction of the British Parliament to ratify the measure. It is of no importance whether the sanction is antecedent or subsequent, but I consider Draft I to be the preferable of the two.

From RAI BAHADUR KALLIAN SINGH, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have the honour to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain part of British India, and they are as follows.

2. In Section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States comes within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing for instances—*Biluchistán*, &c., &c.

3. In the same section clause (*e*) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In Section 5, clause (*d*) paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary reside, &c., &c.

The above clause in the section is not clear to fix the period gives rise to a doubt.

5. In the Section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party, that the opposite party may come proper and unnecessary delay may not occur.

6. In the Section 6, clause 5, that the words to take security for payment of debt is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the Section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under Section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decrees of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree. It ought to be for those persons only who wish to get the dividend from the estate of bankrupt and not for others who do not wish to be benefited by the provisions of the Act.

9. Section 27 is silent. Clause (*c*) should be added that who contracted debt *recklessly* or *carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable time. After that he must declared free from the such debt, otherwise it would be once a *bankrupt* always a *bankrupt*.

From CHOTA LAL, House Proprietor and Contractor, to Under-Secretary to Government, Punjab,—(dated 16th October, 1885).

I BEG to acknowledge receipt of your letter, dated Simla, the 30th August, under cover of No. 844, enclosing a copy of a draft Bill to amend the law of Bankruptcy and Insolvency in certain parts of British India, with Draft Statement of Objects and Reasons, for my humble remarks on the same.

I have gone through the whole of the draft, and, so far as I can see, I agree with it, except in two or three places, for which I beg to offer the following remarks.

In Section (7), No. 3, the debtor's petition ought to be withdrawn without the leave of the Court, except in cases the Court thinks it fit as otherwise.

In Section (11) the manager for the debtor's estate ought to be appointed by the Court, as well as the receiver and the debtor also be consulted.

In (Section 6), No. 6, when persons owing the debtor acknowledge themselves as debtors to the debtor, the Court ought to give decree against them in favour of the receiver for the debtor.

In (Section 23) in cases where debtor is personally required to point out persons owing him, the expenses in so doing by the debtor ought to be given him.

Also there is required a section by which a debtor may settle with his creditors privately or by appointing arbitrators.

Hoping you approve of the above.

From LALA GAGAR MAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 15th October, 1885).

I BEG to acknowledge the receipt of your your favor, No. 540, dated 8th instant, as well as a copy of draft Bill to amend the Law of Bankruptcy and Insolvency for my opinion. In reply to that I beg to return herewith, under a separate cover, the said draft with my notes thereupon. Some delay occurred in forwarding the draft, as I had to consider it thoroughly. Please excuse delay.

Within a year.—This seems to be a very long time. For it is just possible that a person may contract large debts within a year, and he himself be unwilling to go to the Insolvency Court and the creditor may not be able to take any steps. Therefore in my opinion 3 months or 6 months at the most should be the limit.

* Rather vague. It should be *during office hours*, or some definite time or day should be fixed.

Signed must be defined, and made to include sealing and marking.

† *Vide* note to section 15, clause (4).

‡ Should be *and*. It is very easy to put the seal of Court on papers without the Judge knowing it. Seals are always in the hands of peons and others of the same class.

Section 5, clause (d).—The debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within *a year* before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

Section 15, clause (4).—Any person stating himself in writing to be a creditor of the bankrupt may personally or by agent inspect this statement at all *reasonable times*,* and take any copy thereof or extract therefrom * * * * * * * * *

Section 16, clause (8).—Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and *signed* by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all *reasonable times*.†

Section 17, clause (7).—If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, *or*‡ by the terms being embodied in an order of the Court.

Section 42, clause (1).—Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three* months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

Avoidance of preference in certain cases.

* Should be six months: three months is too little time.

PART V.

TRUSTEES.

Remuneration of Trustee.

Section 63, clause (1).—Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

Remuneration of trustee.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give this power to the creditors. It is sure to be abused.

Section 83, clause (c).—The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, *with the previous sanction of the Governor General in Council*, by that Local Government within the territories administered by it.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

Section 91, clause (c).—An appeal shall lie from the *order* of a Court appointed by a Local Government under section 82 of the High Court of the province.

The appealable orders should be *specified*. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

PART VII.

SMALL BANKRUPTCIES.

Section 103.—When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value *three thousand rupees*, the Court may make an order that the debtor's estate be administered in a summary manner, * * * * *

Summary administration in small cases.

Small Bankruptcies.—This should not be with regard to the *amount* of the debtor's property. It should be the reverse, *i.e.*, with reference to the amount of *debts due*, and the *amount* to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

Section 105.—Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with *imprisonment* which may extend to two years or *with fine* or with both; * * * * * * * *

Punishment of fraudulent debtors.

Imprisonment.—Simple or what?
Fine.—What amount?

Notices.

Section 125.—All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

Service of notices.

Insert *registered* between the words "prepaid" and "part."

Section 133 (1).—In this Act, unless the context otherwise requires,—

Interpretation.

These interpretation clauses should be placed in the beginning.

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"The Court" means the Court having jurisdiction in bankruptcy under this Act:

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

Should be *one hour*.

24. If within *half* an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGGAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing, for instance *Biluchistán*, &c., &c.

3. In the same section, clause (*c*) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In section 5, clause (*d*), paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary reside, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come proper and unnecessary delay may not occur.

6. In the section 6, clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decree of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who wish to get the dividend from the estate of bankrupt, and not for others who do not like to be benefited by the provision of the Act.

9. Section 27 is silent. Clause (*c*) should be added that who contracted debt *recklessly* or *carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable term. After that he must be declared free from that said debt, otherwise it would be once a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department,—(No. 4134—202, dated 24th October, 1885).

I AM directed to acknowledge your No. 1043, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Presidency-towns, the four chief towns in British Burma and the few large commercial centres to which [illegible] be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of the extension of the Bill to any town in these provinces in the future is remote. Under these circumstances the Chief Commissioner does not think it necessary that he should make any observations on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Neill, Officiating Judicial Commissioner, and Mr. Venning, Commissioner of Nagpur. Neither of these officers has offered any criticisms on it.

From E. S. SYMES, ESQ., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 352—26-L., dated 15th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1044, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letters cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce on the provisions of the bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

From Judge of Moulmein, No. 129-2, dated 24th August, 1885.
From Recorder of Rangoon, No. 164-51, dated 20th August, 1885.
From Secretary, Rangoon Chamber of Commerce, dated 5th December, 1885.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyab, and Bassein in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. MacEwen that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the limited jurisdiction in bankruptcy matters which it is proposed to enable the High Courts to confer on the Small Cause Courts in the presidency-towns.

5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (c) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicits special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter, which seem to be worthy of consideration. It seems very important that the application of the less cumbrous procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, apparently, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,74,500 of debts and only Rs. 43,000 (less than 2 per cent. of the debts) recovered by the Official Assignee in all, do not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is, perhaps, therefore, the more reason for attempting, when the law is under revision, to free innocent debtors from some part of the pains and penalties now accruing to themselves and their families from non-fraudulent debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court also commends itself to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge is clearly in favour of such abolition, though he mentions that the retention of this penalty has been practically decided upon. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—4-L., dated the 21st July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Judicial Commissioner certain cases of imprisonment for civil debt in the hope that the learned Judge would advise or comment upon the matter. If anything of interest or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. MACLEOD, ESQ., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma,—(No. 129—2, dated the 24th August, 1885).

IN compliance with the request made in your letter No. 100—26L. (Judicial Department, Legislative), dated the 6th ultimo, I have the honour to offer the following opinion on the Indian Bankruptcy Bill.

In dealing with the first question raised in the 11th paragraph of the Statement of Objects and Reasons, namely, as to the extent to which the proposed law should be applied locally in British India, it is necessary to bear in mind the main object of a bankruptcy law, which is to relieve honest debtors from the punishment of imprisonment for debt. The securing of the debtor's property for the benefit of his creditors is really subsidiary to the relief to the debtor, and the question, therefore, should not be entirely judged with reference to the existing machinery for working the proposed law for the benefit of creditors.

The question, however, as discussed in the Statement of Objects and Reasons of the Bill, is not, as it was in the correspondence in 1882, whether it is advisable to abolish imprisonment for debt, but whether the privileges of the proposed law should be extended to debtors in India generally, or only to a favoured few who have the good fortune to be inhabitants of the small local areas to be brought under the operation of that law.

Allowing even that there are differences between the circumstances of indebtedness arising in commercial seaports and those occurring in the Mufassal, it seems to me desirable to have only one insolvency law for the whole of India, and this, as stated in paragraph 11 of Statement of Objects and Reasons of this Bill, might be effected by inserting in the proposed measure a chapter providing the modifications and simplifications necessary to suit the requirements of Mufassal Courts. Chapter XX of the Civil Procedure Code has been, if not long enough in force to pave the way for a measure such as the present, sufficiently tried to show the necessity for its very considerable amendment, if not for its abolition, and I consider it unadvisable to retain it in preference to a simplified but complete insolvency law.

If it should in the end be decided not to frame an Act applicable to the whole of British India, it should, I think, at least be left optional with persons resident beyond the local limits of the Courts with insolvency jurisdiction to avail themselves of the benefit of the insolvency law. Cases are conceivable in which it may be a less hardship to debtors and creditors to get insolvency affairs administered by a Court having jurisdiction under the proposed measure than by the ordinary local Court with limited powers under Chapter XX, Civil Procedure Code, such for instance as the case of a debtor who resides just outside the limits of an Insolvency Court or has considerable property within such limits.

Coming to that part of the Statement of Objects and Reasons which refers to the difference between the Bill and the law on which it is modelled, I would remark, in regard to the question of jurisdiction to entertain applications for a declaration of insolvency, that by reason of the difficulty in the case of natives of proving the fact of *residence* at all, it seems desirable to amend the provision by including *the personal carrying on of business or working, for gain* as grounds of jurisdiction. This would afford creditors larger and easier means of proving the point of jurisdiction, which would probably be frequently raised by reason of the limitations imposed on it by the draft Bill.

As regards the provisions of the Bill, it is not easy to foresee how details, for the most part adapted to English modes of business, would work in practice in India. My remarks, therefore, will be directed and confined to what appear to me to be omissions in the Bill rather than to criticising the propriety or efficiency of the proposed procedure.

Section 8 (1).—If it is intended, as I think it must be, to give the Court power to release the debtor from jail if he should be there when the receiving order is made, provision for that should be made here by empowering the Court to order the release of the debtor wheresoever he may be confined. The power to release from jail, even if the jail be without the jurisdiction of the Court, is necessary in view of the different grounds which confer insolvency jurisdiction.

(2)—Under Act XXVIII of 1866, the power of sale is only conferred in respect of mortgages to which English law is applicable, and unless this provision is limited to the exercise of such power, mortgagees would be entitled to realize their securities by suit to the detriment of the interests of the unsecured creditors, which the expenses of the suit would occasion. This remark should be read in connexion with another, which I shall presently make in reference to the rights of mortgagees (*infra* 2nd Schedule 12*c*).

Section 19 (4).—Provision similar to that previously suggested should be made here also for the release of the debtor from jail if not released at the time of making the receiving order.

Section 26 (1).—The right to summon others than the debtor should be limited, as in the Civil Procedure Code, with reference to the means of communication between their place of residence and the court-house.

(2) I would add after the word "sum" the words "for his travelling expenses and subsistence."

Section 45.—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the procuration of the necessary authority from the Court having jurisdiction where the property is situate.

Sections 82 and 83.—As the Bill was drafted before the amendment of the Burma Courts Act, 1875, by the Act of 1885, whereby the insolvent jurisdiction before exercised by the Recorder of Rangoon in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give the Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

Part VII.—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees prescribed for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any decree that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of investigating small claims of insolvents must, I should think, act prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as disclosed by the facts stated in the schedule, but every other facility should be given him to realize the property of the debtor in the way I have indicated. No. 25 of the rules of the Calcutta High Court, framed under the present Insolvency Act, provides that the Official Assignee may sue without payment of *office fees* if he have no funds, but this does not include stamp-duty, to which my remarks are intended to apply.

Second Schedule 12 (*c*).—To meet the case of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be to the trustee to force a sale of mortgaged property at a reserved price equal to the amount due on the mortgage, as the trustee may not always be in a position to redeem.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgagee does not seek to foreclose his mortgage within some specified time.

From R. S. T. MACEWEN, ESQ., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma,—(No. 164—51, dated the 20th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 100—26-L., dated 6th July last, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for an expression of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute, and would require much more time than I have at present at my disposal to examine its provisions in detail and consider their probable effect in the event of its becoming law. But I may say that a new Act dealing with insolvency and bankruptcy in India has long been felt to be a necessity, and I think the general feeling has been, both amongst lawyers and commercial men, that any measure of the kind which is undertaken should be as clear, simple, and effective as possible. Whether this Bill fully answers these requirements it is difficult to say without a much more minute examination of its provisions than I am now able to give to it.

3. Part I (sections 3—29) of the Bill deals with the procedure to be followed from an act of bankruptcy to discharge, and in cases of large bankruptcies, where the bankrupts are traders and the property for distribution is considerable, the provisions are no doubt to the advantage of creditors, but they are more cumbrous than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Courts and of the Official Assignee (called Official Receiver in the Bill), and appear to contemplate (in large cases at least) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and intricate cases, seems unnecessary and undesirable. If generally adopted, the effect would be to take all bankruptcies likely to render reasonable remuneration to the trustee out of the hands of the Official Receiver and Trustee and to leave him with only such cases as would yield little or no returns; and as he is not a salaried officer, but dependent wholly upon commission for his own labour and the cost of his establishment, it would be difficult, if not impossible, to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a high salary to the Official Receiver and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a professional lawyer. At present the Official Assignee and his establishment cost the Government nothing. No doubt section 20 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors: the Official Receiver would probably object. At all events there would be a conflict of interests, and it might be difficult to refuse an application by the body or a majority of the creditors. Such applications would never be made in non-paying bankruptcies, and the practical effect might be to leave these and no others in the hands of the Official Receiver. It seems to be considered that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trusteeships. There are always a considerable number of persons ready to offer for any business that may be expected to pay, and sub-section (2) of section 64 contemplates the appointment of solicitors. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely made, it would be with the result just indicated. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and, in addition to the discretion imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to this effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is intended that he shall be a salaried officer and receive no commissions, then these observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration; and if he is to be a salaried officer, it may be well to enquire from what source his salary and establishment are to be met. The only court-fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the Courts at present. It is true Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does

not exceed Rs. 3,000 that this part applies. I annex a statement showing the number of insolvencies in this Court during the past three years, with the scheduled liabilities, assets, and actual recoveries. In 1882 there were 20 insolvencies, aggregating Rs 4,54,401 of liabilities, and scheduled assets amounting to Rs. 2,12,526, while the total recoveries amounted to Rs. 23,487, and of this sum Rs. 20,163 was secured, the sum which the Official Assignee recovered for distribution amongst creditors being only Rs. 3,324.

In 1883, out of 22 insolvencies with total liabilities of Rs. 14,17,824 and scheduled assets of Rs. 6,32,792, Rs. 82,823 was all that was recovered. Of this sum, Rs. 60,080 was secured, and the balance, Rs. 22,743, the Official Assignee called in.

In 1884 the total liabilities in 49 insolvencies was Rs. 10,03,035. The assets as per schedule amounted to Rs. 7,82,933, the recoveries to Rs. 56,446, of which Rs. 39,782 was secured and the Official Assignee recovered Rs. 16,664.

It is not quite clear what "property of the debtor" in section 103 is intended to cover. If it means scheduled assets, then Chapter VII would apply to about one-half of the business in this Court. Of the 91 insolvencies shown in the statement it would apply to 47. Having regard, however, to the results in the remaining 44 cases, it appears to me that the limit might very well be raised to Rs. 5,000, and I think it might with safety and advantage be raised to Rs. 10,000. In three only out of the 91 cases has property of the value of Rs. 10,000 and upwards been administered, and in seven cases has property between Rs. 5,000 and Rs. 10,000 been recovered. In the remaining 81 cases the property actually administered was less than Rs. 5,000. In 53 cases absolutely nothing was recovered. The provisions of section 14 relating to meetings of creditors would be inapplicable to the whole of these 81 cases.

In 9 out of 10 of these cases the insolvents only come into Court for the purpose of obtaining a protection order. They are either in jail in execution of a Civil Court decree or are threatened with arrest; they have little or no property—in many cases absolutely none. They are nearly all petty traders or impecunious clerks and other persons; the number of their creditors and the individual debts are small; there is seldom much, if any, opposition, and the whole business in these cases is of a simple and rudimentary character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The estates would not bear the cost, which would therefore fall upon the Government.

6. I have very little doubt, although I have not the means of testing my opinion by returns, that in the presidency-towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt there would be very little insolvency business in India; at all events it would be confined to *bonâ fide* trading bankruptcies. It seems to me that, no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind.

The true remedy is abolition of imprisonment for debt. It would curtail credit, and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

7. Section 103 (*b*) provides that the committee of inspection may be dispensed with in small bankruptcies, and (*c*) allows for other modifications by rules. But this is an inconvenient arrangement, and the power to make rules which absolutely annul the direct provisions of an Act is often questioned. I think where modifications are considered necessary they ought to be made in the Act itself in this part. I am opinion that all the provisions relating to meetings of creditors should be dispensed with in small bankruptcies, and that this modification should precede or follow clause (*b*).

8. I am also of opinion that in Courts where the Bankruptcy Act is in operation, Chapter XX of the Civil Procedure Code should not apply. The double jurisdiction and procedure lead to confusion, doubts, and uncertainty; persons will not know which procedure to come under, and objections and difficulties will be raised. As it is, Chapter XX has been very little used in the Courts now exercising insolvent jurisdiction. There is not a single instance of it in this Court, and until the High Court of Calcutta lately held that it had concurrent jurisdiction under the Civil Procedure Code, the power was doubted. At all events it had not been freely exercised. I am of opinion, therefore, that one of two courses ought to be followed with regard to this part of the subject—

(1) Additional provisions ought to be added to Chapter XX to provide more fully for small bankruptcies, and they should be omitted from this Act altogether; or

(2) Part VII ought to deal with them entirely and be the only law in the Courts to which the Act would apply, and Chapter XX of the Code should be restricted to Courts in which the Act did not apply.

I think the second is the preferable course, and that their proper place is in this Act; but the procedure should, as nearly as possible, be that of the Code.

9. This Court has not at present the machinery necessary to carry out the provisions of the Bill, and even if a Chief Court should be constituted for British Burma, it will require some addition to its establishment to work the Act properly if all bankruptcies, where the property likely to be realized exceeds Rs. 3,000, were to be made subject to the full provisions of the Act. The principal Civil Courts at Moulmein and Akyab have lately been invested with insolvency jurisdiction, and certainly they have not, and are not, likely to obtain the establishments necessary for the purpose. The jurisdiction might no doubt revert to the Recorder or be vested in a Chief Court, but I think it would be a very great hardship to persons resident in these places to compel them to come to Rangoon in all cases of small bankruptcies. The principal Civil Courts in these places are quite competent to deal with small insolvencies, and with a simple procedure they would not require extra establishments. I think, therefore, that this is a matter of considerable importance so far as the seaport towns of this province are concerned.

10. Section 88 confers certain powers on the Judges of the Presidency Small Cause Courts. I see no objection to this provision. It will relieve the High Courts of a great deal of purely formal work and of a number of petty unopposed bankruptcies, and I presume the rules contemplated by sub-section (*l*) would fix a pecuniary limit beyond which these Courts could not receive or hear bankruptcy petitions. In the draft Bill to constitute a Chief Court for British Burma power has been taken to extend the Presidency Small Cause Courts Act to Rangoon. Similar power might be taken to extend, at any time, the provisions of section 88 to the Small Cause Court of Rangoon, although I could not at present recommend that the powers given by the Bill should be exercised by the Rangoon Small Cause Court. But if that Court is reconstituted under the Presidency Acts, and the necessary establishments are allowed, there is no reason why it should not exercise the same powers as the Presidency Courts.

11. I entirely approve of the penal sections of the Bill. I think they are most necessary and will meet most of the cases which arise in practice.

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	...	...	...	...	...	...	...	...	...	Registry of bankruptcy in Scotland.
2	9,305	309	...	...	309	...	920	...	920	The insolvent compromised with his creditors out of Court at four annas in the rupee.
3	13,310	13,527	...	...	13,527	146	...	...	146	
4	3,578	...	...	...	...	...	...	...	...	
5	24,127	1,006	...	8,600	9,606	114	...	1,760	1,874	
6	2,840	2,300	...	...	2,300	...	...	...	...	
7	...	...	...	...	...	...	673	...	673	No schedule filed; insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
8	11,697	...	...	...	...	...	...	8,050	8,050	
9	...	...	...	...	...	...	...	...	...	*No schedule filed.
10	21,054	...	...	...	...	...	...	...	...	
11	2,35,847	...	478	1,24,500	1,24,978	...	475	...	475	Rupees 1,217 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
12	Cannot be ascertained as case is transferred to Akyab.					46	...	...	46	
13	2,989	...	...	...	...	...	...	...	...	
14	61,353	4,537	1,700	...	6,237	65	658	5,571	6,294	
15	5,071	3,613	90	750	4,373	25	...	1,553	1,578	
16	13,600	10,566	...	...	10,566	...	...	...	...	
17	9,227	1,450	...	4,876	6,326	59	...	3,229	3,288	
18	29,569	569	...	30,000	30,569	...	118	...	118	
19	5,438	...	...	...	...	...	...	...	...	
20	3,055	1,755	...	1,800	3,555	...	25	...	25	
	4,54,401	39,742	2,268	1,70,526	2,12,526	455	2,869	20,163	23,487	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	...	...	...	...	...	...	...	...	
2	1,04,978	...	...	...	...	...	...	...	...	
3	...	...	...	...	...	...	5,356	...	5,356	No schedule filed.
4	61,859	784	7,381	...	8,165	...	...	...	...	This was for final discharge.
5	...	...	...	...	...	...	...	...	...	
6	6,802	3,349	...	...	3,349	...	...	...	...	
7	5,300	...	...	3,000	3,000	...	...	...	...	
8	6,055	3,196	...	...	3,196	...	...	...	...	
9	12,600	10,566	...	...	10,566	...	83	...	83	
10	3,905	...	333	...	333	...	...	...	...	This was for final discharge.
11	...	...	...	...	...	...	...	...	...	
12	66,283	7,292	...	675	7,967	...	...	...	...	
13	4,796	...	...	...	...	...	...	...	...	
14	2,996	575	...	...	575	...	...	...	...	
15	1,583	...	...	...	...	...	...	...	...	
16	8,309	2,098	...	...	2,098	...	...	422	422	
17	4,733	403	...	150	553	...	539	...	539	
18	3,17,881	41,000	...	3,08,119	3,49,119	...	...	...	...	
19	5,593	4,065	...	...	4,065	...	...	8,325	8,325	
20	9,703	...	...	...	...	3,194	14,809	51,333	68,136	
21	8,00,467	33,362	5,430	2,00,530	2,39,322	112	...	...	112	
22	2,506	1,554	...	...	1,554					
	14,17,824	66,364	13,034	5,21,494	6,32,792	2,300	20,437	60,080	82,823	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.

Number of insolvencies.	Liabilities in rupees.	Assets as per Schedule.				Actual Recoveries.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	2,295	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,907	169	...	...	169	...	...	...	...	
4	5,642	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	This case is for final discharge
6	3,365	...	127	...	127	...	43	...	43	
7	2,644	...	...	...	...	...	...	...	...	
8	2,559	396	...	...	396	...	...	...	...	
9	2,588	179	...	...	179	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	
12	...	...	...	...	...	...	...	...	...	No schedule filed.
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,157	7,755	150	...	7,905	13	661	...	674	
15	28,660	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed.
17	55,209	...	...	...	...	...	5,157	17,800	22,057	
18	9,879	3,046	995	...	4,041	...	628	...	628	
19	7,947	8,085	112	...	8,797	...	...	...	...	
20	8,266	785	183	...	968	...	420	...	420	
21	13,810	3,620	9,260	...	12,880	1,719	3,839	...	5,588	
22	20,693	2,957	...	7,300	10,257	...	...	5,932	5,932	
23	73,763	71,962	1,318	...	73,280	...	81	...	81	
24	57,047	67,389	2,573	...	69,962	...	1,313	...	1,313	The insolvents in these cases compromised with their creditors out of Court at eight annas in the rupee.
25	1,66,436	41,426	4,274	2,10,000	2,55,700	...	...	...	...	
26	85,936	50,057	3,088	...	53,745	...	...	...	...	
27	1,84,000	15,000	1,086	1,40,000	1,56,086	...	...	...	...	
28	...	...	...	...	...	...	...	...	...	This case is for final discharge
29	11,095	...	...	...	...	...	629	...	629	
30	7,733	2,000	...	...	2,999	...	...	...	...	
31	10,950	5,309	141	6,776	12,226	...	516	1,500	2,016	
32	6,510	3,361	418	250	4,029	...	221	...	221	
33	9,409	...	20	...	20	...	...	...	...	
34	27,921	520	...	...	520	...	...	...	...	
35	8,175	260	7,207	13,000	20,467	...	...	...	...	
36	33,393	8,900	772	15,500	25,178	254	299	13,200	13,753	
37	...	...	...	...	...	...	...	...	...	No schedule filed.
38	Cannot be ascertained; case transferred to Moulmein						74	...	74	
39	10,519	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein						...	...	...	
41	3,913	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	...	2,000	2,000	...	...	525	525	
44	14,108	10,022	...	...	10,022	...	...	...	...	
45	...	...	...	...	...	...	...	...	...	This case is for final discharge.
46	6,191	5,747	186	...	5,933	...	...	...	...	
47	51,913	24,421	...	11,500	35,921	...	...	825	825	
48	Cannot be ascertained; case transferred to Moulmein						134	...	134	
49	32,706	...	...	...	...	...	...	...	...	
	10,03,035	3,12,897	33,710	4,03,326	7,82,033	2,016	14,048	39,782	56,446	

From J. STUART, ESQ., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner. British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101–26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by MR. J. C. GILLBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

FROM the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbrous, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1848) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinions elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1848 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful, whether as the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be broadly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the influence of creditors, which led to the adoption of inadequate compositions through the influence of the debtors' friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly; but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers. We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 39 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision, and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to overburden the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.

The following are instances of the stringency of the proposed Bill:—

Section 3. (1) (c).—"If execution issued against him has been levied by sale of his property in any civil proceeding in British India."

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

"That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods."

Section 15 (2).—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

Section 27, relating to the discharge of the bankrupt, especially 3 (*a*), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 48 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

Section 28, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immoveable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 41.

Section 34, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

Section 38.—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this section is less stringent than section 23 of the present Insolvent Act on the words "in his trade or business" are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the reputed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 144 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (2) does not appear adapted to this country; a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court; but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 as been longer in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complication and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the older and more usual nomenclature, and that the terms 'bankrupt' and 'bankruptcy' will replace 'insolvent' and 'insolvency.'

From E. S. SYMES, ESQ., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 259—3L., dated 15th January, 1886).

WITH reference to paragraph 2 of my letter No. 352—26 L., dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

Note by Judicial Commissioner, British Burma.

I HAVE compared the Bill with the English Statute, 46 & 47 Vic., cap. 52. With very few alterations the Bill reproduces the Statute. To criticize the Bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statutes which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the bankruptcy law of the Presidency-towns should as closely resemble that in force in England as local conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, ESQ., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1047, dated 7th June, 1885).

IN reply to your letter No. 1045, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, ESQ., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1046, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwára, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July, 1885).

Draft Bill to amend the Law of Bankruptcy and Insolvency in British India, with draft Statement Objects and Reasons.

I HAVE the honour to acknowledge the receipt of your letter No. 1047, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

From J. R. FITZGERALD, ESQ., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 570G., dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding, for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Cordery has no observations to offer in the matter.

From R. BELCHAMBERS, ESQ., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACGREGOR, ESQ., Official Assignee, Calcutta, to Registrar, High Court, Calcutta, —(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

Section 3 (1) (d).—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwarees, who reside in Native States and carry on business in the Presidency-towns by their gumáshtas. Some such words as I have suggested would seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, movable or immovable, to be attached or taken in execution."

Section 3 (1) (e) and (g).—These clauses are very sweeping; I think they should be modified.

Section 7.—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufassal have practically no really effective insolvency law.

Section 9 (2).—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor having property in the Mufassal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

Section 11.—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditors, whenever he considers such functionary necessary. He should also be empowered to appoint the debtor to be special manager if he considers such appointment expedient, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trustee not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to settle what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

Section 14.—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meetings might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

Section 15 (2).—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue advertisements calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

Section 16 (9).—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

Section 17.—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

Section 20.—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankruptcies and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

Section 20 (6).—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office dependent upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditors.

Section 21.—I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in cases when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

Section 22.—See my note on section 17, *ante*.

Section 23.—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

Section 26 (1).—I would add "or of any creditor who has proved his debt" after the word "trustee."

Section 26 (4) and (5).—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *bénami* for the debtor.

Section 27 (3).—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 105, in which case it would be unnecessary to repeat them here.

Section 27 (5).—When there are creditors residing out of India longer notice than 14 days should be given.

Section 27 (7).—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

Section 32.—Would it not be well to specify who shall take the account—whether the Court or the trustee?

Section 34 (1) (b) and (c).—The present Act gives six months' wages, which seems reasonable.

Section 38 (2).—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

Section 38 (2).—The concluding words of this clause seem to be unnecessary in India.

Section 48 (1).—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

Section 50.—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

Section 51 (2) and (3).—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"*with all convenient speed*"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

Section 52 (2).—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

Section 57 (1) and (2).—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee would allow him to exercise the powers without previous permission.

Sections 59 to 62.—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver", will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptroller in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 134 (*4*), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater, than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted should be strengthened.

One of the main defects of the existing law, and one of the principal reasons,—perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more importunate first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus purchased the acquiescence or silence of all of them he comes before the Court; there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bonâ fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal ministerial officer in each bankruptcy should be invested with very extensive inquisitorial, and even *quasi*-judicial, powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bonâ fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

Section 63.—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

Section 64 (3) would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

Section 65.—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of Bengal in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

Section 67 (1).—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the corpus of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

Section 67 (2).—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

Section 68.—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

Section 72.—My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

Section 79.—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

Section 88.—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days: and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give those matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

Section 91.—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

Section 94.—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

Section 103 (b).—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

Section 105.—The following offences, all of which are common in this country, might be added to the list of offences which will render a debtor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to absent themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

Section 110.—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

Section 113.—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to be held to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clearer.

Section 132 (2).—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (1) *ante*.

Schedule II.—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord Loughborough, in 1794, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

First.—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pigot* v. *Hastie* (I.L.R. 11 Cal.). The defendant, Mr. Hastie, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufassal, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

Second.—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a tradesman comes before the Insolvent Court, to find that his entire assets are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that their entire stock-in-trade and outstandings were mortgaged to two creditors, who stepped in at once and seized and sold the property. There are some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage-debts. It may safely be assumed that had the mortgages been registered, thus affording the public an opportunity of learning their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 unsecured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

Third.—A system of compulsory registration of business-partnerships would also be highly valuable.

Fourth.—The system of what are known as *bénâmi* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, ESQ., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 570, dated 27th February, 1886).

IN continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of this Court, as well as a printed copy of a note* by the Official Assignee, on the provisions of the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to add that the High Court concurs generally in the observations made by its sub-committee, and that any further observations that may occur to any individual Judge will be communicated in due course for the information of His Excellency in Council.

Report of the Committee of Judges appointed to consider the provisions of the Bankruptcy Bill.

WE regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which are sought to be introduced by the Bill required grave consideration, and it has therefore been impossible to avoid the delay which has taken place.

We have held repeated sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, introducing English law and methods of procedure and English phraseology, and we had to decide whether the proposal to introduce the English Bankruptcy Act with modifications into this country offered advantages sufficient to counterbalance the mischief of completely upsetting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that much of the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand we think it preferable to adopt the phraseology of the English Act, except where there is strong reason for not doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealth with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to question. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian legislature to pass such Act as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given to the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 21) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section; but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

* Printed with previous letter from Registrar, High Court, Calcutta, dated 13th February, 1886.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

(1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;

(2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;

(3) the expenses of an administration by the creditors would be very large: in all cases the trustee, and in many cases the committee of inspection, would have to be remunerated; the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to expedite the winding up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration are minimised, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, no step would be taken without legal assistance, which would have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19 (sub-sections (2) and (3)), 20, 21, 22, so much of section 23 as relates to meetings of creditors, sections 63 to 81 (both inclusive), section 103, sub-section (*b*), and section 118; and the following sections will require alteration, namely:—sections 47, 50, 110 and 132. The first schedule will also become unnecessary.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency-towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvent Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 336 be relieved from imprisonment as soon as he is arrested. The main advantage of proceeding under the Act is that if he be a trader he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsuited to the requirements of a commercial city like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require enumeration. They have been made apparent in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hastie*, I. L. R. 11 Calc. 151, and in the matter of *Leckie*, now pending).

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the court officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and the appointment of another officer with the same official designation but with different powers and duties would lead to confusion.

5. Section 3, sub-section (*l*) (*d*), should be altered to meet the case of a man carrying on a business by himself, or by his agent or gumáshta, and closing such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defeat or delay his creditors departs from his usual place of business within the jurisdiction of the Supreme Court is liable to be adjudicated an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraphs (*e*) and (*g*) of sub-section (*l*) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons lying in prison 21 days, and as to fraudulent executions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1865) it is provided "that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one of the Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India." By section 5 of the Indian Insolvent Act an insolvent debtor who is in prison within the limits of the town of Calcutta, or *who resides within the jurisdiction of the Supreme Court at Calcutta*, can petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to entitle all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvent Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta cannot pretend to be efficient or to meet in the smallest degree the requirements of the commercial classes. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the reception of the petition.

In the case of a creditor's petition we think that, as at present, if a *primâ facie* case be made out on the petition, the debtor should be adjudicated an insolvent and his property vested in the Official Assignee at once. Any delay in making the vesting order would make it impossible in most cases to save any of the debtor's property for his creditors. In order to prevent the risk of an improper adjudication it will be well to provide that the debtor may at any time before his public examination come in and apply to have his adjudication annulled, and that it shall be so annulled unless the creditor satisfies the Court that the debtor has committed an act of bankruptcy. Section 19, sub-sections (2) and (3), might therefore be omitted from the Bill.

8. Section 9 of the proposed Bill does not clearly provide for *ad interim* protection-orders, and therefore we recommend that power should be given to the Court, in terms similar to the provisions of section 13 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection-order at any time.

9. We think that the mere fact "*that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India*" should not give a creditor or other person the right to set aside an adjudication, and we recommend that in section 13 of the Bill the above words in italics should be transposed and placed between the words "the debtor" and the words "other cause" later on in the same section.

10. With reference to section 15, sub-section (*l*), we think that the statement of affairs should be filed in court, and that a copy should be filed in the office of the Official Assignee. It is necessary that there should be two copies, and it is desirable that of the two the one filed in court should be taken as the original statement with respect to sub-section (*d*) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (9), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.

12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 26 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor should, before any relief is granted to him, satisfy the Court, not only that he has not been guilty of the acts specified in the Bill as disentitling him to his discharge, but also that he has been neither dishonest in his dealings nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 351 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an adjudication being annulled on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord should not be entitled after the bankruptcy to levy for more than three months' rent.

21. With regard to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "received by such person."

[illegible] present stands, a creditor who procures an attachment before the vesting order is in a better [illegible] the insolvency of his debtor than he would be without it, as he obtains a title preferable to [illegible] and other creditors [illegible] the Code, on obtaining order [illegible] to sharp practice which [illegible] prevent [illegible] the insolvency from affecting [illegible]

23. Section 50 should be altered so as to give the Official Assignee, with the leave of the Court, power to do the acts therein mentioned.

24. As to sub-section (*l*) of section 62, the only part which, having regard to our previous recommendation, need remain, is the part relating to advertisements. The duties, powers and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he has not acted *bonâ fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (*l*) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the [illegible] The Court should have power to determine the amount of commission or percentage payable to him. [illegible] think that it is, at the request of a secured creditor, he realizes the security, the Court should have power to [illegible] the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts as contemplated by section 82, clause (*c*), and section [illegible] clause (*c*), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 83, clause (*a*).

29. We think that section 85 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to itself any insolvency proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 89 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section 90 extend to persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 103 (*b*) and the proviso at the end of section 108 should be struck out.

33. If section 109 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy-proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 132.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or [illegible] should be saved.

In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires alteration.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(*Signed*) A. WILSON.
(„) J. PIGOT.
(„) E. J. TREVELYAN.

From S. E. J. CLARKE, ESQ., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India, Legislative Department,—(dated 30th April, 1886).

MY Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will doubtless forward them to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, ESQ., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I AM directed by my Committee, in reply to your No. 1335 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law, and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognise the peculiar circumstances of India, or the difficulties which those circumstances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public; and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure, some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question re-opened. Those who have transactions directly with English markets and in the natural development of Indian trade, the number of whom is slowly but steadily increasing, evince quite as much anxiety for the passing of a law to compel a registration of partnerships as the European mercantile community. It would be well if, in connection with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the legislature, should not be overlooked, is the practical exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Court, and though in the case of Europeans the shelter might not be so effectual as in the case of Natives, yet the fact ought not to escape the attention of the legislature that under present circumstances for a Native insolvent to cross from British into Native territory is to give him an immunity the certainty of obtaining which is found to encourage reckless speculation and a ready resort to fraudulent practices. The impunity with which a fraudulent Native debtor can set his creditors at defiance, and in especial the smallness of the dividends derivable from the estates of Native insolvents, have been grievances of the mercantile community in this city for very many years. Indeed, so far back as 1853, the latter formed the subject of a reference from the Chamber of Commerce to Mr. John Cochrane, the then Official Assignee. What the Chamber then complained of is still a serious ground of complaint. There seems to be no good reason why, with proper precautions, decrees of the Indian High Courts should not be allowed to run in the jurisdiction of Native States. The matter is one which my Committee feel is most properly within the province of the Foreign Department of the Government of India, but they see no reason why the Legislative Department should not move the Foreign Office to deal effectually with so important a question, nor why the Foreign Department should not undertake this task in close communication with the Legislative Department, and, if need be, with the Judges of the High Courts in India. The greater the improvement in the bankruptcy law of India and the greater the simplicity which may mark the procedure of the Insolvency Courts, the greater will be the anxiety of a Native insolvent who has been guilty of fraud, concealment of property, the setting up of fictitious co-partners or wrongful preference of particular creditors to avoid appearing before an Insolvency Commissioner; and in this way it may well happen that improvements in law and procedure will have a tendency to accentuate and render more acute the grievance alluded to above and which is felt equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a trustee appointed by the creditors the primary authority for administering an insolvent's estate, whilst the Official Receiver is only to act if the creditors fail to appoint a trustee.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the premises upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which powers they consider all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (5) of section 26, they can see no objection why a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of its being shown that he acted under a mistake or upon information wrong in itself but accepted by him as correct. Redress in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are amended as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all unnecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reprobating. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant, it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a direction to the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from the accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtor's affairs. So long as creditors believe that to attend meetings is to proceed without knowledge, to arrive at no result or practically to waste time, so long will they avoid, unless under necessity, attendance at such meetings. Where the amount involved in a bankruptcy is small, the chances of getting together the creditors are small indeed, and in such cases it may be useful to reserve to the Official Receiver power to call a meeting of creditors at his discretion.

The attention of the Committee, in the course of the discussions on the draft Bill, has been in various ways strongly drawn to the question of protection against *bénámi* dealings and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the transfer something of a time sanction. *Bénámi* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before and in consideration of marriage, or in the case of a covenant made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provisions of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Allusion has been made to *bénámi* cases and to the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *bénámi* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position or in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *bénámi* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps suddenly in, closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or find their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where

all practical purposes it may be said to be carried on for the benefit of the creditor holding a possessory mortgage. In England this class of cases is dealt with by the Bills of Sales Act. Instruments of the kind alluded to must be registered within twenty-one days, and under certain circumstances are absolutely null and void as against a decree of the Court, a trustee in bankruptcy or in the event of the insolvency of the maker of the mortgage. In India it is very desirable that all instruments of this class should be made to come under the provisions for compulsory registration. The records of the Insolvent Court and the experience of the Official Assignee will amply bear out the necessity for some action such as that just suggested. It seems to convert the Bankruptcy Courts into a shelter for fraudulent dealings when a bankrupt who has deprived the general body of his creditors of security for their claims applies to the Court for protection against any steps they might ordinarily institute against him.

My Committee approve of the provision which retains for India imprisonment for debt. A very great number of Native traders are not subjects of the British Government, and have a means of conveying greater or lesser portions of their assets out of the jurisdiction of British Courts. Another large section of Native traders shelter themselves behind the Hindu custom of a joint family; where such a custom prevails, and where important classes of Native dealers have their domicile beyond the limits of the territories directly administered by the Government of India, it is necessary that imprisonment for debt should be retained even if on general grounds a good case could not be made out in its favour.

Section 34 provides that a limit of Rs. 500 as wages shall be paid, in priority to all other debts, to any clerk or servant who may have rendered services to the bankrupt during four months before the date of the receiving order. My Committee are strongly in favour of a limit in the amount to be paid under this section, but they consider Rs. 500 too low considering the average range of the salaries of assistants. They would make the limit Rs. 1,000, but would require that the amount of wages due to any clerk or servant should be certified by the Official Receiver or Trustee, or the official accountant of the Receiver's office.

Section 36 gives power to a landlord to distrain for one year's rent accrued due prior to the date of the order of adjudication. This provision would appear to be unnecessary considering the powers already ordinarily enjoyed by landlords.

My Committee are not disposed to cavil at the provision contained in section 46 of the Bill. Where the Crown reserves to itself the right to dismiss its servants as a punishment for insolvency, it seems reasonable that it should retain the alternative of regulating the amount to be retrenched from the pay of an employé.

It would appear to be in consonance with reason and the spirit of the Bill that the lying in prison of a person under a warrant of arrest in execution of a decree of the Courts, as well as the closing of, or departing from, a place of business with intent to defeat or delay creditors, should be declared to be acts of bankruptcy on which a receiving order should be made. The latter is, under the present law, a ground for adjudicating a trader, and the lying in prison under a warrant of arrest in execution of a decree a ground for adjudicating a non-trader, a bankrupt. There seems to my Committee no good reason why they should be omitted from the proposed Act, more especially as cases can readily be conceived in which the omission of these circumstances as acts of bankruptcy might give rise to difficulty. The lying of a debtor in prison is sufficient to give the proposed Bankruptcy Court jurisdiction, and it ought therefore to be declared to be an act of bankruptcy. It does not appear to my Committee that paragraphs 19, 20 and 21 of the Statement of Objects and Reasons give any good reason for excluding the jurisdiction of the Court in cases where persons or personally subject to the jurisdiction otherwise, and by reason of their being imprisoned or having within a twelvemonth ordinarily resided or had a place of business within the local limits of the Court's jurisdiction. At present persons who come to Calcutta to sell produce, purchase goods, or to make contracts in this city for such purposes, are in respect of such contracts liable to be sued in the Calcutta High Court.

As the draft Bill is framed a Calcutta merchant who had obtained a decree against a person in the position referred to would be unable to avail himself of the provisions of the proposed Bankruptcy Act for enforcing payment of the amount for which he had obtained a decree. My Committee are decidedly of opinion that it would be a great advantage to the mercantile community if in the proposed Act the bankruptcy jurisdiction were extended so as to include all cases in which the High Court has jurisdiction to entertain a suit.

The order and disposition clause, section 38, sub-section (3), provides for all moveable property in the order and disposition of a bankrupt, with the consent of the true owner, being dealt with as the property of the insolvent. This sub-section (3) is substantially identical with the order and disposition clause in the present Act. Under the section of the existing Act it has been held that property left by the true owner, being a mortgagee, in the possession of a firm the resident member of which becomes an insolvent, is not in the possession, order or disposition of the insolvent within the meaning of the Act, inasmuch as it is not in his sole possession, order or disposition, but in that of himself and his absent partners jointly. It was therefore ruled in *ex parte Gubboy* in *re Morgan* (I. L. R. 6 Calc 633) that the clause does not apply. It is very rare indeed to find in any business, whether carried on by Europeans or Natives, that all the partners are resident, and, this being so, the ruling referred to has in a large majority of cases the effect to a great extent of nullifying the possession, order or disposition clause, which is a very useful position to be maintained in the interests of the creditors generally of a bankrupt estate. My Committee would therefore suggest that sub-section (3) of section 38 of the draft Bill should be amended in a way to meet the difficulty which the decision in *Gubboy* in *re Morgan* has raised. Possibly section 102 of the Bill, which provides that a creditor of a firm may proceed in bankruptcy against the firm in the name in which it carries on business, may in the case of some of the acts of bankruptcy specified in section 30 of the Bill get over the difficulty which has been pointed out. But the matter is doubtful, and the question is one of such great importance that my Committee consider the doubt should be removed as far as possible.

My Committee cannot accept the suggestion made in section 88 that any of the functions of a Court of Bankruptcy should be delegated to a Small Cause Court Judge. The Small Cause Court is a Court of summary jurisdiction. Its files are overloaded with business, and to transfer to it insolvency business would alter the character of the Court, establish direct insolvency jurisdictions in the Presidency-towns, and prove an inconvenience instead of a convenience to the public. The preferable course would be to follow existing precedents and provide for the appointment of a Registrar of the Bankruptcy Court. The work could not be imposed upon the Registrar of the High Court, for the officer is in the Calcutta High Court already overburdened with business. A Registrar of the Bankruptcy Court might have delegated to him duties similar to those performed by Registrars in Bankruptcy at Home. He might also perform the functions which under the English Bankruptcy Act are fulfilled by the Board of Trade.

It would probably be found a convenience if affidavits which have to be made in England and Scotland in cases of Indian bankruptcy should be sworn before the Permanent Commissioners already appointed by the Indian High Courts to take affidavits in those countries, and that affidavits sworn before such Commissioners should be admissible in bankruptcy proceedings in this country.

My Committee consider that a trustee appointed under section 20 should, unless good cause can be shown to the contrary, invariably be a creditor of the insolvent; such a trustee once appointed should only be removeable by order of the Court and upon cause shown. My Committee do not think it would further the ends of justice to allow a trustee, so far as his work is concerned, to be at the risk of disputes amongst the creditors. Besides, by making him removeable only by an order of Court, a greater directness of responsibility is obtained, and by so much a greater security for the interests of all concerned. Where a trustee is appointed my Committee

incline to think that he should liquidate the bankrupt's estate under the inspection of the Official Receiver, who in such a case would fulfil the functions of a Committee of Inspection.

Section 26 might be amended so as to give the Court power to order, according to the information elicited in the course of proceedings before it, to deliver over any money or property which that information might show to have been received from the insolvent as the result of a fraudulent preference, as also any property vested in him by a fraudulent settlement or which he appeared to hold *bénâmi* for the bankrupt.

Sub-section (5) of section 27 appears to have taken no account of the possibility of creditors residing out of India. In such a case the notice of 14 days provided by the sub-section would be insufficient. The sub-section might be so amended as to show clearly the distinction between English and Indian creditors as respects the notice.

In section 32 there is an omission. The section provides for accounts to be taken when there have been mutual dealings between a bankrupt and any other person, but does not state to whom the account shall be rendered.

Section 38 gives Rs. 200 as the value of the excepted articles. The existing Act gives Rs. 300 as the value of such articles, and my Committee do not see why this limit should not be maintained in the proposed Act.

My Committee would suggest that the time allowed under section 48 for a trustee to disclaim onerous property should be enlarged from two months to six months. The circumstances of India are in every way so different from those in England, and such great difficulty attaches to a proper ascertainment of the character of properties, that to limit the period of disclaimer under this section to two months only would, my Committee believe, seriously interfere with its working.

My Committee would make the permission vested by section 50 in the Committee of Inspection depend rather upon an order of the Court. The same remark applies to section 57.

Clause (2) of section 52 appears to overlook the radical differences between separate and joint estates. These differences ought to be acknowledged so far that the direction to declare dividends together should be amended and powers given to declare dividends separately.

It would facilitate business if the latter portion of clause (3) of section 64, from the words "The officer shall, &c.," to the words "duly sanctioned," were omitted. If a trustee or manager acts with the permission of the Court under sections 50 and 57, there is no need for him to take further sanction for the details dealt with in this sub-section, more especially as all charges incurred under this sub-section must be taxed.

Referring to section 65, my Committee would not recommend any interference with the existing system, by which bankruptcy estates accounts are kept in the name of the Official Assignee and audited by Government officials who submit half-yearly reports on such audit to the High Court. The like remark applies to section 67, clause (1).

In section 94, which gives the Court power to change the carriage of proceedings, my Committee would include besides any other creditors the trustee or the Official Receiver as persons who might be substituted to carry on the proceedings.

In section 103, clause (b), my Committee can see no reason for making the action of the Official Receiver depend upon the "permission of the Court," and would recommend that those words be omitted.

My Committee would add to the offences punishable under section 105 of the Bill the following:—failing to give proper assistance in realising his assets; procuring or assisting to raise a fraudulent claim against the assets of the estate; improperly interfering with the realisation of the assets; fraudulently making away with property; doing that which might result in preventing the disposal of the property at its proper value; showing a fraudulent preference to any creditor or entering into any composition with any creditor; inducing any creditor by an improper preference or otherwise to neglect or delay to proceed with a petition, or to agree to the discharge of the bankrupt.

My Committee cannot approve of the transfer of offences provided for in section 110, and would prefer that the Bankruptcy Court should itself deal with offences under the Bankruptcy Act.

The wording of section 113, providing for the exclusion of partnerships and companies, should be made more clear. As it stands it might be objected that it excludes ordinary business partnerships from the operation of the Act, which is against the present practice as well as against the spirit of the draft Act itself.

My Committee cannot see what utility will result from changing the designation of the "Official Assignee" to that of "Official Receiver". There is already an officer of the High Court known by this latter designation, and to retain the style "Official Receiver" would be to introduce something of confusion and to change a title thoroughly well known and comprehended.

In conclusion my Committee desire me to report their opinion that the draft Bill is an advance upon the existing Act. They would suggest that the legislature should consider the expediency of retaining Chapter XX of the Civil Procedure Code as regards the local limits of the Courts established under the bankruptcy law, and they would again urge that in the consideration of the draft Bill the utmost weight, and the most careful attention should be given to the points of difference between the circumstances of England and India.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 12, 1886.

☞ 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 referred to a Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886 :—

NO. 7 OF 1886.

A Bill to consolidate and amend the law relating to rent in Oudh.

NOTE.—*The 'marginal quotations' refer to portions of sections of the Oudh Rent Act omitted from the Bill.*

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the Oudh Rent Act, and shall extend only to Oudh. Short title and extent.

2. *Act XIX of 1868 is hereby repealed, but all notifications published and rules made under the repealed Act shall, so far as they are consistent with the present Act, be deemed to have been published and made hereunder.* Repeal of Act XIX of 1868.

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

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act : "Oudh."

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act : "Court."

The Oudh Rent Bill.

(Chapter I.—Preliminary.—Section 3.)

"Suit." "suit" means a suit under this Act:

"Assistant Commissioner" includes an Extra Assistant Commissioner:

"Assistant Commissioner."

"land" applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:

"Land."

"revenue" means the money payable to the Government on account of land:

"Revenue."

"rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, *or of any right in land*, or on account of the use of water for irrigation:

"Rent."

"proprietor" does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, "proprietor" means the holder of the superior right only:

"Proprietor."

"proprietary right" means a proprietor's right in land:

"Proprietary right."

"under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

"Under-proprietor."

"under-proprietary right" means an under-proprietor's right in land:

"Under-proprietary right."

"tenant" means any person, not being an under-proprietor, who is liable to pay rent. *In the following sections of this Act*, 7, 10, 13, 14, 15, 18, 19, 25, 38, 39, 40, 41, 42, 43, 43 (A), 83, 101, 111 *and* 116, *but in no others, the expression "tenant" shall be held to include a thikadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:*

"Tenant."

"landlord" means any person to whom an under-proprietor or tenant is liable to pay rent:

"Landlord."

"representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and

"Representative."

"lambardár" means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement:

"Lambardár."

"prescribed" means prescribed from time to time by the Local Government by rules made under this Act.

"Prescribed."

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 4-7.)

[Act VIII, 1885, section 178.]

4. *Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.*

Restrictions on exclusion of Act by agreement.

Nothing in any contract made between a landlord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them:

Provided that nothing in this section shall affect the terms or conditions of a lease granted bonâ fide *for the reclamation of waste land.*

CHATER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Tenants having a right of occupancy.

Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1866: provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856: provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

5. (*A*). *Nothing contained in section 5 shall be deemed to restrict the power of the landlord to confer on any persons other than those therein mentioned a right of occupancy in the lands which they hold or cultivate.*

Power to confer right of occupancy.

6. If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 87, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

Loss of right of occupancy.

Tenants' Right to Pattas.

7. Every tenant is entitled to receive from his landlord a *patta* or *memorandum of the terms of the holding, signed by him*

Tenant's right to a patta.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landholders, Under-proprietors and Tenants.—Sections 8-13.)

or his authorized agent, and containing the following particulars:—

the quantity of land and, where the fields comprised in the *patta* have been numbered in a Government survey, the number of each field:

the term for which the *tenancy is to run*:

the amount of rent payable:

the instalments in which and the times at which the same is to be paid:

and, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

[any special conditions of the lease:]

8. Tenants having a right of occupancy are entitled to receive *pattas* at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

Patta to which tenant having right of occupancy is entitled.

9. Tenants not having a right of occupancy are entitled to *pattas for the terms and at the rates prescribed in Chapter IV (B) of this Act.*

Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

10. Every landlord who grants a *patta* is entitled to receive from the tenant a counterpart executed by him.

Landlord entitled to counterpart.

II. *Vide* section 43 (A).

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

What to be deemed an arrear of revenue or rent.

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

Receipts.

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

Receipts for rent.

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 14-15.)

[having a right of occupancy, or holding under an unexpired lease or under an agreement or decree]

Deposit of Revenue or Rent in Court without Suit.

14. If any co-sharer, under-proprietor, or tenant [ ] shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Power to pay into Court, without suit brought, amount of revenue or rent due.

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the lambardár or landlord of the amount so deposited.

15. The Court shall receive such deposits on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor tenant or agent making a declaration in the form set forth in Schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Procedure on making and withdrawing such payment.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of sections 52 of the said Code shall apply to the person making the verification. XIV of 1882.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in Schedule B hereto annexed.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

Service of notice.

In the absence of any such agent, it may be served by putting up a copy of the same at the court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or, if there be no such place, at the place where the revenue or rent is usually paid to the lambardár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 16-19.)

16. Whenever a deposit has been made under the provisions of this Act, no suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Limitation of suits for balance of revenue or rent.

17. If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lambardár or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lambardár or landlord, not exceeding the amount so paid or tendered.

Compensation for non-acceptance of revenue or rent.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lambardár or landlord, and shall make a decree for the balance due by the depositor.

Illegal Enforcement of Payment of Rent.

18. If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

Abatement of Rent.

19. No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement or decree, under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor, unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 20-21 (A).)

[35 and 36]

[provided that if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate]

Remission of Rent.

20. Notwithstanding anything contained in section 19 [ ] the Court, in making a decree for an arrear of rent, may allow such remission form the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been *materially* diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed.

When Court may allow remission from rent.

Relinquishment of Land.

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth of *March* in any year he gives notice *in writing* to the landlord or his recognised agent of his desire to relinquish such land, and relinquishes it accordingly [ ].

Relinquishment of land by tenant.

[or unless it has been let to any other person by such landlord or agent]

If the landlord or his recognised agent refuse to receive such notice *or to sign and deliver a receipt for the same*, the tenant may, *before the latest date prescribed for giving such notice*, apply to the tahsíldár or proper officer, and written notice of such desire shall thereafter be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupal* or other conspicuous place in the village wherein the land is situate.

Act VIII, 1885, section 87.

21. (*A*). *If a tenant voluntarily abandons his holding without informing his landlord and without arranging for the cultivation of the holding, it shall be lawful for the landlord at any time after the fifteenth of May to enter on the holding. Before a landlord enters under this section, he shall file a notice in the prescribed form with the supervisor-kanúngo, stating that he has treated the holding as abandoned and is about to enter on it accordingly.*

Abandonment of holding.

When a landlord enters under this section, the tenant shall be entitled to institute a suit under section 88, clause 10, of this Act, to recover occupancy of the holding; and the Court shall, on being satisfied that the tenant did not voluntarily abandon his holding, order recovery of possession on such terms, if any, with respect

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 22-25.)

to compensation to persons injured and payment of arrears of rent as to the Court may seem just.

Compensations for Tenants' Improvements.

22. If any tenant, or the person from whom he has inherited, make any such improvements on the land in his occupation as are hereinafter mentioned, *neither he nor his representative shall* be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the [ ] improvements *made on the land* by him, or the person from whom he has inherited, or whom he represents [ ].

Tenant's right to compensation for improvements.

[outlay, in money or labour, or both, expended in making such]

[within thirty years next before the date of such enhancement or ejectment]

23. *Except as provided in the next following section, no tenant shall be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.*

Landlord's consent to tenant's improvement.

24. *If in any case the tenant apply to the landlord for his written consent to his making an improvement on his holding, and the landlord withhold or refuse to grant it, it shall be lawful for the tenant to apply to the Deputy Commissioner for sanction to make the improvement. The Deputy Commissioner, after taking into consideration any objections which the landlord may have to urge, either on the ground that—*

Reference to Deputy Commissioner when permission is refused.

(a) the improvement is too costly or is unsuitable to the nature of the tenant's holding, or that

(b) he is prepared to make such improvement himself,

shall grant sanction on such conditions as he may consider fair and equitable or refuse the application. No appeal shall lie against an order passed by the Deputy Commissioner under this section.

25. The word "improvements," as used in *this* Act, means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

"Improvements" defined.

1st.—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles, and other works of a like nature.

2nd.—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

The Oudh Rent Bill.

(Chapter III.—Commutation and Payment of Rent in kind.—Sections 25A-28.)

Principle on which compensation is to be estimated.

25 (A). *In estimating the compensation to which a tenant is entitled regard shall be had—*

Act VIII, 1885, section 83.

(a) to the amount by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;

(b) to the condition of the improvement and the probable duration of its effects;

(c) to the labour and capital required for the making of such an improvement;

(d) to any reduction or remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and

(e) in the case of a reclamation, or of the conversion of unirrigated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.

Modes in which compensation may be made.

25. (B) *When a Court has assessed the amount of the compensation due to a tenant under the last preceding section, it may, if both landlord and tenant desire that the compensation assessed, instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon between them.*

Ditto, clause 2.

Improvements by the landlord.

26. *A landlord shall be entitled to make any improvement of the nature specified in section 25 on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.*

A landlord who proposes to make an improvement shall, if the work is to be constructed in the holding of any tenant, give notice to the tenant through the tahsildár.

Survey and Measurement.

27. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

Lanlord's right to enter and measure lands.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case

Commutation of rents in kind.

The Oudh Rent Bill.

(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 30-32.)

in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

30. Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

Division or appraisement of produce taken for rent.

31. On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

Procedure in case of dispute.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

[The amount of rent thus fixed shall be binding upon the parties concerned.]

[All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.]

[**29.** The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress;

Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.

and may declare that officers are empowered to hear and decide cases under this section;

and may make rules for the guidance of officers acting under this section and section 28, and, from time to time, [with the like sanction] alter and add to the rules so made:

Provided that such rules, alterations and additions are consistent with this Act.]

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

32. No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent, except in pursuance of a decree made under this Act on some one of the following grounds (that is to say):—

Enhancement of rent of tenant with right of occupancy.

1st ground.—That the rate of rent paid by him is below the rate of rent usually paid, by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2nd ground.—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid, by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

The Oudh Rent Bill.

(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-35A)

Rule.—In this case the Court shall enchance his rent to such amount as the plaintiff demands, not exceeding such rate, less 12½ per cent.

3rd ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

33. After a decision has been passed in accordance with section 32 no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said 3rd ground, or, in the case referred to in section 34, until by re-assessment within the said term of five years the revenue of such land has been increased.

Term for re-enhancement after decision fixing rent under section 32.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

Enhancement on re-assessment of revenue.

B.—Other Tenants.

35. *Every tenant, not being a tenant with a right of occupancy, shall be entitled to retain possession of the holding occupied by him at the time of the passing of this Act at the rent then payable by him for a period of seven years from the date of the last change in his rent or of the last alteration in the area of the holding.*

Tenant in occupation at the passing of this Act: the conditions of his statutory tenancy.

35. *(A). Every such tenant hereafter admitted to the occupation of a holding shall be entitled to retain the same for a period of seven years from the date of his admission at a rent agreed upon with the landlord in accordance with the provisions of this Act; and every tenant, not being a tenant with a right of occupancy, in the area of whose holding or in the amount of whose rent any change shall be made by the landlord subsequently to the passing of this Act, shall be deemed to be admitted to the occupation of a holding within the meaning of this section.*

Tenant hereafter admitted: the conditions of his statutory tenancy.

Explanation.—Holding means a parcel or parcels of land held by a tenant and forming the subject of a

The Oudh Rent Bill.

(Capter IV.—Enhancement and fixing Rates of Rent.—Sections 36-36C.)

separate engagement. Such engagement may be express or implied.

36. *If the landlord desires to enhance the rent of the tenant on the expiration of the term of seven years referred to in sections 35 and 35 (A), or at any time thereafter, he shall cause a notice to that effect to be served in the manner prescribed in section 36B. Until such notice is issued, the tenant shall be entitled to hold at the former rent:*

Enhancement on expiration of statutory tenancy limited.

Provided—(a) that the enhancement shall in no case exceed one anna in the rupee or six and a quarter per cent. on the annual rent payable when the notice is issued;

(b) that the terms of this section shall not apply to a tenant paying rent in kind.

36. *(A). The notice shall be written in Hindi and Urdu; it shall specify the land, the amount of the present rent and the amount of the enhancement, and shall require the tenant, if he refuses to pay the enhancement, to vacate the land by the fifteenth day of May next following, or to institute a suit in the proper Court to contest the notice of enhancement within a month from the date on which it was served.*

Terms of the notice of enhancement.

36 *(B). On the application of the landlord to the tahsildár or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of February, and the landlord shall pay the cost of service.*

Service of the notice.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village chaupal or other conspicuous place in the village wherein the land is situate.

36 *(C). A tenant may institute a suit to contest his liability to enhancement on any of the following grounds:—*

Grounds on which tenant may contest his liability to enhancement.

1st—That he holds a lease or agreement or a decree of Court under the terms of which he is not liable to enhancement.

2nd—That he has a right of occupancy in the land.

3rd—That the enhancement claimed is in excess of the rate authorized by law.

4th—That seven years have not elapsed since the date of the last change in the rent or alteration of the area of the holding by the landlord.

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 36D-36J.)

5th — That the notice has not been served in the manner prescribed in section 36 B.

36 *(D). If the objection of the tenant is found by the Court to be invalid, or, if no suit has been instituted to contest the notice within a period of thirty days from the day on which it was served, on the expiration of such period, the tenant shall, if he retain possession of the land after the fifteenth day of May next following the date of service of the notice, be held liable for the enhanced rent.*

Tenant's liability for enhanced rent.

36 *(E). If the tenant accepts the enhanced rent claimed by the notice, or remains in possession of the land under the terms of the preceding section, he shall be entitled to hold the land at such rent for a further period of seven years.*

Commencement of a fresh statutory period.

36 *(F). If the tenant refuses to accept the enhancement claimed and vacates the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.*

Tenant's right to compensation for improvement if he vacates.

36 *(G). Except in the cases mentioned in the next following section, the rent of a tenant admitted to the occupation of any land the tenancy of which has determined according to the provisions of this Act shall not exceed by more than one anna in the rupee, or six and a quarter per cent., the rent payable by the tenant immediately preceding.*

Rent of tenant who succeeds to a vacant holding.

36 *(H).—The rent of a tenant admitted to the occupation of any land the tenancy of which has ceased in consequence of the death of a previous tenant, or of the ejectment of a thikadár or mortgagee from lands of which he has taken cultivating possession during the period of his thika or mortgage, shall be such amount as may be agreed upon between him and the landlord.*

Rent of tenant who succeeds to a holding vacated by the death of the previous tenant.

36 *(I). The heir of a tenant who dies during the currency of the tenancy shall have the right to retain occupation of the land at the rent payable by the deceased for the unexpired portion of the period for which the deceased tenant might have held without liability to enhancement or ejectment, and to receive compensation under the provisions of this Act for improvements, if any, effected on the holding by himself or his predecessor in interest, but shall have no right to a renewal of the tenancy or to compensation for disturbance.*

Rights of the heir of a deceased tenant.

36 *(J). Notwithstanding anything contained in the preceding sections, the Local Government shall have power to vary, from time*

Local Government may vary the limit of enhancement of rent.

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(*Chapter V.—Ejectment.—Sections 36K-38A.*)

to time, within periods of not less than seven years, the limits of the enchancement to which tenants, not having rights of occupancy, are liable.

Enchancement of rent for improvements effected by landlord.

36 (*K*). *Nothing in the preceding sections shall bar the right of a landlord to an enchancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement effected by, or at the expense of, the landlord during the currency of the tenancy.*

Where an enchancement is claimed on the ground of such an improvement, the Court in determining the amount of such enchancement shall have regard to—

firstly—the increase in the productive powers in the land caused, or likely to be caused, by the improvement;

secondly—to the cost of the improvement;

thirdly—to the cost of the cultivation required for the utilising of the improvement.

CHAPTER V.

EJECTMENT.

Tenants with Right of Occupancy.

Ejectment of tenant having a right of occupancy.

37. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment:

[Act XIX, 1868, section 41.]

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

Other Tenants.

Ejectment of tenant not having a right of occupancy.

38. A tenant not having a right of occupancy, and not holding under an unexpired lease, or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act: *first*, in execution of a decree for [ ] ejectment *under section 43A or by application under section 43; or, second*, by notice given by his landlord in the manner described in *the next following sections.*

[Act XIX, 1868, section 42.]

[arrears of rent or for]

Compensation for disturbance.

38(*A*). *A landlord who desires to eject a tenant on the expiration of his tenancy may issue a notice of ejectment on such tenant, but shall deposit with the notice in the hands of the officer authorized to serve the notice a sum equal to the rent payable by the tenant for the year immediately preceding as compensation for disturbance.*

In the case of a tenant paying rent in kind the amount of compensation to be deposited under this section shall be a sum equal to the average annual value of the produce paid as rent during the preceding three years.

Provided that no such compensation shall be payable to a tenant in respect of so much of his holding as he has sub-let without the consent of the landlord, or in the cases provided for by sections 36 (1), 43 and 43 (A).

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(*Chapter V.—Ejectment.—Sections 39-40.*)

[Act XIX, 1868, section 43.]

Notice of ejectment of tenant not having right of occupancy.

39. The notice mentioned in section 38 A shall be written in Hindi and in Urdu; it shall specify the land from which the tenant is to be ejected; and it shall inform him that he must either (*a*), if he means to dispute the ejectment, institute a suit for that purpose *within thirty days from the date of* the service of the notice, or (*b*) vacate the land on or before *the fifteenth of May next following.*

On the application of the landlord to the tahsíldár or officer authorised to serve such notices, the notice shall be served by such officer on or before the fifteenth day of *November*, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chaupal* or other conspicuous place in the village wherein the land is situate.

[Act XIX, 1868, section 37.]

Grounds on which tenant may contest liability to ejectment.

40. A tenant *on whom a notice has been served under section 39* may contest his liability to be ejected from the land *specified therein* on any of the following grounds:—

1st—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment.

2nd—That he has a right of occupancy in the land.

3rd—If he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 39.

4th—That seven years have not elapsed since the date of the last change of rent or alteration of the area of the holding.

5th—That he is entitled to compensation for disturbance, and that the landlord has not deposited the sum required by this Act.

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(Chapter V.—Ejectment.—Sections 40A-43.)

Explanation.—A thikádár is not entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

Compensation for improvements, if any, to be claimed.

40 (A). *If the tenant has any claim for compensation for improvements effected by him on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.*

Determination of the claim directed.

40 (B). *If the Court finds the objections of the tenant to be invalid, it shall determine the amount of the compensation, if any, due for improvements, and shall declare the ejectment to be conditional on payment of that amount into Court.*

[Act XIX, 1868, section 44.]

If notice is not contested, tenancy to be held to cease.

41. If the tenant on whom such notice of ejectment has been served fails, *within thirty days from the date of* the service, to institute a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on *the fifteenth of May next following*, unless, after the service, the landlord has expressly authorised him to continue to occupy the land.

[Ditto, section 45.]

When assistance to eject may be given by Court.

42. If no such suit be brought, *or if a suit has been brought and determined adversely to the tenant*, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased [ ], he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, *and that any compensation for improvements and disturbance, which may be due to the tenant, has been paid into Court or to the proper officer*, it shall give such assistance accordingly :

[under the provisions of section 41]

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

[Act XIX, 1881, section 35.]

Ejectment for arrears of rent.

43. *If a landlord desires to eject a tenant, not being a tenant with a right of occupancy, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the first of April of the year in which the arrears accrued, apply to the Deputy Commissioner to eject the tenant. The Deputy Commissioner shall, on receiving the application, cause a notice to be served on the tenant, stating the amount due under the decree and informing him that, if he does not pay that amount into Court within fifteen days from the receipt of the notice, he will be ejected from his holding.*

If the amount be not so paid, the Deputy Commissioner shall, unless good cause be shown to the contrary, eject the tenant.

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(Chapter V.—Ejectment.—Sections 43A-46 A.)

[Act VIII, 1885, section 25.]

Decree for ejectment.

43 (A). *A decree for ejectment may be passed against a tenant on the ground—*

(a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy ; or,

(b) where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding.

The tenant shall continue liable for the rent of the land until the decree is executed.

General.

Time of ejectment of tenant.

44. No tenant [except a sub-lessor] shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act [ ].

[Act XIX, 1868, section 38.]

Time of ejectment of thikadár.

45. A *thikadár* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

[unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it]

[Act XIX, 1868, section 39.]

Compensation to ejected tenant for growing crops.

46. Any tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejectment :

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 39, he shall not be so entitled, unless, after such service, the landlord has expressly authorised him to continue to occupy the land.

Sír Lands.

Sír lands.

46 (A). *The rights conferred upon tenants by sections 24, 35, 35(A), 36, 36(E), 36(F), 36(G), 36(I) and 38(A) shall not accrue to cultivators of any of the following lands :—*

(a) Land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sír in the distribution of proprietary profits and charges. This condition shall be presumed, until the contrary is proved, where land was recorded as sír at settlement and has been continuously so recorded since :

(b) Land which for the seven years immediately preceding the passing of this Act has been continuously cultivated

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(Chapter VI.—Distress for Arrears of Rent.—Sections 46B-50.)

by the proprietor himself or by his servants or by hired labour.

46 *(B). A person holding land as a thikadár or mortgagee shall not, while so holding, acquire any of the rights enumerated in the preceding section in any of the land comprised in his thika or mortgage.*

Explanation.—A person having such rights in land does not lose them by subsequently taking a thika or mortgage in which his holding is comprised.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

47. When an arrear of rent is due from any tenant, the landlord may distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:

Recovery of arrears of rent by distress.

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable shall not be liable to distress so long as the security is in force.

Proviso as to tenants who have given security for payment of rent.

48. Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

No distress in certain cases.

49. The power of distress vested by section 47 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsíldárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney to distrain:

Power of distress by whom exercisable.

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

Liability of principal of agent.

50. Any person empowered to distrain property under section 47 or section 49 may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Distress by servants.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 51-54.)

51. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with powers of distress under this Act.

Crops liable to distress.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

52. Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Demand of arrear before or at time of distress.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

53. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

Value of distress.

Service of list of property to be distrained.

54. Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

Reaping and storing standing crops when distrained.

If the tenant neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

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(Chapter VI.—Distress from Arrears of Rent.—Sections 55-59.)

55. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

56. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tender payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

57. Within five days from the time of storing any distrained crops or products, or, if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Application for sale.

58. The application shall be in writing; it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

Form of application.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

59. Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

Procedure on receipt of application.

The officer shall at the same time send to the Court, for the purpose of being put up at the court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 60-64.)

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

Suspension of sale on institution of suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

61. Any person whose property has been distrained as aforesaid may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

Suit to contest distrainer's demand.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

62. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

Withdrawal of distress on execution of bond.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

63. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Proceeding with sale, if, on expiration of time fixed, no suit is instituted.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the

Place and manner of sale.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 65-69.)

proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale where fair price is not offered.

65. If, on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

Payment of purchase-money.

66. The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment the property shall be put up again and re-sold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

Proceeds of sale.

67. The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

Officers holding sales not to purchase.

68. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

Illegal acts of distrainer to be reported.

69. The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and

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(Chapter VI.—Distress for Arrears of Rent.—Sections 70-72.)

intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

Recovery of expenses if no sale takes place.

70. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property:

Provided that in no case shall an amount exceeding ten rupees be recoverable under this section.

Second proclamation of sale when arrears are disputed by tenant.

71. When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with cost of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

Distrainer to prove the arrear in suits to contest his demand;

72. In all suits instituted to contest a distrainer's demand the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71,

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and if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

73. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Compensation for vexatious distress.

74. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Suit by third party claiming property distrained.

75. When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Release on giving security.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

Order if claim dismissed.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

Compensation for distress of stranger's property.

76. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

77. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such

Stranger claiming to be landlord and to have right of distress to be made a party.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 78-80.)

arrear is claimed by or on behalf of any person other than the distrainer on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made by a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of such inquiry:

Provided that the decision of the Court shall not affect the right of any person having a title to the rent or land to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

78. Any person whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

Suit for illegal distress.

79. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

Suit for illegal act of distrainer.

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

80. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling for any injury which the plaintiff has sustained from the distress or sale.

Suit for distress or sale falsely purporting to be under this Act.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

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(Chapter VII.—Jurisdiction of the Courts.—Sections 81-83.)

81. If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

Procedure in case of resistance to distress.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

82. If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

Punishment of offender.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

83. *No Courts other than* Courts of Revenue in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts *of Revenue* in the manner provided in this Act, and not otherwise:—

Suits cognizable under this Act.

A.—Suits by a Landlord.

(1.)—For the delivery by a tenant of the counterpart of a *patta* under section 10;

(2.)—For arrears of rent;

(3.)—For the enhancement of the rent of a tenant [ ];

(4.)—For the ejectment of a tenant [ ];

[having a right of occupancy]

[or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease]

(5.)—Suits by landlords aginst patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such patwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

B.—Suits by an Under-Proprietor or a Tenant.

(6.)—For establishing a right of occupancy;

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(Chapter VII.—Jurisdiction of the Courts.—Section 83.)

(7.)—For the delivery by a landlord of a *patta*;

(8.)—For contesting a notice of ejectment;

(9.)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent, due,

or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46,

or on account of loss arising for the making of improvements under section 26;

(10.)—For the recovery of the occupancy of any land of which an under-proprietor or tenant *has been dispossessed or from which he* has been illegally ejected by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement for rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22.

C.—Suits regarding the Division or Appraisement of Produce.

(14.)—Suits under section 31, regarding the division, estimate or appraisement of the produce of land.

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs.

(15.)—Suits by a sharer against a lambardár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lambardár or pattidár who is entitled to collect the rents of the patti, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lambardár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lambardár for compensation for revenue or rent paid by such lambardár on account of such joint lambardár;

(17.)—Suits by co-sharers against lambardárs, or by proprietors or lessees against muafidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muafidárs or assignees of revenue for arrears of revenue.

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(*Chaper VII.—Jurisdiction of the Courts.—Sections 84-91.*)

Grades of Courts.

Grades of Courts for the purposes of this Act.

84. For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

(1.)—The Court of the Assistant Collector of the second class;

(2.)—The Court of the Assistant Collector of the first class;

(3.)—The Court of the Deputy Collector;

(4.)—The Court of the Collector;

(5.)—The Court of the Commissioner;

(6.)—The Court of the Judicial Commissioner.

Chief Commissioner may declare grade of Tahsildár or Assistant Commissioner.

85 The Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsildár with the powers of any of the same grades.

Deputy Commissioner to have Collector's powers.

86. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Settlement-officers may be invested with powers of Collector, &c., under this Act.

87. The Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

Jurisdiction of Assistant Collector of the second class.

83. The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 83, of which the subject matter does not exceed one hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the first class.

89. The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

Jurisdiction of Deputy Collector.

90. The Court of the Deputy Collector shall have power to try and determine suits of every description of which the subject-matter does not exceed five thousand rupees in value or amount.

Jurisdiction of Collector.

91. The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the orders of the Assistant Collectors, and, in suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, from such decisions and orders of the Deputy Collectors.

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(*Chapter VII.—Jurisdiction of the Courts.—Sections 92-95.*)

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, *and with the powers of a Deputy Commissioner to hear applications under sections 24 and 43*, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

92. The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91 and 95 [ ].

[and 102]

XIV of 1882.

Jurisdiction of Judicial Commissioner.

93. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also *second* appeals, as provided in the said Code, from the decisions passed in *first* appeal by the Collectors and by the Commissioners.

XIV of 1882.

Appeals.

Time for presenting appeals.

94. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Judicial Commissioner.

XIV of 1882.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Second appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for the presentation of *first appeals*.

No appeals, except in certain cases, from Collector's decree for money below one hundred rupees.

95. In suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Col-

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(Chapter VII.—Jurisdiction of the Courts.—Sections 96-99.)

lector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

Distribution of Business.

96. The Deputy Commissioner may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Deputy Commissioner may distribute business in subordinate Courts.

Transfer of Suits and Appeals.

97. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

Withdrawal or reference of appeals.

98. The Judicial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

Judicial Commissioner may transfer suits and appeals from one subordinate Court to another.

Miscellaneous.

99. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Chief Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

General subordination of Courts.

Provided that nothing in this section shall empower the Chief Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

Proviso.

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(Chapter VIII.—Limitation of Suits.—Sections 100-106.)

100. All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsíldárs of estates held under khám management, whether such estates are the property of Government or not.

Suits by or against managing agents or tahsíldárs of khám estates.

101. No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

Sharer to exercise certain powers only through manager or lambardár.

In pattidári estates or tenures such powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

102. *Any person in possession of land occupied without consent of the landlord shall be liable for the rent of such land at the rate payable in the previous year, or, if no rent was payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of such land have any of the statutory privileges conferred by this Act.*

Rents payable on land occupied without consent of the landlord.

103. The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Courts may sit any where within limits of their jurisdiction.

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

CHAPTER VIII.

LIMITATION OF SUITS.

104. Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

General limitation.

105. Suits for the delivery of pattas or the counterparts of pattas may be instituted at any time during the tenancy.

Suits for delivery of leases or counterparts.

106. Suits for the recovery of arrears of rent of revenue or of a share of profits shall, except in the case mentioned in

Suits for arrears of rent or revenue or share of profits.

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(*Chapter IX.—Procedure.—Sections 107-110.*)

section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

Suits against agent's for money, or delivery of accounts or papers.

107. Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits regarding distress, division of produce, &c.

108. Suits regarding distress under section 74, 78, 79 or 80, and suits regarding the division, estimate or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

CHAPTER IX.

PROCEDURE.

Civil Procedure Code to be the procedure under this Act.

XIV of 1882. **109.** The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act.

Particulars to be added to plaint.

110. In addition to the particulars required by section 50 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

1st.—The name of the village or estate, and of the parganá in which the land to which the suit relates is situate;

2nd.—If the suit be for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

3rd.—If the suit be for recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

4th.—If the suit be for the delivery of a *patta* or the counterpart of a *patta*, the plaint shall specify all the particulars mentioned in section 7.

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(*Chapter IX.—Procedure.—Sections 111-117.*)

Third person claiming rent to be made a party.

111. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent, by him or the person through whom he claims shall be inquired into, and the suit shall be decided according to the result of such inquiry:

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal.

112. In all suits under *clauses (1), (2), (7), (10) and (11) of section 83 of* this Act, the summons to the defendant shall be for the final disposal of the suit.

Set-off in suits for arrears of rent.

113. In a suit to recover an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

Defendant may pay money into Court.

114. In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

Procedure for balance where defendant pays less than amount claimed.

115. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

[Dismissal of suit for lease or counterpart, in absence of written evidence of agreement.

116. If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.]

Collector may make local inquiry.

117. The local inquiry described in section 393 of the Code of Civil Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer. XIV of 1882.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall

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(Chapter IX.—Procedure.—Sections 118-123.)

record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

As to Decree.

118. No process of execution shall be issued on a decree under this Act *when the application for the issue of such process is made* after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts.

Time within which execution may be had.

119. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 256 of *the Code of Civil Procedure*.

Immediate execution of decree.

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120. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which such enhancement shall take effect.

Decree for enhancement to state date from which it is to take effect.

121. If the decree be for the delivery of papers or accounts, it may be enforced by the imprisonment in the civil jail of the party against whom it is made or by the attachment of his property, or by both imprisonment and attachment.

Enforcement of decree for delivery of papers or accounts.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided that no person shall be imprisoned under this section for a longer period than six months.

122. A decree for the delivery of a *patta* or of the counterpart of a *patta* shall specify all the particulars mentioned in section 7, and such other particulars *in accordance with the provisions of this Act* as to the Court seem fit.

Decrees for lease or counterpart to specify particulars.

123. If the decree be for the delivery of a *patta* or the counterpart of a *patta*, and the party ordered to deliver such *patta* or counterpart neglects or refuses so to do, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and such *patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Court after decree may grant lease or counterpart, in case of defendant's refusal.

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(Chapter X.—General.—Sections 124-129.)

124. If the decree be for money, no process in execution shall issue against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree.

Sale of under-proprietary right in execution of decree for arrear of rent.

[Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.]

Appointment of Deputy Commissioner as manager.

126. No beneficial lease or other incumbrance hereafter created on his tenure by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

Registration of incumbrance created by under-proprietor.

127. When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

Proprietor's lien for rent payable by under-proprietor.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

Right of pre-emption at execution-sale.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

CHAPTER X.

GENERAL.

129. *The Local Government, on being satisfied that any estate is suffering from grave mismanagement to an extent which has,*

General powers reserved to the Local Government.

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(Chapter X.—General.—Sections 130-132.—Schedule A.)

since the first of January, 1886, materially deteriorated the condition of the tenantry, or diminished the area of cultivation, may, with the previous sanction of the Governor General in Council, appoint an officer for the revision of the rents of the estate and their authoritative settlement for a period not exceeding ten years.

130. *Notwithstanding anything contained in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom sections 35 and 35(A) of this Act apply shall be deemed good and valid without the same being registered.*

Registration of statutory pattas unnecessary.

III of 1877.

131. *The provisions of sections 4, 35, 35(A), 36, 36(A), 36(B), 36(C), 36(D), 36(E), 36(F), 36(G), 36(I), and 38(A) shall not extend to the areas specified in Schedule D attached to this Act, but the Local Government may hereafter, from time to time, by a notification published in the official Gazette, extend these provisions, or any of them, to any area hereby excluded.*

Exclusion of specified areas from certain provisions of the Act.

132. *The Local Government may, from time to time, make rules consistent with this Act for the guidance of all persons in matters connected with the enforcement of this Act.*

[Act XII, 1881, section 211.]

Power to make rules.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

SCHEDULE A.*

(See section 15.)

I, *A. B.*, of , &c., solemnly declare that I did personally [or by my agent *C. D.*] on the day of tender payment to *E. F.* at (the place where the rent of the lands at , held [*or* cultivated] by me under *or* from *or* jointly with] the said *E. F.* is usually payable) of the sum of rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the said sum so tendered [*or* to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said *E. F.* no further sum on account of the rent of the said lands.

I, the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

If this declaration is made by an agent, it must be altered accordingly.

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(Schedule B.—Schedule C.—Schedule D.)

SCHEDULE B.*

(See section 15.)

Court of the of . Dated the day of 18 .

To *E.F.*, of , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 59.)

Office of , officer appointed to sell distrained property.

A. B.—*Distrainer.*

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you hereby are required either to pay the said sum to the said *A. B.* or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 188 .

SCHEDULE D.

(See section 181.)

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* This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill, which has been prepared by the Government of the North-Western Provinces and Oudh, is to secure to tenants in Oudh some protection against arbitrary eviction from their holdings and enhancement of their rents, and to place on a clear footing their right to make improvements on their holdings and to receive compensation for improvements so made. Under the law as it stands they are absolutely unprotected against enhancement and eviction, provided that the landlord observes certain easy formalities in raising rents or in issuing his notices of ejectment. Every field in a tenant's holding can be shifted on the close of each agricultural year at the will of his landlord, and there is no limit to the rise of rents.

The Census Statistics show that the pressure of the population on the land in Oudh is very great, being 470 to the square mile, and the large number of notices of ejectment annually issued and their steady increase from 23,600 in 1876 to 90,200 in 1882 afford reason for believing that they are used as instruments for the undue enhancement of rent. Enquiry has shown that this belief is not unfounded, and that the effect of the existing law on a population dependent mainly on agriculture for its subsistence must lead at no distant date to the deterioration of agricultural industry and the impoverishment and degradation of the bulk of the people.

It is not proposed to introduce a system of heritable occupancy-right acquired by prescription, such as prevails in the North-Western Provinces, but to accept contract as the basis on which transactions between landlord and tenant are to be regulated. The tenant, however, who has no other means of subsistence open to him, is no match for the landlord in a thickly populated agricultural province, and with a view to place the parties on more equal terms the Bill imposes the following restrictions on free contract between them.

Sitting tenants may hold the land they at present occupy at the rent now paid from the date of the last change in their rent or in the area of the holdings.

The enhancement of rent permissible at the expiry of each statutory period is to be limited to 6¼ per cent., or one anna in the rupee, on the current rental; the sitting tenant to have the equity of renewal at rent within that limit.

At the end of that period it is proposed to allow the landlord to enhance the rent of the sitting tenant to such sum as he and the tenant may agree upon within a limit of one anna in the rupee, or 6¼ per cent., on the rent previously paid.

At any time after the expiration of the statutory period a landlord who has not made terms with the sitting tenant may proceed either by notice of enhancement or by notice of ejectment at his discretion. If he proceeds by notice of enhancement the enhancement must be within the limit above given. If the tenant accepts, a new period begins. If the tenant refuses the proposed enhancement, the holding will become vacant, but no higher rent can be recovered from the next tenant than 6¼ per cent. above the old rent on the same holding. If the landlord proceeds by ejectment, leaving the tenant no option of re-entry, compensation for disturbance will be given up to one year's rent at the rate last paid, and the limitation of 6¼ per cent. will apply to the rent recoverable from the next tenant. In both cases tenants will be entitled to receive before dispossession any compensation due to them for improvements. The right of renewal is to be personal to the tenant in occupancy. On the death of a tenant in occupancy his heir will be entitled to hold on, on the same terms, to the expiration of the statutory period enjoyable by his predecessor, but must then, should the landlord so wish, vacate the holding on payment of the compensation for improvements found to be due to him.

These provisions are experimental, and power is therefore given to the Local Government from time to time, within periods of not less than seven years in any district or part of a district, to vary the limit of enhancement. Although there has been a considerable rise of prices in the past fifteen years, the rise may not continue at the same rate, and in that case the limit of 6¼ per cent. might be unfair to the tenant. In other cases the limitation might conceivably operate to the prejudice of the landlord.

The condition in the taluqdár's sanad—that he will promote the agricultural prosperity of his estate—is so vaguely worded as to leave the Government and the taluqdár alike uncertain as to the grounds on which Government should interfere between him and his tenantry. To put the matter beyond doubt power is given to Government to step in when it is satisfied that an estate is suffering from grave mismanagement, which has since the present year materially deteriorated the condition of the tenantry or diminished the area of the cultivation. The exercise of this power is subject to the previous sanction of the Governor General in Council, and the consequences of it are not the forfeiture of the estate, but an authoritative settlement of rents for ten years.

A similar power of settling rents was conferred in the Bengal Tenancy Act of 1885, the Local Government being authorized to interfere in the interests of public order or of the local welfare.

The detailed reasons for the alterations in the present Act necessary to carry out these proposals will be found in the annexed letter from the Local Government.

The 29th January, 1886. J. W. QUINTON.

No. $\frac{177}{208\text{-}11}$ R. OF 1886.

From

J. WOODBURN, ESQ., SECRETARY TO GOVT, N.-W. P. AND OUDH,
IN THE OUDH REVENUE DEPARTMENT,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

Dated Allahabad, the 15th January, 1886.

IN compliance with the request conveyed in your letter No. $\frac{823}{135\text{-}5}$ (Revenue), dated the 9th ultimo, I am directed to submit a draft Bill to amend the Oudh Rent Law.

2. The general principles on which the Lieutenant-Governor and Chief Commissioner proposes to amend the Rent Law in Oudh are fully detailed and explained in the letters of this Government, No. 3939 of the 21st December, 1883, and No. 723 of the 12th May, 1884. In this letter submitting the draft Bill it seems sufficient to explain the reasons which have led to the various minor alterations of the present Rent Act.

3. The Bill takes the form of a revised edition of the existing Act. It is very probable that in phraseology and arrangement Act XIX of 1868 might be greatly improved; but it is only in Chapters IV and V that any material change is needed to give effect to the several proposals which have been made by the Lieutenant-Governor. And since the Act is well understood by and familiar to the Rent Courts and the people, it appears advisable to make no more alterations of it than are necessary to a clear and correct statement of the principles which are hereafter to govern the relations of landlord and tenant. But the opportunity has been taken to remove any difficulties that have been found by the Courts in interpreting certain other parts of the existing law. Additions to existing sections of the Act and all new sections are printed in italics; and any portions of existing sections which it is proposed to omit have been printed marginally in brackets.

4. I am now to proceed to a specific statement of the alterations made in the Act.

5. Section 2 repeals Act XIX of 1868, but maintains such notifications and rules made under it as are consistent with the new Act.

6. In section 3 a clause has been added to the definition of "rent," to make it quite clear that the word covers the rent of an under-proprietor who may not be personally in the use or occupation of the land in his tenure. A clause has been added to the definition of "tenant," to show what portions of the Act are applicable to a thikadár. A collector of rents should acquire none of the statutory privileges of a cultivating tenant, but is a tenant of the lessor for many purposes. A definition of "prescribed" has been inserted, which is taken from the Bengal Tenancy Act, 1885.

7. Section 4 is substituted for the corresponding section of the present Act. It is necessary to provide that no contract before or after the passing of the Act shall deprive a tenant of that protection against enhancement and ejectment which it is the special object of the new law to give. The Lieutenant-Governor has decided, after careful consideration of the point, not to recommend that the new law shall be so framed as to prohibit the execution of any special agreement which shall give a tenant a longer occupancy than the statutory period of seven years; but it is essential that agreements for any shorter term shall be barred, and I am to ask that this point may receive particular attention when the draft is examined. The proposal is that the occupation of a holding may be settled between landlord and tenant for a longer period than seven years by agreement, but that no contract shall defeat the statutory limit of enhancement. He is unwilling to interfere more than is absolutely necessary with any existing contracts; and where the terms of any pattas at present in force exclude the tenant from making improvements or claiming compensation for such as he may have already made, he would not set the contract aside. So far as the Lieutenant-Governor's information goes, the number of such contracts is not great, while in many such cases it may be presumed that the improvements will have been made upon special terms and conditions.

8. As regards clearing leases the Lieutenant-Governor is of opinion that they must be left to be arranged by landlord and tenant without interference by the State. The conditions under which they are taken vary considerably in different parts of the country, and are in fact effectively controlled by local circumstances and local custom. A proviso has accordingly been added to this section, the terms of which have been taken from the first proviso to section 178 of the Bengal Tenancy Act.

9. Section 5 (A), empowering a landlord to confer occupancy-rights, has been inserted in accordance with the wish of His Excellency the Governor General in Council, as conveyed in paragraph 15 of your letter No. 252R., dated 12th April, 1884.

10. In section 7 of the present Act the word "lease" is used for the written memorandum of the terms of a tenant's holding. It is scarcely applicable to the record of the terms of a holding conferred by Statute, and the Lieutenant-Governor would prefer to use the word "patta." It is again inconsistent with a statutory tenure that the record of it should contain any conditions except those imposed by the Statute, and the clause of the present section 7, authorising the entry in the patta of any special conditions of the lease, should be omitted.

11. Section 11 of the present Act authorises the cancelment of a lease by decree. It seems desirable that the whole of the provisions in regard to the determination of tenancies should be placed together, and this section, with the material alterations which will be subsequently explained, has been transferred to the chapter on ejectments as 43(A).

12. Section 20 of the Rent Act contains the provincial rule regarding the remission of rent, where it is proved to the Rent Court that from unforeseen calamity the tenant is unable to pay the entire demand. A proviso is attached to the section, which prevents a tenant with a five years' lease from claiming the benefits of this section. If this proviso were retained under the amended Act, which is to give all tenants a statutory occupancy for seven years, the effect would be to nullify the section altogether. The question is, therefore, whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section shall stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackle it with an awkward and hardly logical condition. The corresponding provisions of the rent law in the North-Western Provinces are contained in section 23 of Act XII of 1881 and the rules which have been prepared under it. When the crops have been injured by hail or drought in a village of the North-Western Provinces, the Collector has to apply for a remission of revenue before he can move in the matter of rents; and when that is obtained he enforces a remission of rents, equivalent to double the remission of revenue, by a process which is not always very well adjusted or duly proportioned. There is by law no similar rule in Oudh. Neither in the Revenue nor in the Rent Acts is any authority given to the Deputy Commissioner to carry on, distribute and enforce among the rents of the tenantry the remission which has been made in the landlord's revenue. It is true that under circular orders, issued administratively (of which an extract is given in the footnote), Deputy Commissioners have insisted on remissions of rent as a consequence of remissions of revenue; and the Lieutenant-Governor is not prepared at once to cancel those instructions. Nevertheless, when it comes to framing legal provisions, he would prefer to leave, at any rate experimentally, the adjustment of rent abatements between landlord and tenant as much as possible to the parties concerned, subject only to a Judge's discretion in extraordinary cases. The fact of the revenue remission is perfectly well known, and any tenant who is pressed to pay upon crops that have been seriously damaged has only to demur to the demand and let his claim to relaxation of the rent be considered by the Rent Court. So long as a tenant was liable to summary and arbitrary ejectment, undue pressure for the payment of rent could no doubt be made; but now that all tenants will be protected in the occupation of their holdings, the Lieutenant-Governor considers that with an appeal to the Rent Court, such as is given by section 20, they may be left to make their own arrangements with their landlords on such occasions as those contemplated by the section.

13. The proviso in section 20 is to some extent based on a distrust of the Courts, since they might exercise the power without sufficient cause, and hamper the landlord by remissions of rent for which he has received no compensating remission of revenue. The landlord, however, has always the remedy of appeal from a decree which he considers unfair, and if the case can be supposed possible of calamity so considerable as to justify large remissions of rent by the Court, although no previous remission of revenue had been given, no Deputy Commissioner would refuse to recommend a corresponding remission of revenue. There is again the risk that the Courts might force remissions of revenue by giving remissions of rent; but it must be assumed that the Courts will proceed with due care and upon sufficient evidence in remitting rents, while in Oudh they are likely always to keep in view the effect of their decrees upon the revenue. Moreover, a landlord is certain to contest any unfair reduction of his rent-demand; for a remission of revenue is never sufficient to compensate him, and his appeal is to the Commissioner or Deputy Commissioner, who is directly concerned with the collection of revenue. The Lieutenant-Governor recommends, therefore, that the section be maintained with the omission of the proviso. The draft proposes to insert "materially" before "diminished", to indicate to the Courts that remission is not to be given for any but considerable loss.

Any landlord who receives a remission of Government revenue will be bound, in proportion to the extent of the remission, not to take, either through himself or through a lessee, and to restore if he has so taken, rent for the crop on account of which the remission is granted.—(*From Circular Orders of 7th January, 1878.*)

14. Sections 35 and 36 of the present Act will be entirely superseded, and the reference to them in section 20 may be excised.

15. In section 21 (relinquishment of the holding) the last clause of the first sentence may be omitted. The Lieutenant-Governor wishes to make a distinction between relinquishment and abandonment. If tenants are to have considerable fixity of tenure, it is right that the landlord should have fair notice of relinquishment of holding, that he may make suitable arrangements for a new tenant. The date for notice of relinquishment has accordingly been antedated to the 15th of March, and at this time lease to another tenant can hardly have been given. It has been prescribed that the notice shall be in writing.

16. A section has been drafted in regard to abandonment [21 (B)], adopted from section 87 of the Bengal Tenancy Act.

17. In the sections on compensation for tenants' improvements considerable changes have been made. Section 22 of the present Act directs that the tenant shall be entitled to compensation for improvements whenever his rent is enhanced. This provision has, so far as the Lieutenant-Governor can ascertain, remained a dead letter. Under a system by which the adjustment of rent between landlord and tenant was left entirely to private contract, any enhancement of rent, so long as the tenant chose to stay, probably took into consideration the tenant's expenditure on the improvement of his holding. For the future at least no such provision is needed. The enhancement at the close of a statutory period of tenancy is a statutory enhancement, and will have effect whether or not the tenant has in the course of his expiring period of tenancy effected an improvement which has added to its value. The clauses in section 22, providing for compensation on enhancement, may therefore be left out.

18. The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bars right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay, assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle is by no means a just one, for the landlord is exposed to great exaggerations by the tenant of his original outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair, but more simply and readily applied by the Courts, for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well is the most common of all improvements in Oudh. A section has been accordingly introduced from the Bengal Act, section 34(A), and the references to outlay and the period of construction omitted from section 34.

19. It is the recognised custom of the province that a tenant cannot make an improvement of a permanent character without the consent of the landlord. So long as the tenant held on a yearly tenancy at the will of the landlord, this consent was obtained on terms which were sometimes very harsh. I am to refer, for example, to paragraph 127 of Colonel Erskine's report of the 1st June, 1883 (page 277 of the second volume of papers on the condition of the Tenantry in Oudh). Now that the ordinary tenancy is for seven years, it is necessary for the agricultural progress of the country that the landlord's consent to improvements shall not be unreasonably withheld. It has accordingly been proposed in the Bill that the tenant shall have the right of applying to the Deputy Commissioner should the landlord refuse his consent, and that the Deputy Commissioner, after hearing the landlord's objections, shall pass such orders as may be fair and equitable.

20. On the other hand, it is right, when enhancement is otherwise carefully restricted, that arrangement should be made for the assessment of a fair enhancement on holdings the produce of which has been increased by a landlord's improvement, and sections 26 and 36 (K) of the Bill have been drafted for the assistance of landlords in this matter.

21. Section 25 of the present Act is believed to have been of very little, if any, value. It has, however, been retained in section 25 (A) of the Bill in a shorter form, taken from the second clause of section 83 of the Bengal Tenancy Act.

22. Chapter III of the Oudh Act refers to commutation and payment of rents in kind. The Lieutenant-Governor proposes to omit the last two clauses of section 28 and the whole of section 29. The commutation of grain-rents is an exceedingly delicate and difficult business, while the prevailing opinion as to the advantages and disadvantages of commutation is apt to vary greatly, the authorities leaning sometimes on one side, sometimes on the other. It can hardly ever be expedient that the Government shall interpose, during the currency of a settlement, to determine officially a question of this nature, which is essentially connected with local circumstances and conditions of agriculture that are best adjusted by mutual consent; and, since, in fact, the authoritative commutation of rents

is hardly known in Oudh, the Lieutenant-Governor would prefer to leave it, by law, to private arrangement between landlord and tenant, except when a settlement of revenue is in progress. The transition from rents in kind to cash-rents is gradually spreading with the improvement of agriculture, and the process should be left to its natural and spontaneous course.

23. Chapter IV of the Act deals with the enhancement and settlement of rent. So far as it concerns the rent of tenants with a right of occupancy, they are le t untouched. In the two sections, 35 and 36, of the Act are contained the whole of the provisions of the present law in regard to the rent of other tenants. To introduce the scheme sketched in paragraph 69 of my letter of 21st December, 1883, the sections numbered 35 to 36 (K) have been substituted for them in the Bill. They give every tenant a statutory right to occupy his holding for seven years, with a new period beginning from every change in rent or area by the landlord, and at the end of every period of tenancy they give him the preferential claim to continue in his holding at a rent that cannot be more than 6¼ per cent. in excess of the previous rent, or, if he be ejected, to be paid compensation for disturbance. In short, the landlord cannot disturb the tenant for seven years, and if after that period he desires to eject he must pay compensation. In no case can enhancement of rent, whether upon the sitting tenant or his successor, exceed 6¼ per cent. of the old rent; but if the sitting tenant will not agree to an enhancement thus limited he must quit without compensation. The new sections also provide that enhancement shall be by notice; they prescribe a procedure for contesting the notice; and detail the liabilities of the tenant, when he retains or vacates the holding, with or without objection to the notice (clauses 1, 2, and 4, paragraph 69, above quoted). The rights of a tenant are, however, to be personal, and provision has been made in sections 36 (I) and 36 (H) that the heir of a tenant who dies shall retain the holding only till the expiry of the statutory term current at the time of his death; and, subject to any claim by the heir to compensation for improvements, the landlord is left free to let the holding to any person at any rent which may be arranged (clause 6, paragraph 69). The new tenant under section 35 (A) then acquires statutory rights similar to those enjoyed by his predecessor.

24. In section 36 (J) power has been taken by the Local Government to vary the limit of enhancement at stated intervals (clause 3, paragraph 69).

25. In Chapter V of the Act are the provisions for ejectment and the determination of tenancies. In this there has again been much addition and, for the sake of clearness, some re-arrangement of the sections.

26. Section 37 of the Bill reproduces section 41 of the Act unchanged, and states that a tenant with a right of occupancy, and in certain other cases, may be evicted only by a decree for ejectment. Among these tenants is included, by the present Act, a tenant under a special agreement. A tenant evicted by decree is not entitled to the compensation for disturbance given to the statutory tenant of the Bill. The Lieutenant-Governor is of opinion that the section should continue to cover the case of a tenant under special agreement.

27. Section 38 of the Bill is with some alteration section 42 of the Act. It covers the case of all other tenants, and permits their eviction either by a decree for ejectment under section 43 (A) of the Bill, or by an application where decreed arrears of rent remain unpaid, or by the notice of ejectment prescribed by the present Act. The application for ejectment for arrears has been taken from section 35 of the North-Western Provinces Rent Act (XII of 1881), and is a simpler procedure, which the improved position of the tenant justifies, than the application in execution of decree allowed by the present Act.

28. If the landlord proceeds by notice he is required by section 38 (A) of the Bill to deposit the compensation for disturbance, which was part of the scheme of the letter of December, 1883 (paragraph 69, clause 4).

29. In section 39 of the Bill (43 of the Act), which describes the details to be given in the notice, the only important change is that the time of service is put much earlier in the year (15th of November instead of 15th April). Tenancies will now be of seven years' duration, and it is very desirable that notice should be given in sufficient time to admit of all claims on the ground of improvement or other objections being fully sifted and decided before the expiry of the year.

30. Section 40 of the Bill (section 37 of the Act) then details the grounds on which the notice of ejectment may be contested. To the grounds given in the Act have to be added those which the new provisions in the Bill require. The notice may have been issued before the seven years of the statutory tenancy have expired, or the compensation for disturbance may have been deposited only in part or not at all. In sections 40 (A) and 40 (B) of the Bill the tenant is required, if he has any claim to compensation for improvements, to give a specific statement of his claim, and the Court is to determine it before it allows eviction. From the ambiguous language of the Act there have been contradictory rulings in the Rent Courts of Oudh as to the liability of the tenant to eviction before receipt of compensation due to him for improvements. It was clearly the intention of section 22 that he should be compensated before he was removed, and this is definitely expressed in the Bill.

31. Sections 41 and 42 of the Bill represent sections 44 and 45 of the Act with such alterations as the provisions of the preceding sections or experience in the working of the present Act require. In section 42 of the Bill a clause has been inserted, which was much wanted, enabling the Court to give assistance to the landlord, when needed, to evict a tenant who has contested a notice unsuccessfully. These sections contain the only provisions by which a landord can remove a tenant of bad character, and no tenant is so likely to resist any action by the landlord himself. If assistance may be properly asked when the tenant has not contested the notice at all, it is more needed when the notice has been contested without valid ground of objection. The section in its present form follows the provision of section 40 of the North-Western Provinces Rent Act.

32. Section 43 of the Bill has been taken, as already explained, from the Rent Act of the North-Western Provinces.

33. Section 43(A) is the provision which the Lieutenant-Governor would substitute for section 11 of the Act, in regard to the terms on which a tenancy may be determined by a decree for ejectment. Section 11 bases it on a failure to perform or observe any of the stipulations of the lease or patta; but the patta of a statutory tenant will not contain any special stipulations, and when such a tenant defaults in his rent the landlord's process will be under section 43 of the Bill.

Even a statutory tenant, however, should be liable to ejectment if he uses his holding in a manner which renders it unfit for the purposes of his tenancy, and provision to that effect, taken from section 44 of the Bengal Tenancy Act, has been introduced in section 43(A) of the Bill. Moreover, many statutory tenants will hold on grain-rents; and as the amount of the landlord's receipts depends on the area the tenant cultivates, the landlord should be ensured against serious damage by the tenant's deliberate neglect to cultivate. In paragraph 77 of my letter of December, 1883, it was recommended that local custom should be left to decide what extent of failure in cultivation should be followed by forfeiture of the holding. This is the object of the second clause in section 43(A) of the Bill.

Tenants, however, "having a right of occupancy, or holding under an unexpired lease, or special agreement or decree of Court," are protected by section 41 of the Act (37 of the Bill) from eviction, except in execution of a decree for ejectment. The section specifies that a decree for ejectment against a tenant with a right of occupancy shall not be made unless at the date of the decree a decree against him for an arrear of rent has remained for fifteen days unsatisfied; but no definite explanation is given of the conditions under which ejectment may be made of the other classes of tenants specified in the section whether for failure in stipulations in the unexpired lease or special agreement, cessation of the effect of the decree of Court, or other ground for eviction. The Lieutenant-Governor presumes that it has been hitherto left to be decided under the general law whether the grounds for eviction in any such case are or are not sufficient, and that it is unnecessary to give any precise specification. This is, however, a matter on which the Legislative Department will advise.

34. In sections 44 and 45 of the Bill, corresponding to sections 38 and 39 of the Act, the period of the year it stated at which ejectment may take place. A sub-lessor is subjected to a special penalty in section 38(A) of the Bill, and there seems no reason for excepting him from the general rule that ejectment shall take place at the close of the agricultural year. As a statutory tenant he could only then be ejected, and for the same reason the last clause of section 38 of the Act should be omitted.

35. In section 39 of the Act the word thikadár has been substituted for sub-lessor.

36. Section 40 of the Act has been practically absorbed in section 43 of the Bill.

37. To this chapter of the Act two sections have been added in regard to sír-lands. The Lieutenant-Governor accepts the opinion that in the home-farms of the landlords no statutory rights should be recognised in the tenants who may from time to time be admitted to cultivate in them. The principle is recognised in the Tenancy Acts of the North-Western Provinces and Bengal. Whenever, however, statutory rights are recognised outside the private lands of the zamíndár, it becomes necessary to define what these private lands are. Hitherto there has been in Oudh no special reason for entering as sír in the rent-rolls land which is not sír; for the change of law now proposed, which is to restrict the arbitrary powers of landlords over all holdings that are outside sír, has not been anticipated, and the revision of assessment is still sufficiently distant to make it more convenient for the collection of rent that land let to tenants shall be so recorded. From all that has been reported the village rent-rolls are in this respect, as indeed in most others, very fairly correct; and the Lieutenant-Governor is disposed, therefore, to make a less exacting definition of sír than that in force in the North-Western Provinces. The definition of sír which is given in section 46 (A) of the Bill is for these reasons less stringent in several particulars than that which is laid down in section 3 of the North-Western Provinces Rent Act. It has been proposed on some authority to adjust this definition on the principle of allowing land to fall into sír and again to fall back into ordinary tenancy land by fixing certain periods after which continuous cultivation by the landlord or by a tenant should determine the character of the cultivating occupancy. The rule of the North-Western Provinces is to fix a long period of continuous cultivation by the landlord, and then to make the lands so cultivated a permanent addition to his original sír, whether he continues to cultivate or lets to a tenant. The Bengal Act prevents any accession to the present sír unless it is recognised by village custom.

The Lieutenant-Governor would have been glad, nevertheless, to admit a proposal which is quite in keeping with the fluctuations of all agricultural enterprise, and the developments and depressions which circumstances frequently induce in agricultural families. No adjustment, however, has been discovered to regulate the recognition of lands as sír and their restoration to the normal conditions of tenancy which the landlord will not be able so to manipulate as to exclude from the statutory provisions an area of cultivated land considerably larger than that which he for the time being occupies. For the purposes of the landlord's cultivation, moreover, there is no restriction on its development. When a tenant's holding falls in by his death, it is open to the landlord to occupy it himself instead of letting it to another tenant. Whether, therefore, it is called sír or not will merely operate in determining whether the landlord can subsequently let it without initiating the usual statutory privileges in his tenant. After mature consideration the Lieutenant-Governor is of opinion that sír to the extent of all present requirements is provided by the definition as it stands in the Bill, that this may, as in the North-Western Provinces and Bengal, be permanently excluded from the operation of the sections which regulate the ordinary holdings of tenants, but that for the future no provision should be made by the law to a enable landlord, by private cultivation for any definite period, to remove permanently any lands from the general operation of those sections.

38. The section 46 (B) of the Bill has been added to meet the case of lessees and mortgagees who during their management have brought lands under their personal cultivation. These are lands which, on the expiry of the lease or redemption of the mortgage, are paying no rent; and unless some express provision is made, the lessee or mortgagee would apparently have not only the statutory rights of a tenant, but be entitled to sit rent-free.

39. In Chapter VI (Distress for Arrears of Rent) the Lieutenant-Governor proposes no change.

40. In Chapter VII (Jurisdiction of the Courts) the change are few.

41. In the preamble of section 83 a small change has been made in the terms of section 93 of the North-Western Provinces Rent Act, excluding definitely the jurisdiction of all Courts other than Courts of Revenue in the classes of cases specified.

In clause 3 it seems unnecessary to limit a suit for enhancement to the case of an occupancy-tenant. A lessee in whose lands there may be large alluvion may be liable to a suit for enhancement.

The last part of clause 4 is unnecessary for reasons stated in an earlier part of this letter.

In clause 9 an addition is necessary from the terms of section 26 of the Bill.

In clause 10 an addition is required by section 21 (A) of the Bill.

42. In section 91 an addition is proposed authorising the Local Government to invest any officer of the grade of a Deputy Collector with the powers of a Deputy Commissioner to hear applications by a tenant under section 24 to make improvements, or of a landlord under section 43 to eject a tenant for arrears of rent.

43. Section 102 of the Act gives summary powers to Deputy Collectors to restore possession which has been illegally disturbed. From orders under this section there is no appeal. Against this section there has been much complaint, and now that the position of the tenant will be comparatively secure it is preferable that the restoration should be by ordinary suit, subject to the usual appeal. For this section of the Act has been substituted a provision enabling the landlord to recover a fair rent for land which has been occupied without his permission. The absence of any such provision has been for many years a frequent cause of notice of ejectment. The only course open to the landlord hitherto, when a tenant has added surreptitiously to his holding, has been to eject him, or to attack him by the cumbrous process of a suit in the Civil Court for damages. If the land happened to be unlet in the previous year, the provisions of sections 35 and 36 of the Act prevent the landlord from recovering any rent in the Rent Court.

44. Section 112 of the Act requires that in all suits under the Act the summons to the defendant shall be for the final disposal of the suit. The suit is in many cases intricate, and will hereafter involve and concern tenancies of a longer and more valuable character. It is proposed to limit this provision to specified classes of suits.

45. Section 116 of the Act is no longer consistent with the general provisions of the Bill, and should be omitted.

46. Section 125 of the Act provides that sale of an under-proprietary tenure shall not be made if satisfaction of the decree can be made by management of the tenure under sections 243 and 244 of the Civil Procedure Code of 1859 (or the corresponding sections of the Code of 1882). Management of under-proprietary tenures by the Deputy Commissioner has for some time, however, been recognized as practically impossible. They are generally small; as they come under the Deputy Commissioner's charge, they are usually scattered; and official management can be neither efficient nor economical. If the under-proprietor can give the Deputy Commissioner any anticipation that a private adjustment of

the judgment-debt can be effected by mortgage or otherwise, time can always be given under section 305 of the Code of 1882, and the Lieutenant-Governor's opinion on the whole is that all of the section, except the first sentence, may be without disadvantage omitted.

47. In a concluding chapter (X) of the Bill are entered four new sections.

48. Section 129 reserves to the Local Government authority under the sanction of the Governor General in Council to appoint an officer for the revision of rents in an estate in which from grave mismanagement the condition of the tenantry has been materially deteriorated or the area of the cultivation diminished. This formed the seventh clause of the scheme in paragraph 69 of the letter of 21st December, 1883, and the reasons for the provision have been there sufficiently explained.

49. Under the present registration law all pattas for seven years, for however small a sum, must be registered. The inconvenience of an enforced registration throughout the country would be very serious; and as the pattas of all tenants will be checked by the supervisor-kanúngos, registration seems to be unnecessary. The object of registration is practically effected by his verification, and personation will be difficult when the verification is made in the course of his village rounds. It is proposed, therefore, in section 130, to exempt pattas for the statutory period of seven years from the Registration Act.

50. In section 131 reference is made to a schedule, in which will be entered certain tracts which the Lieutenant-Governor proposes to exclude from the general rule of a statutory right to a seven years' holding. It has been explained in paragraph 78 of the letter of December, 1883, that in part of the northern and submontane districts the rent customs are exceptional, the area in cultivation varies with the season, and the rent is separately settled at each harvest. With these circumstances the general proposals of the Bill will not fit in; but in these tracts the population is sparse, and the tenants can command their own terms. A detail of the areas to be scheduled will be forwarded subsequently.

51. In the last section (132) of the Bill power is taken to the Local Government to make any rules necessary under the Act and consistent with it. The terms of the section have been taken from the last clause of section 211 of the North-Western Provinces Rent Act.

S. HARVEY JAMES,
Offg. 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 June, 1886, and was referred to a Select Committee :—

NO. 8 OF 1886.

A Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body.

WHEREAS it is expedient to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to amend the law relating to the powers of the said Trustees; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Indian Museum Act, 1886; and

(*2*) It shall come into force at once.

2. Sections 3, 4 and 5 of the Indian Museum Act, 1876, are repealed. XXII of 1876.

3. For those sections the following shall be substituted, namely :—

"*Incorporation of the Trustees.*

Constitution and incorporation of the Trustees of the Indian Museum.

"3. The Trustees of the said Indian Museum shall be—

(*a*) the person for the time being holding the office of Accountant General of Bengal;

(*b*) five other persons to be appointed by the Governor General in Council;

(*c*) five other persons to be appointed by the Lieutenant-Governor of Bengal;

(*d*) five other persons to be appointed by the Council of the Asiatic Society of Bengal; and

(*e*) five other persons to be appointed by the Trustees;

and the said Trustees shall be a body corporate, by the name of the Trustees of the Indian Museum, and shall have perpetual succession and a common seal.

Number of corporators.

"4. All the powers of the said body corporate may be exercised so long and so often as there are nine members thereof.

Power to appoint new trustees.

"5. If a trustee appointed under section 3 dies, or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act, or becomes Accountant General of Bengal, then the authority which appointed the trustee may appoint a new trustee in his place."

Continuance of existing trustees.

4. (*1*) For the purposes of the Indian Museum Act, 1876, as amended by this Act— XXII of 1876.

(*a*) the persons nominated by the Governor General in Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor General in Council under section 3 of that Act as amended by this Act; XXII of 1876.

(*b*) the President of the Asiatic Society of Bengal, and the other members of the Council of that Society nominated by that Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Council of the Asiatic Society of Bengal under the said section; and XXII of 1876.

(*c*) the persons elected and appointed by the Trustees under the said Act, and now holding office as Trustees, shall be deemed to have been appointed by the Trustees under the said section.

(*2*) The Secretary to the Government of India and the Superintendent of the Geological Survey of India shall cease to be *ex officio* members of the said body corporate.

Power to Trustees to keep collections not belonging to them.

5. Notwithstanding anything in the Indian Museum Act, 1876,— XXII of 1876

(*a*) the Trustees of the Indian Museum, if they think fit, may, with the previous sanction of the Governor General in Council, and subject in each case to such conditions as he may approve and to such rules as he may from time to time prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trusts in that Act mentioned, and keep and preserve the collections either in the Indian Museum or elsewhere; and

(*b*) in the event of the trust constituted by that Act being determined, collections of which the Trustees have assumed the custody and administration under the foregoing part of this section shall not, by reason of their then being in the Indian Museum, become the property of the Government of India.

And whereas it is provided in the Indian Museum Act, 1876, that the Trustees of the Indian Museum shall have the exclusive possession, occupation and control, for the purposes of their trusts in that XXII of 1876.

Act mentioned, of the whole of the building called the Indian Museum, except certain portions thereof set apart for other purposes; and whereas the Trustees are by virtue of that provision in possession of the property described in the schedule to this Act; It is hereby enacted as follows:—

Power to Trustees to part with certain property in their possession.

6. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of that property to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

THE SCHEDULE.

Land bounded on the north by a straight line drawn between the east and the west boundaries parallel to the main south wall of the Museum at a distance of twenty-five feet from the said wall, on the west and south-west by the Chowringhee Road and the walls of the premises known as No. 29 Chowringhee Road, on the south by Kyd Street, and on the east by the walls of the premises known as No. 15 Kyd Street and No. 4 Chowringhee Lane, measuring in all four acres, three roods and sixteen perches, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give effect to an arrangement, made with the approval of the Government of India, whereby—

(a) the Bengal Government is to be represented among the Trustees of the Indian Museum;

(b) the Bengal Government is to entrust the Trustees with the custody and administration of the economic, ethnological, Indian Art-ware and Fine Art collections belonging to that Government; and

(c) the Trustees, in consideration of the provision by the Bengal Government of additional accommodation required by them, are to surrender certain land adjacent to the Museum on which that Government may build a School of Art and Art Gallery.

Sections 3 and 4 provide for the representation of the Bengal Government among the Trustees, and sections 5 and 6 empower the Trustees to assume the custody of the collections belonging to the Bengal Government, and to make over to that Government the land on which the School of Art and Art Gallery are to be built.

The 25th May, 1886.

S. C. BAYLEY.

S. HARVEY JAMES,
Offg. 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 June, 1886:—

No. 9 OF 1886.

THE DEBTORS BILL, 1886.

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SECTIONS.
1. Short title and commencement.
2. Extent.
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6. Power to make rules for guidance of Courts in other excepted cases.
7. Provisions as to imprisonment under Act.
8. Commitment of fraudulent debtors to Magistrate.
9. Special provisions with respect to arrest before judgment.
10. Saving of proceedings antecedent to commencement of Act.
11. Act to bind the Crown.
12. Powers exerciseable from time to time.

A Bill to amend the law relating to Imprisonment for Debt.

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the Debtors Act, 1886; and it shall come into force on the first day of January, 1888.

Extent.

2. *(1)* This Act shall extend, in the first instance, only to the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

(2) But any other Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, extend this Act, with effect on and from a day not less remote than one year from the date of the notification, to the whole or any specified part of the territories under its administration or to any class of debtors within the whole or any specified part of those territories.

Definition.

3. In this Act the expression "Revenue Court" means a Court having jurisdiction in suits for the rent, revenue or profits of land.

Enforcement of decree or order for money by imprisonment permissible in excepted cases only.

4. Notwithstanding anything in the Code of Civil Procedure or any other enactment, a person shall not be liable to arrest or imprisonment for default in compliance with a decree or order of a Civil or Revenue Court for payment of money except in the following cases:— [Act XIV, 1882, s. 254: Act XII, 1881, s. 156: Act XIX, 1868, s. 109.] XIV of 1882.

(a) where the order is for payment of a fine; [Act X, 1882, s. 480: Act XIV, 1882, ss. 170, 174 & 412.]

(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself; [32 & 33 Vic., c. 62, s. 4: Guardians and Wards Bill, 1886, s. 38.] [L. R. 6 Ch. 156—158.]

(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property; [Act XIV, 1882, s. 359.]

(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same. [32 & 33 Vic., c. 62, s. 5.]

Discretionary powers of Courts in some excepted cases.

5. In any case coming within the exception specified in clause *(b)* of section 4 the Court may, after inquiry into the case, [41 & 42 Vic., c. 54.]

grant or refuse, either absolutely or on terms, any application for the arrest or imprisonment of the defaulter, or for his release from arrest or discharge from imprisonment.

[Act XIV, 1882, s. 287: 32 & 33 Vic., c. 62, s. 5.]

Power to make rules for guidance of Courts in other excepted cases.

6. *(1)* The High Court, with respect to Courts subordinate to it, and the Chief Controlling Revenue-authority, with respect to Courts subordinate to it, may, with the approval of the Local Government and the sanction of the Governor General in Council, make rules for regulating the procedure to be observed in inquiries for determining whether the case of a defaulter for whose arrest or imprisonment application has been made is a case coming within the exceptions specified in clauses (*c*) and (*d*) of section 4, or within either of those exceptions.

(2) Rules may be made under this section—

(a) for the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, at any time after the passing of this Act, and

(b) for territories under the administration of any other Local Government, at any time after the publication of the notification extending this Act to those territories or to any class of debtors therein;

but rules so made shall not take effect until the Act comes into force in the territories for which they have been made.

(3) An authority making rules under this section shall, before making the rules, publish a draft of the proposed rules in such manner as the Governor General in Council, by notification in the Gazette of India, prescribes.

(4) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(5) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(6) A rule made under this section shall not take effect until it has been published in the local official Gazette.

(7) The publication in that Gazette of a rule purporting to be made under this section shall be conclusive proof that it has been duly made.

Provisions as to imprisonment under Act.

7. The operation of the enactment under which the defaulter is liable to arrest or imprisonment in any case coming within the exceptions specified in clauses (*b*), (*c*) and (*d*) of section 4, or within any of those exceptions, or is entitled to release from the arrest or discharge from the imprisonment, shall be subject to the following provisions, namely:—

[Act XIV, 1882, s. 342. Act XII, 1881 s. 163.]

(*a*) the defaulter may be imprisoned for such term, not exceeding six months, as the Court directs;

[Act XIV, 1882, s. 339: Act XII, 1881, ss. 165 and 166: & Act XXVI, 1870, s. 36.]

(*b*) no allowance for the subsistence of the defaulter, or for supplying him with clothing or bedding, shall be payable by the person on whose application the order for the imprisonment of the defaulter is made;

(*c*) during the term of his imprisonment the defaulter shall be maintained at the expense of the Government, and be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment; [L. R. 13 Ch. D. 343.]

(*d*) notwithstanding the payment of the money in respect of which the decree or order was made, or any arrangement for the payment thereof or proof of present inability to pay it, or any expression of intention to apply for a declaration of insolvency, or any declaration of insolvency, or any request by the person on whose application the order for the arrest or imprisonment was made, the defaulter shall not be released from arrest, or, if he is in prison and the term of his imprisonment is not fulfilled, be discharged from prison, without the order of the Court; [Act XIV, 1882, ss. 339 & 341; & Act XII, 1881, s. 163.]

(*e*) an appeal from the order for the imprisonment of the defaulter, and from an order refusing his release or discharge under clause (*d*) of this section, shall lie— [Act XIV, 1882, s. 588 (29).]

(i) if the Court making the order is a Civil Court subordinate for the purposes of the Code of Civil Procedure to the District Court, then to the District Court, XIV of 1882.

(ii) if the Court making the order is any other Civil Court, then to the High Court, and

(iii) if the Court making the order is a Revenue Court, then to the authority to which appeals lie from orders of the Court relating to the execution of decrees, or, where those orders of the Court are final, to such authority as the Local Government may, by notification in the official Gazette, appoint in this behalf; [Act XII, 1881, s. 196.]

and the order passed on the appeal shall be final. [Act XIV, 1882, s. 622: Act XII, 1881, s. 199.]

Commitment of fraudulent debtors to Magistrate.

8. Where the Court is of opinion that the defaulter has been guilty of any offence under the Indian Penal Code or under any enactment for the time being in force for the punishment of fraudulent debtors, it may, if it thinks fit, instead of ordering his imprisonment under this Act, send him to a Magistrate to be dealt with according to law. [Act XIV 1882, s. 359.] XLV of 1860. [Indian Bankruptcy Bill, 1886, s. 105.]

Special provisions with respect to arrest before judgment.

9. Notwithstanding anything in Chapter XXXIV of the Code of Civil Procedure, or any other enactment, a defendant in a suit for money only who has been arrested before judgment shall not, as such, either be required to give security for his appearance at any time after the day on which judgment is given, or, if he has been committed to prison, be detained in prison after that day: [32 & 33 Vic. c. 62, s. 6.] XIV of 1882.

Provided that, if judgment is given against the defendant, and the decree-holder applies, on the day on which judgment is given, for the enforcement of the decree by the imprisonment of the judgment-debtor, the Court may require the judgment-debtor to give such security as it thinks sufficient for his appearance at any time when called upon while the application is pending, and, if he fails to give the security, may commit him to prison, or place him in the custody of an officer of the Court, until the disposal of the application. [Act XIV, 1882, s. 349.]

Saving of proceedings antecedent to commencement of Act.

10. Nothing in this Act shall affect the liability to arrest and imprisonment of any person for whose arrest in execution of a decree or order a warrant has been issued by a Civil or Revenue Court before this Act comes into force in the territory in which the Court is established.

Act to bind the Crown.

11. The provisions of this Act shall bind the Crown. [L. R. 2 Ex. D. 47.]

Powers exerciseable from time to time.

12. All powers conferred by this Act may be exercised from time to time as occasion requires.

STATEMENT OF OBJECTS AND REASONS.

Imprisonment for Debt in India.

A decree or order for the payment of money may be enforced in India by the imprisonment of the judgment-debtor (Act XIV of 1882, s. 254). The Court has a discretionary power to refuse execution at the same time against the person and property of the judgment-debtor (s. 230), but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application* (s. 245). The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary (s. 250), and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

2. A judgment-debtor may, when arrested, obtain immediate release by payment of the debt; but if he does not, he must be brought at once before the Court (ss. 336-337).

3. The Local Government may by notification* direct that whenever a judgment-debtor is arrested in execution of a decree for money, and brought before the Court, the Court shall inform him that he may apply, under Chapter XX of the Code, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the Court (s. 336).

* Notifications have been issued under this section by all Local Governments except Hyderabad and Coorg.

4. If the judgment-debtor expresses his intention so to apply, and furnishes sufficient security that he will appear when called on, and that he will, within one month, apply to be declared an insolvent, the Court is to release him from arrest. But if he fails so to apply, the Court may either direct the security to be realised, or commit him to prison in execution of the decree (s. 336).

5. A person is not to be imprisoned in execution of a decree for more than six months, or, if the debt does not exceed fifty rupees, for more than six weeks (s. 342).

6. Whilst he is in prison, a monthly allowance must be paid for his subsistence according to scales fixed by the Local Government. The allowance is to be supplied by the decree-holder, and is to be deemed costs in the suit (ss. 338 to 340).

7. He is to be discharged from prison—

(*a*) on the amount mentioned in the warrant of committal being paid to the officer in charge of the prison, or

(*b*) on the decree being otherwise fully satisfied, or

(*c*) at the request of the person on whose application he has been imprisoned, or

(*d*) on default in the payment of the allowance for his subsistence, or

(*e*) on his being declared an insolvent, or

(*f*) on the expiration of the term of his imprisonment (s. 341).

His discharge from prison does not discharge him from his debt, but he cannot be re-arrested under the same decree (s. 341).

8. By the Presidency Small Cause Courts Act, XV of 1882, the provisions of the Code of Civil Procedure are applied, with modifications and exceptions, to the procedure in the Small Cause Courts at Calcutta, Madras and Bombay. Among the provisions not so applied are those which relate to the release of an arrested judgment-debtor on his expressing an intention to apply for a declaration of insolvency. Chapter XX of the Code, relating to insolvent judgment-debtors, is also not applied to these Courts. (See s. 23 and sched. II.)

9. The Act, however, contains certain special provisions with respect to an arrested judgment-debtor. Under section 29 the Court may release him from arrest on his giving security for payment. And under section 30, if it appears to the Court that a judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or of any instalment under the decree, the Court may, from time to time, for such time and on such terms as it thinks fit, suspend the execution of the decree, and release the debtor, or make such order as it thinks fit.

10. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts to which the Acts apply.

*"No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force."—(Act XVII of 1879, s. 21, as amended by Act XXII of 1882, s. 8.)

Imprisonment for Debt in England.

11. Imprisonment for debt was abolished in England by the Debtors Act of 1869 (32 & 33 Vic., c. 62), except in the following cases:—

(1) default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of a contract;

(2) default in payment of a sum recoverable summarily before a Justice or Justices of the Peace;

(3) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control;

(4) default by a solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money, when ordered to pay the same in his character of an officer of the Court;

(5) default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any Court having jurisdiction in bankruptcy is authorized to make an order;

(6) default in payment of sums in respect of the payment of which orders may be made under the Act (that is, cases of contumacious refusal under section 5 of the Act, see para. 14).

12. The term of imprisonment in these excepted cases must not exceed one year (s. 4).

13. In cases (3) and (4) the Court has power to enquire into the case, and at discretion to grant or refuse an order for arrest or imprisonment (41 & 42 Vic., c. 54, s. 1).

14. Under section 5 of the Act of 1869, a Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent Court. But the power is not to be exercised unless it is proved to the satisfaction of the Court that the person making default has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected to pay it. "Proof of the means of the person making default may be given in such manner as the Court thinks just, and for the purposes of such proof the debtor and witnesses may be summoned and examined on oath, according to the prescribed rules." A summons under this section is usually called a judgment summons.

15. It will be observed that all the cases in which a debtor is liable to imprisonment under the Act of 1869 involve some degree of delinquency.† And it has been held by high authority‡ that the Act was distinctly intended for the purpose of punishing fraudulent or dishonest debtors.

†Lord Hatherley, L. C., in *Middleton* v. *Chichester*, L. R. 6 Ch. 152.

‡Jessel, M. R., in *Marris* v. *Ingram*, L. R. 13 Ch. Div. 338.

16. Sums recoverable summarily before Justices, or, as they are called in modern statutory language, Courts of summary jurisdiction, are usually fines. But as ordinary civil debts are in some cases so recoverable, it has been provided by the Summary Jurisdiction Act, 1879 (42 & 43 Vic., c. 49, section 35) that an order of a Court of summary jurisdiction for the payment of a civil debt is not to be enforced by imprisonment, unless the case is such as would make the debtor liable to imprisonment under section 5 of the Debtors Act, 1869.

Imprisonment for Debt in Scotland.

17. In Scotland imprisonment for debt for sums under £8-6-8 was abolished in 1835 by 5 & 6 Wm. IV, c. 70, but alimentary debts (that is, debts for the support of the debtor's wife or children) were excepted from the operation of that Statute. In 1880 was passed the Debtors (Scotland) Act, 1880 (43 & 44 Vic., c. 34), which enacts, by section 4, that,

"with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.

"There shall be excepted from the operation of the above enactment—

(1) taxes, fines or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed;

(2) sums decreed for aliment:

"Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months."

The same Act contains provisions for the relief of insolvent debtors and for the punishment of fraudulent debtors.

18. By the Civil Imprisonment (Scotland) Act, 1882 (45 & 46 Vic., c. 42), imprisonment for alimentary debts was abolished, except in cases where there is a wilful failure to obey the decree for the debt (ss. 3 and 4), and the maximum term of imprisonment for failure to pay rates or assessments was reduced to six weeks (s. 5).

Imprisonment for Debt in Ireland.

19. In Ireland the law as to imprisonment for debt is regulated by the Debtors Act (Ireland), 1872 (35 & 36 Vic., c. 57), as amended by 41 & 42 Vic., c. 54, and is practically identical with the English law.

Proposals for amendment of Indian Law.

20. On the 17th November, 1881, a circular was addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *pardánashín* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

21. The replies to the circular disclosed much difference of opinion as regards the advisability of maintaining in India the present system of imprisonment for debt.

22. In favour of the maintenance under existing circumstances of the present system of imprisonment for debt were the Madras Government, the Madras High Court, the Bombay Government, the Bombay High Court, the Calcutta High Court, the Calcutta Chamber of Commerce and the Trades Association, Calcutta (unless a change were accompanied by the enactment of a stringent bankruptcy law), the British Indian Association, Calcutta, the Board of Revenue, North-Western Provinces, the Punjab Chief Court, the Chief Commissioner of the Central Provinces, the Chief Commissioner of Assam (provided the law were so altered as to permit the issue of process against the person only after all means of realising the decree by process against property have been exhausted), and the Chief Commissioner and the Judicial Commissioner of Coorg. The arguments which they advanced appear to be in the main the following:—

(*a*) that the total abolition of imprisonment for debt in India would be premature, and would remove from the Statute Book the only check upon the fraudulent alienation of property by solvent but dishonest debtors;

(*b*) that legislation has proceeded quite far enough in relief of the judgment-debtor, while there are in India special difficulties in executing a decree by attachment of property when the judgment-creditor is a member of an undivided* family. Creditors are not, it is said, in the habit of proceeding to extremities unless the debtor has the means of liquidating a portion at least of the debt. The men who go to prison are for the most part those who obstinately refuse to pay their debts, and cases of imprisonment for debt are not numerous;

*Sir C. Sargent, of the Bombay High Court, wrote:—"The legal incidents of the undivided Hindu family, the minute distribution of property caused by the Muhammadan law of descent, and, though last not least, the practice of creating benami titles so common in this country, afford the dishonest debtor endless opportunities of baffling the efforts of the judgment-creditor to attach his property."

(*c*) that the abolition of imprisonment for debt would deprive lenders of personal security, would thereby depreciate credit, and would involve an increase in the rate of interest, already very high. In the case of agriculturists this might seriously impair their ability to pay the land-revenue;

(*d*) that abolition of imprisonment for debt should only be attempted when the habits of secrecy, engendered by centuries of oppression, have partly worn away, and when transactions are open and the registration of deeds and bonds has become habitual. When the debtor's property can be easily traced and seized in execution of a decree, then it will be reasonable and right to withhold execution on the body of a pauper debtor except as a distinctly exceptional and penal measure in the case of fraud.

23. In support of the abolition of imprisonment for debt were the following authorities:—

(*a*) the Advocate General of Bengal, who advocated the introduction of the English system, because there is no reason why the matter should not be regulated in India as in England, if proper exceptions and limitations, as contained in the English Debtors Act of 1869, are prescribed, and because the abolition of imprisonment for debt would not cause any public injury, while, on the other hand, the present system in most instances operates only as a means of oppression, to the total ruin of the party imprisoned and of his family;

(*b*) the Bengal Government, which, while not prepared to resist the opinions of the local officers that abolition would at present be premature, thought that, if an alteration of the bankruptcy law were at any time undertaken, measures might then be adopted for the abolition of imprisonment for debt in cases where fraud is not established against the judgment-debtor;

(*c*) the North-Western Provinces and Oudh Government, which regarded the existing practice of placing in the creditor's hands the power of selecting his own method of coercion as a relic of the old semi-barbarous debt laws which has now been eliminated from almost every civilized code of judicial procedure. The present system operates with severity against all debtors, honest and dishonest, indiscriminately. The power of subjecting a debtor to arrest and imprisonment should be entrusted *not* to the decree-holder, but to the Courts, and its exercise should be limited to cases where clear proof exists of fraudulent and contumacious attempts on the part of the judgment-debtor to defeat the operation of a decree. Imprisonment is especially hard on the cultivator and working-man, whom it deprives of their means of subsistence and of providing for their families;

(*d*) the North-Western Provinces High Court, which advocated the abolition of imprisonment for debt, as it is doubtful whether "any useful purpose is served by the perpetuation in this country of that remnant of barbarism";

(*e*) the Punjab Government, which believed that there is some reason to fear that, under the present system, creditors occasionally make use of the law to gratify vindictive feelings or personal spite, and to coerce debtors to sell their land and property at a price below its proper value or to relinquish their just rights. Discretionary power ought to be expressly allowed to the Civil Courts, imprisonment not being resorted to as an ordinary process of execution of a decree, unless the Court is satisfied that there has been fraud or wilful concealment of property;

(*f*) the Chief Commissioner of British Burma, who pointed out that the imprisonment of debtors who are paupers, but who are not fraudulent, does no real good to any class, works directly and indirectly great harm to the poorer classes, and causes a distinct loss to the community at large. The practice of permitting such imprisonment has been gradually circumscribed among other civilized nations; among some nations it has absolutely ceased; and there is no reason why the way should not be paved for the disappearance of the system in India. Civil Courts should be allowed to grant execution against the body of judgment-debtors against whom there might be *primâ facie* ground for presuming fraud or bad conduct, unless the presumption were rebutted by the judgment-debtor;

(*g*) the Judicial Commissioner of British Burma and the Recorder of Rangoon, who were of opinion that imprisonment for debt should be abolished, except in case of fraud, which should be punished criminally. The Recorder recommended that the law as it now obtains in England should be applied to India;

(*h*) the Resident at Hyderabad, who considered that the present system of imprisonment for debt is not wanted to compel payment, while it may be used to bring undue pressure to bear upon a debtor, especially in an agricultural country where interest in land is generally given as security for debts. He recommended that imprisonment for debt should be retained only to meet cases in which debtors abscond or endeavour to fraudulently evade meeting their obligations.

24. Thus, the preponderance of opinion was on the whole in favour of the maintenance of imprisonment for debt under the present condition of India, but a considerable and influential minority were in favour of its abolition.

25. The arguments on which the upholders of the present system rely fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

26. To arguments of the first class belongs the assertion that "to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." The same objection was made in England, first to the abolition of arrest on mesne process,* and afterwards to the abolition of arrest on final process. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

* See Lord Cottenham's speech in 1844 on the Creditors and Debtors Bill; Hansard, 74, page 453.

27. Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and, secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong because, owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realizing his debts are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessaries of life. The debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience acquired in the Dekkhan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessaries of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest; and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But there is reason to believe that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very rarely used. There is, or was until recently, a strong consensus of opinion to the effect that the Insolvency Chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,—whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbrous or expensive, or by the difficulty of satisfying the Court under section 351 that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,—opinions differ; but about the fact of failure there appears to be no difference.

30. Since 1883 the Government of India has received and published reports obtained from Her Majesty's representatives abroad on the systems of imprisonment for debt in force in the various countries to which they are accredited. Those reports showed that imprisonment for debt has been abolished in nearly all civilized countries.

31. Having regard to the state of the law in the United Kingdom, to those reports, to the success which has attended the abolition of imprisonment for debt in the case of agriculturists to whom the Dekkhan Agriculturists' Relief Acts apply, to some expressions to be found in the opinions of the authorities who considered the draft Bankruptcy Bill of 1885, and to the advocacy by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and by the Chief Justice and Judges of the High Court of Judicature for the North-Western Provinces, of the entire abolition of the process of arrest for debt, so far as it is a process that can be set in motion at the discretion of the creditor, and of the enforcement of the process being restricted to cases in which the Courts are satisfied that there have been fraudulent and contumacious attempts to defeat the operation of decrees, the Government of India has decided to introduce a Bill giving effect tentatively and, in the first instance, within a limited area to the policy which dictated the English Act of 1869, and is believed by several authorities of weight to be applicable to India.

Provisions of Bill.

32. *Sections 1 and 2.*—It is proposed that the measure shall apply in the first instance to the North-Western Provinces and Oudh, and be extendible to other Provinces, or to particular classes of debtors in other Provinces, by Local Governments with the previous sanction of the Governor General in Council.

From the opinions recorded by the Chief Commissioner and by Mr. MacEwen, the Officiating Recorder of Rangoon, on the draft Bankruptcy Bill of 1885, and by the Recorder, Judicial Commissioner and other authorities, European and Native, on the circular of 1881, there appears to be a strong feeling in Burma in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But it is considered desirable that the proposed Act should apply in the first instance to the territories under one Local Government, and that its effect there should be ascertained before the Act is extended to other parts of the country.

The date on which the Act is to come into force in the North-Western Provinces and Oudh is the 1st of January, 1888. If therefore the Bill is passed during the present year, decree-holders will have more than twelve months within which they may proceed against their judgment-debtors under the provisions of the Code of Civil Procedure. In England the period which elapsed between the passing and the coming into force of the Debtors Act 1869, was less than five months.

33. *Section 4.*—This section is based on section 4 of the Debtors Act, 1869, but applies only to arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts. Clause (c) is specially designed to check those fraudulent alienations of property by solvent but dishonest debtors which are relied on by the opponents of any mitigation of the existing law as the main justification of imprisonment for debt.

34. *Section 5.*—This section, following the 41 & 42 Vic., c. 54, permits the Court to refuse, either absolutely or on terms, an application for the arrest or imprisonment, or for the release or discharge from arrest or imprisonment, of a defaulter who is a trustee or person acting in a fiduciary capacity and is required, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself.

The origin and object of this clause are stated as follows by Jessel, M. R., in *Morris* v. *Ingram* (L. R. 13 Ch. D. 343):—

"Then we come to the Amendment Act of 1878, which was passed to meet a special class of cases, and the history of that Act was this: An application was made before me for the imprisonment of a trustee who had been ordered to pay a sum of money. It was a very hard case, one of an unintentional breach of trust; and though the man was actually dying, I had no alternative but to make an order. Then I had various other cases before me which led me to regret that the Court had no discretion, for it not unfrequently happened that a person who came in strictness under the first class of offences was not guilty of any moral offence. Under these circumstances I thought it would be wise and prudent that a discretion should be given to the Courts to deal with exceptional cases, but not with the intention of repealing the existing Act. Mr. Marten, being a member of the Legislature, then adopted my suggestion, and procured this Amendment Act to be passed."

* That is to say, the defaults specified in 32 & 33 Vic., c. 62, s. 4.

35. *Section 6.*—This section empowers the High Court and the Chief Controlling Revenue-authority to make rules for regulating the procedure to be followed in the Courts subordinate to them respectively in inquiries as to the liability of persons to arrest and imprisonment on the ground of fraud or contumacy.

36. *Section 7.*—This section modifies the operation of enactments authorising arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts for payment of money.

Clause (*a*), following the Code of Civil Procedure, limits the term of imprisonment to six months, notwithstanding that section 163 of the North-Western Provinces Rent Act, 1881, authorises imprisonment in certain cases for so long a period as two years.

Clause (*b*) relieves the decree-holder of the liability to maintain his judgment-debtor while in prison. If imprisonment is retained, not as a mode of enforcing payment but simply as a punishment, it will hardly be possible to continue the liability. This liability existed under the old Insolvency Law in England, and the Act which imposed it was once described as giving the creditor "the power of imprisoning and tormenting his debtor at the expense of 3*s.* 6*d.* per week."* If it is abolished, great care should be taken that imprisonment is not inflicted except in cases of misconduct which deserve punishment.

* Hansard, 74, page 451.

Clause (*c*) requires that the defaulter, though in the civil jail, shall nevertheless be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment. Where a person is ordered to pay a fine, the nature and term of his imprisonment will be regulated by the general law. This clause relates to the other cases in which a debtor is liable to imprisonment. Those cases, as before observed, all involve some degree of delinquency (L. R. 6 Ch. 157), and the imprisonment contemplated by the Bill, as by the English Act (L. R. 13 Ch. D. 343), is simple, that is, without hard labour. The effect of this clause will be to deprive the defaulter, as a civil prisoner, of the privilege of maintaining himself, and purchasing or receiving from private sources food, clothing, bedding, and other necessaries (Act XXVI of 1870, s. 34).

Clause (*d*) provides that, except where the arrest or imprisonment is for default in payment of a fine, the defaulter, when once arrested or imprisoned, shall not be released from

arrest, or discharged from prison, without the order of the Court. The Court may grant the order or refuse it. If it refuses the order, the defaulter may appeal.

Clause (*e*) so far modifies clause (29) of section 588 of the Code of Civil Procedure as to admit of an appeal being preferred from an order for imprisonment in execution of a decree.

37. *Section 8.*—This section follows section 359 of the Code of Civil Procedure in providing that where the Court is of opinion that the defaulter has been guilty of an offence against the Indian Penal Code or any special enactment for the punishment of fraudulent debtors, it may, instead of ordering his imprisonment in the civil jail, send him to a Magistrate to be dealt with according to law.

38. *Sections 9 and 10.*—These sections contain special provisions with respect to arrest before judgment, and save proceedings taken before the Act comes into force.

39. *Section 11.*—It has been decided *In re Heavens Smith* (L. R. 2 Ex. D. 47) that the English Debtors Act of 1869 does not apply to a case in which the defaulter is a debtor to the Crown. It is proposed that the Indian Act shall have the like effect as against the Crown where a decree or order for payment of money is made in its favour by a Civil or Revenue Court, as it will have against a subject.

40. The question of giving the Courts a discretionary power to refuse an order for the arrest and imprisonment of a judgment-debtor, or at least of a female judgment-debtor, will be considered when next the Code of Civil Procedure comes under revision.

C. P. ILBERT.

The 9th June, 1886.

S. HARVEY JAMES,
Offg. Secretary to 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 June, 1886:—

NO. 10 OF 1886.

A Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawáb Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in a Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khás Mahál of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas in the years 1814, 1825, 1829 and 1838 loans, known respectively as the 1st, 3rd, 5th and 6th Oudh loans, were made by the Rulers of Oudh to the Hon'ble the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And whereas the said Government reserved to itself the right of commuting the pensions to the payment of which the interest accruing on the 5th Oudh loan was to be applied;

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applies, and rules respecting them have been made and published under section 14 of that Act; XXIII of 1871.

And whereas, since the making and publication of the rules, doubt has been expressed whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871; XXIII of 1871.

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Oudh Wasikas Act, 1886.

Act XXIII of 1871 applicable to Wasikas.

2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are, within the meaning of the Pensions Act, 1871, pensions conferred by a former Government and continued by the British Government on political considerations. XXIII of 1871.

Power to commute certain Wasikas without consent of holders.

3. Notwithstanding anything in section 10 of the said Act, the Local Government may, without the consent of the holder of a pension payable out of the interest accruing on the 5th Oudh loan, order the whole or any part of the pension to be commuted on the terms referred to in the fourth article of the treaty executed with respect to that loan on the first day of March, 1829, and ratified by the Governor General in Council on the eighth day of May in the same year.

STATEMENT OF OBJECTS AND REASONS.

CERTAIN allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Bahu Begam and the Vazirs and Kings of Oudh. Till the year 1880 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and, a dispute having arisen as to the person entitled to receive the capitalized amount of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Táj Mahál's Pension Act, 1881.

This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.

The 9th June, 1886.

J. W. QUINTON.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 19, 1886.

☞ 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 referred to a Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886 :—

No. 7 OF 1886.

A Bill to consolidate and amend the law relating to rent in Oudh.

NOTE.—*The 'marginal quotations' refer to portions of sections of the Oudh Rent Act omitted from the Bill.*

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the Oudh Rent Act, and shall extend only to Oudh. Short title and extent.

2. *Act XIX of 1868 is hereby repealed, but all notifications published and rules made under the repealed Act shall, so far as they are consistent with the present Act, be deemed to have been published and made hereunder.* Repeal of Act XIX of 1868.

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

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act: "Oudh."

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act: "Court."

The Oudh Rent Bill.

(Chapter I.—Preliminary.—Section 3.)

"Suit." "suit" means a suit under this Act:

"Assistant Commissioner" includes an Extra Assistant Commissioner:

"Assistant Commissioner."

"land" applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:

"Land."

"revenue" means the money payable to the Government on account of land:

"Revenue."

"rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, *or of any right in land*, or on account of the use of water for irrigation:

"Rent."

"proprietor" does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, "proprietor" means the holder of the superior right only:

"Proprietor."

"proprietary right" means a proprietor's right in land:

"Proprietary right."

"under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

"Under-proprietor."

"under-proprietary right" means an under-proprietor's right in land:

"Under-proprietary right."

"tenant" means any person, not being an under-proprietor, who is liable to pay rent. *In the following sections of this Act*, 7, 10, 13, 14, 15, 18, 19, 26, 38, 39, 40, 41, 42, 43, 43 (A), 83, 101, 111 *and* 116, *but in no others, the expression "tenant" shall be held to include a thikadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:*

"Tenant."

"landlord" means any person to whom an under-proprietor or tenant is liable to pay rent:

"Landlord."

"representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and

"Representative."

"lambardár" means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement:

"Lambardár."

"prescribed" means prescribed from time to time by the Local Government by rules made under this Act.

"Prescribed."

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 4-7.)

[Act VIII, 1885, section 178.]

Restrictions on exclusion of Act by agreement.

4. *Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.*

Nothing in any contract made between a landlord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them:

Provided that nothing in this section shall affect the terms or conditions of a lease granted bonâ fide *for the reclamation of waste land.*

CHATER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

Tenants having a right of occupancy.

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, [illegible] a khudkásht land [illegible] right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1886; provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856; provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

Power to confer right of occupancy.

5. (*A*). *Nothing contained in section 5 shall be deemed to restrict the power of the landlord to confer on any persons other than those therein mentioned a right of occupancy in the lands which they hold or cultivate.*

Loss of right of occupancy.

6. If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 37, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

Tenants' Right to Pattas.

Tenant's right to a patta.

7. Every tenant is entitled to receive from his landlord a *patta or memorandum of the terms of the holding, signed by him*

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landholders, Under-proprietors and Tenants.—Sections 8-13.)

or his authorized agent, and containing the following particulars:—

the quantity of land and, where the fields comprised in the *patta* have been numbered in a Government survey, the number of each field:

the term for which the *tenancy is to run*:

the amount of rent payable:

the instalments in which and the times at which the same is to be paid:

and, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

[any special conditions of the lease:]

8. Tenants having a right of occupancy are entitled to receive *pattas* at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

Patta to which tenant having right of occupancy is entitled.

9. Tenants not having a right of occupancy are entitled to *pattas for the terms and at the rates prescribed in Chapter IV (B) of this Act.*

Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

10. Every landlord who grants a *patta* is entitled to receive from the tenant a counterpart executed by him.

Landlord entitled to counterpart.

II. *Vide* **section 48 (A).**

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

What to be deemed an arrear of revenue or rent.

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

Receipts.

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

Receipts for rent.

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 14-15.)

[having a right of occupancy, or holding under an unexpired lease or under an agreement or decree]

Deposit of Revenue or Rent in Court without Suit.

14. If any co-sharer, under-proprietor, or tenant [ ] shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Power to pay into Court, without suit brought, amount of revenue or rent due.

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the lambardár or landlord of the amount so deposited.

15. The Court shall receive such deposits on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor tenant or agent making a declaration in the form set forth in Schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Procedure on making and withdrawing such payment.

[illegible] shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions XIV of 1882 of sections 52 of the said Code shall apply to the person making the verification.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in Schedule B hereto annexed.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

Service of notice.

In the absence of any such agent, it may be served by putting up a copy of the same at the court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or, if there be no such place, at the place where the revenue or rent is usually paid to the lambardár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 16-19.)

16. Whenever a deposit has been made under the provisions of this Act, no suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Limitation of suits for balance of revenue or rent.

17. If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lambardár or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lambardár or landlord, not exceeding the amount so paid or tendered.

Compensation for non-acceptance of revenue or rent.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lambardár or landlord, and shall make a decree for the balance due by the depositor.

Illegal Enforcement of Payment of Rent.

18. If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

Abatement of Rent.

19. No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement or decree, under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor, unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 20-21 (A).)

35 and 36]

[provided that if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate]

[or unless it has been let to any other person by such landlord or agent]

Remission of Rent.

20. Notwithstanding anything contained in section 19 [ ] the Court, in making a decree for an arrear of rent, may allow such remission form the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been *materially* diminished by diluvion, or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed.

When Court may allow remission from rent.

Relinquishment of Land.

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth of *March* in any year he gives notice *in writing* to the landlord or his recognised agent of his desire to relinquish such land, and relinquishes it accordingly [ ].

Relinquishment of land by tenant.

If the landlord or his recognised agent refuse to receive such notice *or to sign and deliver a receipt for the same*, the tenant may, *before the latest date prescribed for giving such notice*, apply to the talsíldár or proper officer, and written notice of such desire shall thereafter be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupal* or other conspicuous place in the village wherein the land is situate.

21. (*A*). *If a tenant voluntarily abandons his holding without informing his landlord and without arranging for the cultivation of the holding, it shall be lawful for the landlord at any time after the fifteenth of May to enter on the holding. Before a landlord enters under this section, he shall file a notice in the prescribed form with the supervisor-kanúngo, stating that he has treated the holding as abandoned and is about to enter on it accordingly.*

Abandonment of holding.

Act VIII, 1885, section 87.

When a landlord enters under this section, the tenant shall be entitled to institute a suit under section 83, clause 10, of this Act, to recover occupancy of the holding; and the Court shall, on being satisfied that the tenant did not voluntarily abandon his holding, order recovery of possession on such terms, if any, with respect

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 22-25.)

to compensation to persons injured and payment of arrears of rent as to the Court may seem just.

Compensations for Tenants' Improvements.

Tenant's right to compensation for improvements.

22. If any tenant, or the person from whom he has inherited, make any such improvements on the land in his occupation as are are hereinafter mentioned, *neither he nor his representative shall* be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the [ ] improvements *made on the land* by him, or the person from whom he has inherited, or whom he represents [ ].

[outlay, in money or labour, or both, expended in making such]

[within thirty years next before the date of such enhancement or ejectment]

Landlord's consent to tenant's improvement.

23. *Except as provided in the next following section, no tenant shall be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.*

Reference to Deputy Commissioner when permission is refused.

24. *If in any case the tenant apply to the landlord for his written consent to his making an improvement on his holding, and the landlord withhold or refuse to grant it, it shall be lawful for the tenant to apply to the Deputy Commissioner for sanction to make the improvement. The Deputy Commissioner, after taking into consideration any objections which the landlord may have to urge, either on the ground that—*

(a) the improvement is too costly or is unsuitable to the nature of the tenant's holding, or that

(b) he is prepared to make such improvement himself,

shall grant sanction on such conditions as he may consider fair and equitable or refuse the application. No appeal shall lie against an order passed by the Deputy Commissioner under this section.

"Improvements" defined.

25. The word "improvements," as used in *this* Act, means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

1st.—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles, and other works of a like nature.

2nd.—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

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(Chapter III.—Commutation and Payment of Rent in kind.—Sections 25A-28.)

Principle on which compensation is to be estimated.

25 (A). *In estimating the compensation to which a tenant is entitled regard shall be had—*

Act VIII, 1885, section 83.

(a) to the amount by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;

(b) to the condition of the improvement and the probable duration of its effects;

(c) to the labour and capital required for the making of such an improvement;

(d) to any reduction or remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and

(e) in the case of a reclamation, or of the conversion of unirrigated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.

Modes in which compensation may be made.

25. (B) *When a Court has assessed the amount of the compensation due to a tenant under the last preceding section, it may, if both landlord and tenant desire that the compensation assessed, instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon between them.*

Ditto, clause 2.

Improvements by the landlord.

26. *A landlord shall be entitled to make any improvement of the nature specified in section 25 on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.*

A landlord who proposes to make an improvement shall, if the work is to be constructed in the holding of any tenant, give notice to the tenant through the tahsildár.

Survey and Measurement.

Landlord's right to enter and measure lands.

27. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

Commutation of rents in kind.

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 30-32.)

in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

30. Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

Division or appraisement of produce taken for rent.

31. On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

Procedure in case of dispute.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

[The amount of rent thus fixed shall be binding upon the parties concerned.]

[All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.]

[**29.** The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress;

Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.

and may declare that officers are empowered to hear and decide cases under this section;

and may make rules for the guidance of officers acting under this section and section 28, and, from time to time, [with the like sanction] alter and add to the rules so made:

Provided that such rules, alterations and additions are consistent with this Act.]

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

32. No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent, except in pursuance of a decree made under this Act on some one of the following grounds (that is to say):—

Enhancement of rent of tenant with right of occupancy.

1st ground.—That the rate of rent paid by him is below the rate of rent usually paid, by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2nd ground.—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid, by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-35A)

Rule.—In this case the Court shall enchance his rent to such amount as the plaintiff demands, not exceeding such rate, less 12½ per cent.

3rd ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

33. After a decision has been passed in accordance with section 32 no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said 3rd ground, or, in the case referred to in section 34, until by re-assessment within the said term of five years the revenue of such land has been increased.

Term for re-enhancement after decision fixing rent under section 32.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

Enhancement on re-assessment of revenue.

B.—Other Tenants.

35. *Every tenant, not being a tenant with a right of occupancy, shall be entitled to retain possession of the holding occupied by him at the time of the passing of this Act at the rent then payable by him for a period of seven years from the date of the last change in his rent or of the last alteration in the area of the holding.*

Tenant in occupation at the passing of this Act: the conditions of his statutory tenancy.

35. *(A). Every such tenant hereafter admitted to the occupation of a holding shall be entitled to retain the same for a period of seven years from the date of his admission at a rent agreed upon with the landlord in accordance with the provisions of this Act; and every tenant, not being a tenant with a right of occupancy, in the area of whose holding or in the amount of whose rent any change shall be made by the landlord subsequently to the passing of this Act, shall be deemed to be admitted to the occupation of a holding within the meaning of this section.*

Tenant hereafter admitted: the conditions of his statutory tenancy.

Explanation.—Holding means a parcel or parcels of land held by a tenant and forming the subject of a

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separate engagement. Such engagement may be express or implied.

36. *If the landlord desires to enhance the rent of the tenant on the expiration of the term of seven years referred to in sections 35 and 35 (A), or at any time thereafter, he shall cause a notice to that effect to be served in the manner prescribed in section 36B. Until such notice is issued, the tenant shall be entitled to hold at the former rent:*

Enhancement on expiration of statutory tenancy limited.

Provided—(a) that the enhancement shall in no case exceed one anna in the rupee or six and a quarter per cent. on the annual rent payable when the notice is issued;

(b) that the terms of this section shall not apply to a tenant paying rent in kind.

36. *(A). The notice shall be written in Hindi and Urdu; it shall specify the land, the amount of the present rent and the amount of the enhancement, and shall require the tenant, if he refuses to pay the enhancement, to vacate the land by the fifteenth day of May next following, or to institute a suit in the proper Court to contest the notice of enhancement within a month from the date on which it was served.*

Terms of the notice of enhancement.

36 *(B). On the application of the landlord to the tahsildár or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of February, and the landlord shall pay the cost of service.*

Service of the notice.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village chaupal or other conspicuous place in the village wherein the land is situate.

36 *(C). A tenant may institute a suit to contest his liability to enhancement on any of the following grounds:—*

Grounds on which tenant may contest his liability to enhancement.

1st—That he holds a lease or agreement or a decree of Court under the terms of which he is not liable to enhancement.

2nd—That he has a right of occupancy in the land.

3rd—That the enhancement claimed is in excess of the rate authorized by law.

4th—That seven years have not elapsed since the date of the last change in the rent or alteration of the area of the holding by the landlord.

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5th — That the notice has not been served in the manner prescribed in section 36 B.

36 *(D). If the objection of the tenant is found by the Court to be invalid, or, if no suit has been instituted to contest the notice within a period of thirty days from the day on which it was served, on the expiration of such period, the tenant shall, if he retain possesion of the land after the fifteenth day of May next following the date of service of the notice, be held liable for the enhanced rent.*

Tenant's liability for enhanced rent.

36 *(E). If the tenant accepts the enhanced rent claimed by the notice, or remains in possession of the land under the terms of the preceding section, he shall be entitled to hold the land at such rent for a further period of seven years.*

Commencement of a fresh statutory period.

36 *(F). If the tenant refuses to accept the enhancement claimed and vacates the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.*

Tenant's right to compensation for improvement if he vacates.

36 *(G). Except in the cases mentioned in the next following section, the rent of a tenant admitted to the occupation of any land the tenancy of which has determined according to the provisions of this Act shall not exceed by more than one anna in the rupee, or six and a quarter per cent., the rent payable by the tenant immediately preceding.*

Rent of tenant who succeeds to a vacant holding.

36 *(H).—The rent of a tenant admitted to the occupation of any land the tenancy of which has ceased in consequence of the death of a previous tenant, or of the ejectment of a thikadár or mortgagee from lands of which he has taken culivating possession during the period of his thika or mortgage, shall be such amount as may be agreed upon between him and the landlord.*

Rent of tenant who succeeds to a holding vacated by the death of the previous tenant.

36 *(I). The heir of a tenant who dies during the currency of the tenancy shall have the right to retain occupation of the land at the rent payable by the deceased for the unexpired portion of the period for which the deceased tenant might have held without liability to enhancement or ejectment, and to receive compensation under the provisions of this Act for improvements, if any, effected on the holding by himself or his predecessor in interest, but shall have no right to a renewal of the tenancy or to compensation for disturbance.*

Rights of the heir of a deceased tenant.

36 *(J). Notwithstanding anything contained in the preceding sections, the Local Government shall have power to vary, from time*

Local Government may vary the limit of enhancement of rent.

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(*Chapter V.—Ejectment.—Sections 36K-38A.*)

to time, within periods of not less than seven years, the limits of the enchancement to which tenants, not having rights of occupancy, are liable.

Enchancement of rent for improvements effected by landlord.

36 (*K*). *Nothing in the preceding sections shall bar the right of a landlord to an enchancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement effected by, or at the expense of, the landlord during the currency of the tenancy.*

Where an enchancement is claimed on the ground of such an improvement, the Court in determining the amount of such enchancement shall have regard to—

firstly—the increase in the productive powers in the land caused, or likely to be caused, by the improvement;

secondly—to the cost of the improvement;

thirdly—to the cost of the cultivation required for the utilising of the improvement.

CHAPTER V.

EJECTMENT.

Tenants with Right of Occupancy.

Ejectment of tenant having a right of occupancy.

37. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment: [Act XIX, 1868, section 41.]

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

Other Tenents.

Ejectment of tenant not having a right of occupancy.

38. A tenant not having a right of occupancy, and not holding under an unexpired lease, or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act: *first*, in execution of a decree for [ ] ejectment *under section 43A or by application under section 43; or, second*, by notice given by his landlord in the manner described in *the next following sections.* [Act XIX, 1868, section 42.] [arrears of rent or for]

Compensation for disturbance.

38(*A*). *A landlord who desires to eject a tenant on the expiration of his tenancy may issue a notice of ejectment on such tenant, but shall*

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(*Chapter V.—Ejectment.—Sections 39-40.*)

deposit with the notice in the hands of the officer authorized to serve the notice a sum equal to the rent payable by the tenant for the year immediately preceding, as compensation for disturbance.

In the case of a tenant paying rent in kind the amount of compensation to be deposited under this section shall be a sum equal to the average annual value of the produce paid as rent during the preceding three years.

Provided that no such compensation shall be payable to a tenant in respect of so much of his holding as he has sub-let without the consent of the landlord, or in the cases provided for by sections 36 (1), 43 and 43 (A).

Notice of ejectment of tenant not having right of occupancy.

39. The notice mentioned in section 38 A shall be written in Hindi and in Urdu; it shall specify the land from which the tenant is to be ejected; and it shall inform him that he must either (*a*), if he means to dispute the ejectment, institute a suit for that purpose *within thirty days from the date of* the service of the notice, or (*b*) vacate the land on or before *the fifteenth of May next following.* [Act XIX, 1868, section 43.]

On the application of the landlord to the tahsíldár or officer authorised to serve such notices, the notice shall be served by such officer on or before the fifteenth day of *November*, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chaupal* or other conspicuous place in the village wherein the land is situate.

Grounds on which tenant may contest liability to ejectment.

40. A tenant *on whom a notice has been served under section 39* may contest his liability to be ejected from the land *specified therein* on any of the following grounds:— [Act XIX, 1868, section 37.]

1st—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment.

2nd—That he has a right of occupancy in the land.

3rd—If he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 39.

4th—That seven years have not elapsed since the date of the last change of rent or alteration of the area of the holding.

5th—That he is entitled to compensation for disturbance, and that the landlord has not deposited the sum required by this Act.

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(Chapter V.—Ejectment.—Sections 40A-43.)

Explanation.—A thikádár is not entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

Compensation for improvements, if any, to be claimed.

40 (*A*). *If the tenant has any claim for compensation for improvements effected by him on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.*

Determination of the claim directed.

40 *(B). If the Court finds the objections of the tenant to be invalid, it shall determine the amount of the compensation, if any, due for improvements, and shall declare the ejectment to be conditional on payment of that amount into Court.*

[Act XIX, 1868, section 44.]

41. If the tenant on whom such notice of ejectment has been served fails, *within thirty days from the date of* the service, to institute a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on *the fifteenth of May next following*, unless, after the service, the landlord has expressly authorised him to continue to occupy the land.

If notice is not contested, tenancy to be held to cease.

[Ditto, section 45.]

42. If no such suit be brought, *or if a suit has been brought and determined adversely to the tenant*, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased [ ], he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, *and that any compensation for improvements and disturbance, which may be due to the tenant, has been paid into Court or to the proper officer*, it shall give such assistance accordingly :

When assistance to eject may be given by Court.

[under the provisions of section 41]

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

[Act XIX, 1881, section 35.]

Ejectment for arrears of rent.

43. *If a landlord desires to eject a tenant, not being a tenant with a right of occupancy, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the first of April of the year in which the arrears accrued, apply to the Deputy Commissioner to eject the tenant. The Deputy Commissioner shall, on receiving the application, cause a notice to be served on the tenant, stating the amount due under the decree and informing him that, if he does not pay that amount into Court within fifteen days from the receipt of the notice, he will be ejected from his holding.*

If the amount be not so paid, the Deputy Commissioner shall, unless good cause be shown to the contrary, eject the tenant.

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(Chapter V.—Ejectment.—Sections 43A-46 A.)

[Act VIII, 1885, section 25.]

43 (*A*). *A decree for ejectment may be passed against a tenant on the ground—*

Decree for ejectment.

(a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy ; or,

(b) where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding.

The tenant shall continue liable for the rent of the land until the decree is executed.

General.

[except a sub-lessor]

[Act XIX, 1868, section 38.]

44. No tenant [ ] shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act [ ].

Time of ejectment of tenant.

[unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it]

[Act XIX, 1868, section 39.]

45. A *thikadár* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Time of ejectment of thikadár.

46. Any tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other [illegible] of the earth belonging to such tenant, and being on the land at the time of his ejectment:

Compensation to ejected tenant for growing crops.

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 39, he shall not be so entitled, unless, after such service, the landlord has expressly authorised him to continue to occupy the land.

Sir Lands.

46 (*A*). *The rights conferred upon tenants by sections 24, 35, 35(A), 36, 36(E), 36(F), 36(G), 36(I) and 38(A) shall not accrue to cultivators of any of the following lands :—*

Sir lands.

(a) Land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sir in the distribution of proprietary profits and charges. [illegible] shall be presumed, until the contrary is proved, where land was recorded as sir at settlement and has been continuously so recorded since :

(b) Land which for the seven years immediately preceding the passing of this Act has been continuously cultivated

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by the proprietor himself or by his servants or by hired labour.

46 *(B). A person holding land as a thikadár or mortgagee shall not, while so holding, acquire any of the rights enumerated in the preceding section in any of the land comprised in his thika or mortgage.*

Explanation.—A person having such rights in land does not lose them by subsequently taking a thika or mortgage in which his holding is comprised.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

Recovery of arrears of rent by distress.

47. When an arrear of rent is due from any tenant, the landlord may distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:

Provise as to tenants who have given security for payment of rent.

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable shall not be liable to distress so long as the security is in force.

No distress in certain cases.

48. Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

Power of distress by whom exercisable.

49. The power of distress vested by section 47 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsíldárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney to distrain:

Liability of principal of agent.

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

Distress by servants.

50. Any person empowered to distrain property under section 47 or section 49 may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 51-54.)

Crops liable to distress.

51. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with powers of distress under this Act.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

Demand of arrear before or at time of distress.

52. Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

Value of distress.

Service of list of property to be distrained.

53. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

Reaping and storing standing crops when distrained.

54. Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

If the tenant neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

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(Chapter VI.—Distress from Arrears of Rent.—Sections 55-59.)

55. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

56. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tender payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

57. Within five days from the time of storing any distrained crops or products, or, if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Application for sale.

58. The application shall be in writing; it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

Form of application.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

59. Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

Procedure on receipt of application.

The officer shall at the same time send to the Court, for the purpose of being put up at the court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 60-64.)

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

Suspension of sale on institution of suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

61. Any person whose property has been distrained as aforesaid may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

Suit to contest distrainer's demand.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

62. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

Withdrawal of distress on execution of bond.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

63. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as may be allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Proceeding with sale, if, on expiration of time fixed, no suit is instituted.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the

Place and manner of sale.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 65-69.)

proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale where fair price is not offered.

65. If, on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

Payment of purchase-money.

66. The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment the property shall be put up again and re-sold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

Proceeds of sale.

67. The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

Officers holding sales not to purchase.

68. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

Illegal acts of distrainer to be reported.

69. The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and

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(Chapter VI.—Distress for Arrears of Rent.—Sections 70-72.)

intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

Recovery of expenses if no sale takes place.

70. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property:

Provided that in no case shall an amount exceeding ten rupees be recoverable under this section.

Second proclamation of sale when arrears are adjudged to be due.

71. When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with cost of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

Distrainer to prove the arrear in suits to contest his demand.

72. In all suits instituted to contest a distrainer's demand the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71,

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(Chapter VI.—Distress for Arrears of Rent.—Sections 73-77.)

and if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

Compensation for vexatious distress.

73. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Suit by third party claiming property distrained.

74. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Release on giving security.

75. When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Order if claim dismissed.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

Compensation for distress of stranger's property.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

76. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

Stranger claiming to be landlord and to have right of distress to be made a party.

77. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such

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(Chapter VI.—Distress for Arrears of Rent.—Sections 78-80.)

arrear is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made by a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of such inquiry:

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of land to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

Suit for illegal distress.

78. Any person whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

Suit for illegal act of distrainer.

79. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

Suit for distress or sale falsely purporting to be under this Act.

80. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling for any injury which the plaintiff has sustained from the distress or sale.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

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(Chapter VII.—Jurisdiction of the Courts.—Sections 81-83.)

81. If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

Procedure in case of resistance to distress.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

82. If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

Punishment of offender.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

83. *No Courts other than* Courts of Revenue in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts *of Revenue* in the manner provided in this Act, and not otherwise:—

Suits cognizable under this Act.

A.—Suits by a Landlord.

(1.)—For the delivery by a tenant of the counterpart of a *patta* under section 10;

(2.)—For arrears of rent;

(3.)—For the enhancement of the rent of a tenant [ ];

[having a right of occupancy]

(4.)—For the ejectment of a tenant [ ];

[or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease]

(5.)—Suits by landlords aginst patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such patwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

B.—Suits by an Under-Proprietor or a Tenant.

(6.)—For establishing a right of occupancy;

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(Chapter VII.—Jurisdiction of the Courts.—Section 83.)

(7.)—For the delivery by a landlord of a *patta*;

(8.)—For contesting a notice of ejectment;

(9.)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent, due,

or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46,

or on account of loss arising for the making of improvements under section 26;

(10.)—For the recovery of the occupancy of any land of which an under-proprietor or tenant *has been dispossessed or from which he* has been illegally ejected by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement for rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22.

C.—Suits regarding the Division or Appraisement of Produce.

(14.)—Suits under section 31, regarding the division, estimate or appraisement of the produce of land.

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs.

(15.)—Suits by a sharer against a lambardár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lambardár or pattidár who is entitled to collect the rents of the patti, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lambardár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lambardár for compensation for revenue or rent paid by such lambardár on account of such joint lambardár;

(17.)—Suits by co-sharers against lambardárs, or by proprietors or lessees against muafidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muafidárs or assignees of revenue for arrears of revenue.

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(Chaper VII.—Jurisdiction of the Courts.—Sections 84-91.)

Grades of Courts.

Grades of Courts for the purposes of this Act.

84. For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

(1.)—The Court of the Assistant Collector of the second class;

(2.)—The Court of the Assistant Collector of the first class;

(3.)—The Court of the Deputy Collector;

(4.)—The Court of the Collector;

(5.)—The Court of the Commissioner;

(6.)—The Court of the Judicial Commissioner.

Chief Commissioner may declare grade of Tahsildár or Assistant Commissioner.

85. The Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsíldár with the powers of any of the same grades.

Deputy Commissioner to have Collector's powers.

86. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Settlement-officers may be invested with powers of Collector, &c., under this Act.

87. The Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

Jurisdiction of Assistant Collector of the second class.

88. The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the first class.

89. The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

Jurisdiction of Deputy Collector.

90. The Court of the Deputy Collector shall have power to try and determine suits of every description of which the subject-matter does not exceed five thousand rupees in value or amount.

Jurisdiction of Collector.

91. The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the orders of the Assistant Collectors, and, in suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, from such decisions and orders of the Deputy Collectors.

XIV of 1882.

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(Chapter VII.—Jurisdiction of the Courts.—Sections 92-95.)

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, *and with the powers of a Deputy Commissioner to hear applications under sections 24 and 43*, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

92. The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91 and 95 [and 102] [ ].

XIV of 1882.

Jurisdiction of Judicial Commissioner.

93. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also *second* appeals, as provided in the said Code, from the decisions passed in *first* appeal by the Collectors and by the Commissioners.

XIV of 1882.

Appeals.

Time for presenting appeals.

94. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Judicial Commissioner.

XIV of 1882.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Second appeals shall be presented to the Court of the Judicial Commissioner within the period hereinbefore fixed for the presentation of *first appeals*.

No appeals, except in certain cases, from Collector's decree for money below one hundred rupees.

95. In suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Col-

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(Chapter VII.—Jurisdiction of the Courts.—Sections 96-99.)

lector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

Distribution of Business.

96. The Deputy Commissioner may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Deputy Commissioner may distribute business in subordinate Courts.

Transfer of Suits and Appeals.

97. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

Withdrawal or reference of appeals.

98. The Judicial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

Judicial Commissioner may transfer suits and appeals from one subordinate Court to another.

Miscellaneous.

99. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Chief Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

General subordination of Courts.

Provided that nothing in this section shall empower the Chief Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

Proviso.

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(Chapter VIII.—Limitation of Suits.—Sections 100-106.)

100. All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsíldárs of khám estates, or by or against managing agents or tahsíldárs of estates held under khám management, whether such estates are the property of Government or not.

Suits by or against managing agents or tahsíldárs of khám estates.

101. No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

Sharer to exercise certain powers only through manager or lambardár.

In pattidári estates or tenures such powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

102. *Any person in possession of land occupied without consent of the landlord shall be liable for the rent of such land at the rate payable in the previous year, or, if no rent was payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of such land have any of the statutory privileges conferred by this Act.*

Rents payable on land occupied without consent of the landlord.

103. The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Courts may sit any where within limits of their jurisdiction.

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

CHAPTER VIII.

LIMITATION OF SUITS.

104. Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

General limitation.

105. Suits for the delivery of pattas or the counterparts of pattas may be instituted at any time during the tenancy.

Suits for delivery of leases or counterparts.

106. Suits for the recovery of arrears of rent of revenue or of a share of profits shall, except in the case mentioned in

Suits for arrears of rent or revenue or share of profits.

The Oudh Rent Bill.

(Chapter IX.—Procedure.—Sections 107-110.)

section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

Suits against agents for money, or delivery of accounts or papers.

107. Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits regarding distress, division of produce, &c.

108. Suits regarding distress under section 74, 78, 79 or 80, and suits regarding the division, estimate or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

CHAPTER IX.

PROCEDURE.

Civil Procedure Code to be the procedure under this Act.

XIV of 1882.

109. The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act.

Particulars to be added to plaint.

110. In addition to the particulars required by section 50 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

1st.—The name of the village or estate, and of the parganá in which the land to which the suit relates is situate;

2nd.—If the suit be for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

3rd.—If the suit be for recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

4th.—If the suit be for the delivery of a *patta* or the counterpart of a *patta*, the plaint shall specify all the particulars mentioned in section 7.

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(Chapter IX.—Procedure.—Sections 111-117.)

Third person claiming rent to be made a party.

111. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom he claims shall be inquired into, and the suit shall be decided according to the result of such inquiry:

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal.

112. In all suits under *clauses (1), (2), (7), (10) and (11) of section 83 of* this Act, the summons to the defendant shall be for the final disposal of the suit.

Set-off in suits for arrears of rent.

113. In a suit to recover an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

Defendant may pay money into Court.

114. In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

Procedure for balance where defendant pays less than amount claimed.

115. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Dismissal of suit for lease or counterpart, in absence of written evidence of agreement.

[116. If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.]

Collector may make local inquiry.

XIV of 1882.

117. The local inquiry described in section 392 of the Code of Civil Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall

The Oudh Rent Bill.

(Chapter IX.—Procedure.—Sections 118-123.)

record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

As to Decrees.

118. No process of execution shall be issued on a decree under this Act *when the application for the issue of such process is made* after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts.

Time within which execution may be had.

119. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 256 of *the Code of Civil Procedure.*

Immediate execution of decree.

XIV of 1882.

120. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which such enhancement shall take effect.

Decree for enhancement to state date from which it is to take effect.

121. If the decree be for the delivery of papers or accounts, it may be enforced by the imprisonment in the civil jail of the party against whom it is made or by the attachment of his property, or by both imprisonment and attachment.

Enforcement of decree for delivery of papers or accounts.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided that no person shall be imprisoned under this section for a longer period than six months.

122. A decree for the delivery of a *patta* or of the counterpart of a *patta* shall specify all the particulars mentioned in section 7, and such other particulars *in accordance with the provisions of this Act* as to the Court seem fit.

Decrees for lease or counterpart to specify particulars.

123. If the decree be for the delivery of a *patta* or the counterpart of a *patta*, and the party ordered to deliver such *patta* or counterpart neglects or refuses so to do, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and such *patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Court after decree may grant lease or counterpart, in case of defendant's refusal.

The Oudh Rent Bill.

(Chapter X.—General.—Sections 124-129.)

124. If the decree be for money, no process in execution shall issue against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree.

Sale of under-proprietary right in execution of decree for arrears of rent.

[Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.]

Appointment of Deputy Commissioner as manager.

126. No beneficial lease or other incumbrance hereafter created on his tenure by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

Registration of incumbrance created by under-proprietor.

127. When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

Proprietor's lien for rent payable by under-proprietor.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

Right of pre-emption at execution-sale.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed : Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred ; Provided also that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

CHAPTER X.

GENERAL.

129. *The Local Government, on being satisfied that any estate is suffering from grave mismanagement to an extent which has,*

General powers reserved to the Local Government.

The Oudh Rent Bill.

(Chapter X.—General.—Sections 130-132.—Schedule A.)

since the first of January, 1886, materially deteriorated the condition of the tenantry, or diminished the area of cultivation, may, with the previous sanction of the Governor General in Council, appoint an officer for the revision of the rents of the estate and their authoritative settlement for a period not exceeding ten years.

Registration of statutory pattas unnecessary.

130. *Notwithstanding anything contained in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom sections 35 and 35(A) of this Act apply shall be deemed good and valid without the same being registered.*

III of 1877.

Exclusion of specified areas from certain provisions of the Act.

131. *The provisions of sections 4, 35, 35(A), 36, 36(A), 36(B), 36(C), 36(D), 36(E), 36(F), 36(G), 36(I), and 38(A) shall not extend to the areas specified in Schedule D attached to this Act, but the Local Government may hereafter, from time to time, by a notification published in the official Gazette, extend these provisions, or any of them, to any area hereby excluded.*

[Act XII, 1881, section 211.]

Power to make rules.

132. *The Local Government may, from time to time, make rules consistent with this Act for the guidance of all persons in matters connected with the enforcement of this Act.*

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

SCHEDULE A.*

(See section 15.)

I, *A. B.*, of , &c., solemnly declare that I did personally [or by my agent *C. D.*] on the day of tender payment to *E. F.* at (the place where the rent of the lands at , held [*or* cultivated] by me under *or* from *or* jointly with] the said *E. F.* is usually payable) of the sum of rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the said sum so tendered [*or* to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said *E. F.* no further sum on account of the rent of the said lands.

I, the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

If this declaration is made by an agent, it must be altered accordingly.

The Oudh Rent Bill.

(Schedule B.—Schedule C.—Schedule D.)

SCHEDULE B.

(See section 15.)

Court of the of . Dated the day of 18 .

To *E.F.*, of , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 59.)

Office of , officer appointed to sell distrained property.

A. B.—Distrainer.

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you hereby are required either to pay the said sum to the said *A. B.* or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 188 .

SCHEDULE D.

(See section 131.)

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* This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill, which has been prepared by the Government of the North-Western Provinces and Oudh, is to secure to tenants in Oudh some protection against arbitrary eviction from their holdings and enhancement of their rents, and to place on a clear footing their right to make improvements on their holdings and to receive compensation for improvements so made. Under the law as it stands they are absolutely unprotected against enhancement and eviction, provided that the landlord observes certain easy formalities in raising rents or in issuing his notices of ejectment. Every field in a tenant's holding can be shifted on the close of each agricultural year at the will of his landlord, and there is no limit to the rise of rents.

The Census Statistics show that the pressure of the population on the land in Oudh is very great, being 470 to the square mile, and the large number of notices of ejectment annually issued and their steady increase from 23,600 in 1876 to 90,200 in 1882 afford reason for believing that they are used as instruments for the undue enhancement of rent. Enquiry has shown that this belief is not unfounded, and that the effect of the existing law on a population dependent mainly on agriculture for its subsistence must lead at no distant date to the deterioration of agricultural industry and the impoverishment and degradation of the bulk of the people.

It is not proposed to introduce a system of heritable occupancy-right acquired by prescription, such as prevails in the North-Western Provinces, but to accept contract as the basis on which transactions between landlord and tenant are to be regulated. The tenant, however, who has no other means of subsistence open to him, is no match for the landlord in a thickly populated agricultural province, and with a view to place the parties on more equal terms the Bill imposes the following restrictions on free contract between them.

Sitting tenants may hold the land they at present occupy at the rent now paid from the date of the last change in their rent or in the area of the holdings.

The enhancement of rent permissible at the expiry of each statutory period is to be limited to 6¼ per cent., or one anna in the rupee, on the current rental; the sitting tenant to have the equity of renewal at rent within that limit.

At the end of that period it is proposed to allow the landlord to enhance the rent of the sitting tenant to such sum as he and the tenant may agree upon within a limit of one anna in the rupee, or 6¼ per cent., on the rent previously paid.

At any time after the expiration of the statutory period a landlord who has not made terms with the sitting tenant may proceed either by notice of enhancement or by notice of ejectment at his discretion. If he proceeds by notice of enhancement the enhancement must be within the limit above given. If the tenant accepts, a new period begins. If the tenant refuses the proposed enhancement, the holding will become vacant, but no higher rent can be recovered from the next tenant than 6¼ per cent. above the old rent on the same holding. If the landlord proceeds by ejectment, leaving the tenant no option of re-entry, compensation for disturbance will be given up to one year's rent at the rate last paid, and the limitation of 6¼ per cent. will apply to the rent recoverable from the next tenant. In both cases tenants will be entitled to receive before dispossession any compensation due to them for improvements. The right of renewal is to be personal to the tenant in occupancy. On the death of a tenant in occupancy his heir will be entitled to hold on, on the same terms, to the expiration of the statutory period enjoyable by his predecessor, but must then, should the landlord so wish, vacate the holding on payment of the compensation for improvements found to be due to him.

These provisions are experimental, and power is therefore given to the Local Government from time to time, within periods of not less than seven years in any district or part of a district, to vary the limit of enhancement. Although there has been a considerable rise of prices in the past fifteen years, the rise may not continue at the same rate, and in that case the limit of 6¼ per cent. might be unfair to the tenant. In other cases the limitation might conceivably operate to the prejudice of the landlord.

The condition in the taluqdár's sanad—that he will promote the agricultural prosperity of his estate—is so vaguely worded as to leave the Government and the taluqdár alike uncertain as to the grounds on which Government should interfere between him and his tenantry. To put the matter beyond doubt power is given to Government to step in when it is satisfied that an estate is suffering from grave mismanagement, which has since the present year materially deteriorated the condition of the tenantry or diminished the area of the cultivation. The exercise of this power is subject to the previous sanction of the Governor General in Council, and the consequences of it are not the forfeiture of the estate, but an authoritative settlement of rents for ten years.

A similar power of settling rents was conferred in the Bengal Tenancy Act of 1885, the Local Government being authorized to interfere in the interests of public order or of the local welfare.

The detailed reasons for the alterations in the present Act necessary to carry out these proposals will be found in the annexed letter from the Local Government.

The 29th January, 1886. J. W. QUINTON.

No. 177/208-11 R. OF 1886.

From

J. WOODBURN, ESQ., SECRETARY TO GOVT., N.-W. P. AND OUDH,
IN THE OUDH REVENUE DEPARTMENT,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

Dated Allahabad, the 15th January, 1886.

IN compliance with the request conveyed in your letter No. 822/135-5 (Revenue), dated the 9th ultimo, I am directed to submit a draft Bill to amend the Oudh Rent Law.

2. The general principles on which the Lieutenant-Governor and Chief Commissioner proposes to amend the Rent Law in Oudh are fully detailed and explained in the letters of this Government, No. 3939 of the 21st December, 1883, and No. 723 of the 12th May, 1884. In this letter submitting the draft Bill it seems sufficient to explain the reasons which have led to the various minor alterations of the present Rent Act.

3. The Bill takes the form of a revised edition of the existing Act. It is very probable that in phraseology and arrangement Act XIX of 1868 might be greatly improved; but it is only in Chapters IV and V that any material change is needed to give effect to the several proposals which have been made by the Lieutenant-Governor. And since the Act is well understood by and familiar to the Rent Courts and the people, it appears advisable to make no more alterations of it than are necessary to a clear and correct statement of the principles which are hereafter to govern the relations of landlord and tenant. But the opportunity has been taken to remove any difficulties that have been found by the Courts in interpreting certain other parts of the existing law. Additions to existing sections of the Act and all new sections are printed in italics; and any portions of existing sections which it is proposed to omit have been printed marginally in brackets.

4. I am now to proceed to a specific statement of the alterations made in the Act.

5. Section 2 repeals Act XIX of 1868, but maintains such notifications and rules made under it as are consistent with the new Act.

6. In section 3 a clause has been added to the definition of "rent," to make it quite clear that the word covers the rent of an under-proprietor who may not be personally in the use or occupation of the land in his tenure. A clause has been added to the definition of "tenant," to show what portions of the Act are applicable to a thikadár. A collector of rents should acquire none of the statutory privileges of a cultivating tenant, but is a tenant of the lessor for many purposes. A definition of "prescribed" has been inserted, which is taken from the Bengal Tenancy Act, 1885.

7. Section 4 is substituted for the corresponding section of the present Act. It is necessary to provide that no contract before or after the passing of the Act shall deprive a tenant of that protection against enhancement and ejectment which it is the special object of the new law to give. The Lieutenant-Governor has decided, after careful consideration of the point, not to recommend that the new law shall be so framed as to prohibit the execution of any special agreement which shall give a tenant a longer occupancy than the statutory period of seven years; but it is essential that agreements for any shorter term shall be barred, and I am to ask that this point may receive particular attention when the draft is examined. The proposal is that the occupation of a holding may be settled between landlord and tenant for a longer period than seven years by agreement, but that no contract shall defeat the statutory limit of enhancement. He is unwilling to interfere more than is absolutely necessary with any existing contracts; and where the terms of any pattas at present in force exclude the tenant from making improvements or claiming compensation for such as he may have already made, he would not set the contract aside. So far as the Lieutenant-Governor's information goes, the number of such contracts is not great, while in many such cases it may be presumed that the improvements will have been made upon special terms and conditions.

8. As regards clearing leases the Lieutenant-Governor is of opinion that they must be left to be arranged by landlord and tenant without interference by the State. The conditions under which they are taken vary considerably in different parts of the country, and are in fact effectively controlled by local circumstances and local custom. A proviso has accordingly been added to this section, the terms of which have been taken from the first proviso to section 178 of the Bengal Tenancy Act.

9. Section 5 (A), empowering a landlord to confer occupancy-rights, has been inserted in accordance with the wish of His Excellency the Governor General in Council, as conveyed in paragraph 15 of your letter No. 252R., dated 12th April, 1884.

10. In section 7 of the present Act the word "lease" is used for the written memorandum of the terms of a tenant's holding. It is scarcely applicable to the record of the terms of a holding conferred by Statute, and the Lieutenant-Governor would prefer to use the word "patta." It is again inconsistent with a statutory tenure that the record of it should contain any conditions except those imposed by the Statute, and the clause of the present section 7, authorising the entry in the patta of any special conditions of the lease, should be omitted.

11. Section 11 of the present Act authorises the cancelment of a lease by decree. It seems desirable that the whole of the provisions in regard to the determination of tenancies should be placed together, and this section, with the material alterations which will be subsequently explained, has been transferred to the chapter on ejectments as 43(A).

12. Section 20 of the Rent Act contains the provincial rule regarding the remission of rent, where it is proved to the Rent Court that from unforeseen calamity the tenant is unable to pay the entire demand. A proviso is attached to the section, which prevents a tenant with a five years' lease from claiming the benefits of this section. If this proviso were retained under the amended Act, which is to give all tenants a statutory occupancy for seven years, the effect would be to nullify the section altogether. The question is, therefore, whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section shall stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackle it with an awkward and hardly logical condition. The corresponding provisions of the rent law in the North-Western Provinces are contained in section 23 of Act XII of 1881 and the rules which have been prepared under it. When the crops have been injured by hail or drought in a village of the North-Western Provinces, the Collector has to apply for a remission of revenue before he can move in the matter of rents; and when that is obtained he enforces a remission of rents, equivalent to double the remission of revenue, by a process which is not always very well adjusted or duly proportioned. There is by law no similar rule in Oudh. Neither in the Revenue nor in the Rent Acts is any authority given to the Deputy Commissioner to carry on, distribute and enforce among the rents of the tenantry the remission which has been made in the landlord's revenue. It is true that under circular orders, issued administratively (of which an extract is given in the footnote), Deputy Commissioners have insisted on remissions of rent as a consequence of remissions of revenue; and the Lieutenant-Governor is not prepared at once to cancel those instructions. Nevertheless, when it comes to framing legal provisions, he would prefer to leave, at any rate experimentally, the adjustment of rent abatements between landlord and tenant as much as possible to the parties concerned, subject only to a Judge's discretion in extraordinary cases. The fact of the revenue remission is perfectly well known, and any tenant who is pressed to pay upon crops that have been seriously damaged has only to demur to the demand and let his claim to relaxation of the rent be considered by the Rent Court. So long as a tenant was liable to summary and arbitrary ejectment, undue pressure for the payment of rent could no doubt be made; but now that all tenants will be protected in the occupation of their holdings, the Lieutenant-Governor considers that with an appeal to the Rent Court, such as is given by section 20, they may be left to make their own arrangements with their landlords on such occasions as those contemplated by the section.

13. The proviso in section 20 is to some extent based on a distrust of the Courts, since they might exercise the power without sufficient cause, and hamper the landlord by remissions of rent for which he has received no compensating remission of revenue. The landlord, however, has always the remedy of appeal from a decree which he considers unfair, and if the case can be supposed possible of calamity so considerable as to justify large remissions of rent by the Court, although no previous remission of revenue had been given, no Deputy Commissioner would refuse to recommend a corresponding remission of revenue. There is again the risk that the Courts might force remissions of revenue by giving remissions of rent; but it must be assumed that the Courts will proceed with due care and upon sufficient evidence in remitting rents, while in Oudh they are likely always to keep in view the effect of their decrees upon the revenue. Moreover, a landlord is certain to contest any unfair reduction of his rent-demand; for a remission of revenue is never sufficient to compensate him, and his appeal is to the Commissioner or Deputy Commissioner, who is directly concerned with the collection of revenue. The Lieutenant-Governor recommends,

Any landlord who receives a remission of Government revenue will be bound, in proportion to the extent of the remission, not to take, either through himself or through a lessee, and to restore if he has so taken, rent for the crop on account of which the remission is granted.—(*From Circular Orders of 7th January, 1875.*)

therefore, that the section be maintained with the omission of the proviso. The draft proposes to insert "materially" before "diminished", to indicate to the Courts that remission is not to be given for any but considerable loss.

14. Sections 35 and 36 of the present Act will be entirely superseded, and the reference to them in section 20 may be excised.

15. In section 21 (relinquishment of the holding) the last clause of the first sentence may be omitted. The Lieutenant-Governor wishes to make a distinction between relinquishment and abandonment. If tenants are to have considerable fixity of tenure, it is right that the landlord should have fair notice of relinquishment of holding, that he may make suitable arrangements for a new tenant. The date for notice of relinquishment has accordingly been antedated to the 15th of March, and at this time lease to another tenant can hardly have been given. It has been prescribed that the notice shall be in writing.

16. A section has been drafted in regard to abandonment [21 (B)], adopted from section 87 of the Bengal Tenancy Act.

17. In the sections on compensation for tenants' improvements considerable changes have been made. Section 22 of the present Act directs that the tenant shall be entitled to compensation for improvements whenever his rent is enhanced. This provision has, so far as the Lieutenant-Governor can ascertain, remained a dead letter. Under a system by which the adjustment of rent between landlord and tenant was left entirely to private contract, any enhancement of rent, so long as the tenant chose to stay, probably took into consideration the tenant's expenditure on the improvement of his holding. For the future at least no such provision is needed. The enhancement at the close of a statutory period of tenancy is a statutory enhancement, and will have effect whether or not the tenant has in the course of his expiring period of tenancy effected an improvement which has added to its value. The clauses in section 22, providing for compensation on enhancement, may therefore be left out.

18. The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bars right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay, assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle is by no means a just one, for the landlord is exposed to great exaggerations by the tenant of his original outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair, but more simply and readily applied by the Courts, for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well is the most common of all improvements in Oudh. A section has been accordingly introduced from the Bengal Act, section 83(1), and the references to outlay and the period of construction omitted from section 22.

19. It is the recognised custom of the province that a tenant cannot make an improvement of a permanent character without the consent of the landlord. So long as the tenant held on a yearly tenancy at the will of the landlord, this consent was obtained on terms which were sometimes very harsh. I am to refer, for example, to paragraph 127 of Colonel Erskine's report of the 1st June, 1883 (page 277 of the second volume of papers on the condition of the Tenantry in Oudh). Now that the ordinary tenancy is for seven years, it is necessary for the agricultural progress of the country that the landlord's consent to improvements shall not be unreasonably withheld. It has accordingly been proposed in the Bill that the tenant shall have the right of applying to the Deputy Commissioner should the landlord refuse his consent, and that the Deputy Commissioner, after hearing the landlord's objections, shall pass such orders as may be fair and equitable.

20. On the other hand, it is right, when enhancement is otherwise carefully restricted, that arrangement should be made for the assessment of a fair enhancement on holdings the produce of which has been increased by a landlord's improvement, and sections 26 and 36 (K) of the Bill have been drafted for the assistance of landlords in this matter.

21. Section 25 of the present Act is believed to have been of very little, if any, value. It has, however, been retained in section 25 (A) of the Bill in a shorter form, taken from the second clause of section 83 of the Bengal Tenancy Act.

22. Chapter III of the Oudh Act refers to commutation and payment of rents in kind. The Lieutenant-Governor proposes to omit the last two clauses of section 28 and the whole of section 29. The commutation of grain-rents is an exceedingly delicate and difficult business, while the prevailing opinion as to the advantages and disadvantages of commutation is apt to vary greatly, the authorities leaning sometimes on one side, sometimes on the other. It can hardly ever be expedient that the Government shall interpose, during the currency of a settlement, to determine officially a question of this nature, which is essentially connected with local circumstances and conditions of agriculture that are best adjusted by mutual consent; and, since, in fact, the authoritative commutation of rents

is hardly known in Oudh, the Lieutenant-Governor would prefer to leave it, by law, to private arrangement between landlord and tenant, except when a settlement of revenue is in progress. The transition from rents in kind to cash-rents is gradually spreading with the improvement of agriculture, and the process should be left to its natural and spontaneous course.

23. Chapter IV of the Act deals with the enhancement and settlement of rent. So far as it concerns the rent of tenants with a right of occupancy, they are left untouched. In the two sections, 35 and 36, of the Act are contained the whole of the provisions of the present law in regard to the rent of other tenants. To introduce the scheme sketched in paragraph 69 of my letter of 21st December, 1883, the sections numbered 35 to 36 (K) have been substituted for them in the Bill. They give every tenant a statutory right to occupy his holding for seven years, with a new period beginning from every change in rent or area by the landlord, and at the end of every period of tenancy they give him the preferential claim to continue in his holding at a rent that cannot be more than 6¼ per cent. in excess of the previous rent, or, if he be ejected, to be paid compensation for disturbance. In short, the landlord cannot disturb the tenant for seven years, and if after that period he desires to eject he must pay compensation. In no case can enhancement of rent, whether upon the sitting tenant or his successor, exceed 6¼ per cent. of the old rent; but if the sitting tenant will not agree to an enhancement thus limited he must quit without compensation. The new sections also provide that enhancement shall be by notice; they prescribe a procedure for contesting the notice; and detail the liabilities of the tenant, when he retains or vacates the holding, with or without objection to the notice (clauses 1, 2, and 4, paragraph 69, above quoted). The rights of a tenant are, however, to be personal, and provision has been made in sections 36 (I) and 36 (H) that the heir of a tenant who dies shall retain the holding only till the expiry of the statutory term current at the time of his death; and, subject to any claim by the heir to compensation for improvements, the landlord is left free to let the holding to any person at any rent which may be arranged (clause 6, paragraph 69). The new tenant under section 35 (A) then acquires statutory rights similar to those enjoyed by his predecessor.

24. In section 36 (J) power has been taken by the Local Government to vary the limit of enhancement at stated intervals (clause 3, paragraph 69).

25. In Chapter V of the Act are the provisions for ejectment and the determination of tenancies. In this there has again been much addition and, for the sake of clearness, some re-arrangement of the sections.

26. Section 37 of the Bill reproduces section 41 of the Act unchanged, and states that a tenant with a right of occupancy, and in certain other cases, may be evicted only by a decree for ejectment. Among these tenants is included, by the present Act, a tenant under a special agreement. A tenant evicted by decree is not entitled to the compensation for disturbance given to the statutory tenant of the Bill. The Lieutenant-Governor is of opinion that the section should continue to cover the case of a tenant under special agreement.

27. Section 38 of the Bill is with some alteration section 42 of the Act. It covers the case of all other tenants, and permits their eviction either by a decree for ejectment under section 43 (A) of the Bill, or by an application where decreed arrears of rent remain unpaid, or by the notice of ejectment prescribed by the present Act. The application for ejectment for arrears has been taken from section 35 of the North-Western Provinces Rent Act (XII of 1881), and is a simpler procedure, which the improved position of the tenant justifies, than the application in execution of decree allowed by the present Act.

28. If the landlord proceeds by notice he is required by section 38 (A) of the Bill to deposit the compensation for disturbance, which was part of the scheme of the letter of December, 1883 (paragraph 69, clause 4).

29. In section 39 of the Bill (43 of the Act), which describes the details to be given in the notice, the only important change is that the time of service is put much earlier in the year (15th of November instead of 15th April). Tenancies will now be of seven years' duration, and it is very desirable that notice should be given in sufficient time to admit of all claims on the ground of improvement or other objections being fully sifted and decided before the expiry of the year.

30. Section 40 of the Bill (section 37 of the Act) then details the grounds on which the notice of ejectment may be contested. To the grounds given in the Act have to be added those which the new provisions in the Bill require. The notice may have been issued before the seven years of the statutory tenancy have expired, or the compensation for disturbance may have been deposited only in part or not at all. In sections 40 (A) and 40 (B) of the Bill the tenant is required, if he has any claim to compensation for improvements, to give a specific statement of his claim, and the Court is to determine it before it allows eviction. From the ambiguous language of the Act there have been contradictory rulings in the Rent Courts of Oudh as to the liability of the tenant to eviction before receipt of compensation due to him for improvements. It was clearly the intention of section 22 that he should be compensated before he was removed, and this is definitely expressed in the Bill.

31. Sections 41 and 42 of the Bill represent sections 44 and 45 of the Act with such alterations as the provisions of the preceding sections or experience in the working of the present Act require. In section 42 of the Bill a clause has been inserted, which was much wanted, enabling the Court to give assistance to the landlord, when needed, to evict a tenant who has contested a notice unsuccessfully. These sections contain the only provisions by which a landord can remove a tenant of bad character, and no tenant is so likely to resist any action by the landlord himself. If assistance may be properly asked when the tenant has not contested the notice at all, it is more needed when the notice has been contested without valid ground of objection. The section in its present form follows the provision of section 40 of the North-Western Provinces Rent Act.

32. Section 43 of the Bill has been taken, as already explained, from the Rent Act of the North-Western Provinces.

33. Section 43(A) is the provision which the Lieutenant-Governor would substitute for section 11 of the Act, in regard to the terms on which a tenancy may be determined by a decree for ejectment. Section 11 bases it on a failure to perform or observe any of the stipulations of the lease or patta; but the patta of a statutory tenant will not contain any special stipulations, and when such a tenant defaults in his rent the landlord's process will be under section 43 of the Bill.

Even a statutory tenant, however, should be liable to ejectment if he uses his holding in a manner which renders it unfit for the purposes of his tenancy, and provision to that effect, taken from section 44 of the Bengal Tenancy Act, has been introduced in section 43(A) of the Bill. Moreover, many statutory tenants will hold on grain-rents; and as the amount of the landlord's receipts depends on the area the tenant cultivates, the landlord should be ensured against serious damage by the tenant's deliberate neglect to cultivate. In paragraph 77 of my letter of December, 1883, it was recommended that local custom should be left to decide what extent of failure in cultivation should be followed by forfeiture of the holding. This is the object of the second clause in section 43(A) of the Bill.

Tenants, however, "having a right of occupancy, or holding under an unexpired lease, or special agreement or decree of Court," are protected by section 41 of the Act (37 of the Bill) from eviction, except in execution of a decree for ejectment. The section specifies that a decree for ejectment against a tenant with a right of occupancy shall not be made unless at the date of the decree a decree against him for an arrear of rent has remained for fifteen days unsatisfied; but no definite explanation is given of the conditions under which ejectment may be made of the other classes of tenants specified in the section whether for failure in stipulations in the unexpired lease or special agreement, cessation of the effect of the decree of Court, or other ground for eviction. The Lieutenant-Governor presumes that it has been hitherto left to be decided under the general law whether the grounds for eviction in any such case are or are not sufficient, and that it is unnecessary to give any precise specification. This is, however, a matter on which the Legislative Department will advise.

34. In sections 44 and 45 of the Bill, corresponding to sections 38 and 39 of the Act, the period of the year it stated at which ejectment may take place. A sub-lessor is subjected to a special penalty in section 38(A) of the Bill, and there seems no reason for excepting him from the general rule that ejectment shall take place at the close of the agricultural year. As a statutory tenant he could only then be ejected, and for the same reason the last clause of section 38 of the Act should be omitted.

35. In section 39 of the Act the word thikadár has been substituted for sub-lessor.

36. Section 40 of the Act has been practically absorbed in section 43 of the Bill.

37. To this chapter of the Act two sections have been added in regard to sír-lands. The Lieutenant-Governor accepts the opinion that in the home-farms of the landlords no statutory rights should be recognised in the tenants who may from time to time be admitted to cultivate in them. The principle is recognised in the Tenancy Acts of the North-Western Provinces and Bengal. Whenever, however, statutory rights are recognised outside the private lands of the zamíndár, it becomes necessary to define what these private lands are. Hitherto there has been in Oudh no special reason for entering as sír in the rent-rolls land which is not sír; for the change of law now proposed, which is to restrict the arbitrary powers of landlords over all holdings that are outside sír, has not been anticipated, and the revision of assessment is still sufficiently distant to make it more convenient for the collection of rent that land let to tenants shall be so recorded. From all that has been reported the village rent-rolls are in this respect, as indeed in most others, very fairly correct; and the Lieutenant-Governor is disposed, therefore, to make a less exacting definition of sír than that in force in the North-Western Provinces. The definition of sír which is given in section 46 (A) of the Bill is for these reasons less stringent in several particulars than that which is laid down in section 3 of the North-Western Provinces Rent Act. It has been proposed on some authority to adjust this definition on the principle of allowing land to fall into sír and again to fall back into ordinary tenancy land by fixing certain periods after which continuous cultivation by the landlord or by a tenant should determine the character of the cultivating occupancy. The rule of the North-Western Provinces is to fix a long period of continuous cultivation by the landlord, and then to make the lands so cultivated a permanent addition to his original sír, whether he continues to cultivate or lets to a tenant. The Bengal Act prevents any accession to the present sír unless it is recognised by village custom.

The Lieutenant-Governor would have been glad, nevertheless, to admit a proposal which is quite in keeping with the fluctuations of all agricultural enterprise, and the developments and depressions which circumstances frequently induce in agricultural families. No adjustment, however, has been discovered to regulate the recognition of lands as sír and their restoration to the normal conditions of tenancy which the landlord will not be able so to manipulate as to exclude from the statutory provisions an area of cultivated land considerably larger than that which he for the time being occupies. For the purposes of the landlord's cultivation, moreover, there is no restriction on its development. When a tenant's holding falls in by his death, it is open to the landlord to occupy it himself instead of letting it to another tenant. Whether, therefore, it is called sír or not will merely operate in determining whether the landlord can subsequently let it without initiating the usual statutory privileges in his tenant. After mature consideration the Lieutenant-Governor is of opinion that sír to the extent of all present requirements is provided by the definition as it stands in the Bill, that this may, as in the North-Western Provinces and Bengal, be permanently excluded from the operation of the sections which regulate the ordinary holdings of tenants, but that for the future no provision should be made by the law to a enable landlord, by private cultivation for any definite period, to remove permanently any lands from the general operation of those sections.

38. The section 46 (B) of the Bill has been added to meet the case of lessees and mortgagees who during their management have brought lands under their personal cultivation. These are lands which, on the expiry of the lease or redemption of the mortgage, are paying no rent; and unless some express provision is made, the lessee or mortgagee would apparently have not only the statutory rights of a tenant, but be entitled to sit rent-free.

39. In Chapter VI (Distress for Arrears of Rent) the Lieutenant-Governor proposes no change.

40. In Chapter VII (Jurisdiction of the Courts) the change are few.

41. In the preamble of section 83 a small change has been made in the terms of section 93 of the North-Western Provinces Rent Act, excluding definitely the jurisdiction of all Courts other than Courts of Revenue in the classes of cases specified.

In clause 3 it seems unnecessary to limit a suit for enhancement to the case of an occupancy-tenant. A lessee in whose lands there may be large alluvion may be liable to a suit for enhancement.

The last part of clause 4 is unnecessary for reasons stated in an earlier part of this letter.

In clause 9 an addition is necessary from the terms of section 26 of the Bill.

In clause 10 an addition is required by section 21 (A) of the Bill.

42. In section 91 an addition is proposed authorising the Local Government to invest any officer of the grade of a Deputy Collector with the powers of a Deputy Commissioner to hear applications by a tenant under section 24 to make improvements, or of a landlord under section 43 to eject a tenant for arrears of rent.

43. Section 102 of the Act gives summary powers to Deputy Collectors to restore possession which has been illegally disturbed. From orders under this section there is no appeal. Against this section there has been much complaint, and now that the position of the tenant will be comparatively secure it is preferable that the restoration should be by ordinary suit, subject to the usual appeal. For this section of the Act has been substituted a provision enabling the landlord to recover a fair rent for land which has been occupied without his permission. The absence of any such provision has been for many years a frequent cause of notice of ejectment. The only course open to the landlord hitherto, when a tenant has added surreptitiously to his holding, has been to eject him, or to attack him by the cumbrous process of a suit in the Civil Court for damages. If the land happened to be unlet in the previous year, the provisions of sections 35 and 36 of the Act prevent the landlord from recovering any rent in the Rent Court.

44. Section 112 of the Act requires that in all suits under the Act the summons to the defendant shall be for the final disposal of the suit. The suit is in many cases intricate, and will hereafter involve and concern tenancies of a longer and more valuable character. It is proposed to limit this provision to specified classes of suits.

45. Section 116 of the Act is no longer consistent with the general provisions of the Bill, and should be omitted.

46. Section 125 of the Act provides that sale of an under-proprietary tenure shall not be made if satisfaction of the decree can be made by management of the tenure under sections 243 and 244 of the Civil Procedure Code of 1859 (or the corresponding sections of the Code of 1882). Management of under-proprietary tenures by the Deputy Commissioner has for some time, however, been recognized as practically impossible. They are generally small; as they come under the Deputy Commissioner's charge, they are usually scattered; and official management can be neither efficient nor economical. If the under-proprietor can give the Deputy Commissioner any anticipation that a private adjustment of

the judgment-debt can be effected by mortgage or otherwise, time can always be given under section 305 of the Code of 1882, and the Lieutenant-Governor's opinion on the whole is that all of the section, except the first sentence, may be without disadvantage omitted.

47. In a concluding chapter (X) of the Bill are entered four new sections.

48. Section 129 reserves to the Local Government authority under the sanction of the Governor General in Council to appoint an officer for the revision of rents in an estate in which from grave mismanagement the condition of the tenantry has been materially deteriorated or the area of the cultivation diminished. This formed the seventh clause of the scheme in paragraph 69 of the letter of 21st December, 1883, and the reasons for the provision have been there sufficiently explained.

49. Under the present registration law all pattas for seven years, for however small a sum, must be registered. The inconvenience of an enforced registration throughout the country would be very serious; and as the pattas of all tenants will be checked by the supervisor-kanúngos, registration seems to be unnecessary. The object of registration is practically effected by his verification, and personation will be difficult when the verification is made in the course of his village rounds. It is proposed, therefore, in section 130, to exempt pattas for the statutory period of seven years from the Registration Act.

50. In section 131 reference is made to a schedule, in which will be entered certain tracts which the Lieutenant-Governor proposes to exclude from the general rule of a statutory right to a seven years' holding. It has been explained in paragraph 78 of the letter of December, 1883, that in part of the northern and submontane districts the rent customs are exceptional, the area in cultivation varies with the season, and the rent is separately settled at each harvest. With these circumstances the general proposals of the Bill will not fit in; but in these tracts the population is sparse, and the tenants can command their own terms. A detail of the areas to be scheduled will be forwarded subsequently.

51. In the last section (132) of the Bill power is taken to the Local Government to make any rules necessary under the Act and consistent with it. The terms of the section have been taken from the last clause of section 211 of the North-Western Provinces Rent Act.

S. HARVEY JAMES,
Offg. 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 June, 1886, and was referred to a Select Committee :—

NO. 8 OF 1886.

A Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body.

WHEREAS it is expedient to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to amend the law relating to the powers of the said Trustees; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Indian Museum Act, 1886; and

(*2*) It shall come into force at once.

2. Sections 3, 4 and 5 of the Indian Museum Act, 1876, are repealed. XXII of 1876.

3. For those sections the following shall be substituted, namely :—

"*Incorporation of the Trustees.*

Constitution and incorporation of the Trustees of the Indian Museum.

"3. The Trustees of the said Indian Museum shall be—

(*a*) the person for the time being holding the office of Accountant General of Bengal;

(*b*) five other persons to be appointed by the Governor General in Council;

(*c*) five other persons to be appointed by the Lieutenant-Governor of Bengal;

(*d*) five other persons to be appointed by the Council of the Asiatic Society of Bengal; and

(*e*) five other persons to be appointed by the Trustees;

and the said Trustees shall be a body corporate, by the name of the Trustees of the Indian Museum, and shall have perpetual succession and a common seal.

"4. All the powers of the said body corporate may be exercised so long and so often as there are nine members thereof. Number of corporators.

"5. If a trustee appointed under section 3 dies, or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act, or becomes Accountant General of Bengal, then the authority which appointed the trustee may appoint a new trustee in his place." Power to appoint new trustees.

4. (*1*) For the purposes of the Indian Museum Act, 1876, as amended by this Act— Continuance of existing trustees. XXII of 1876.

(*a*) the persons nominated by the Governor General in Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor General in Council under section 3 of that Act as amended by this Act; XXII of 1876.

(*b*) the President of the Asiatic Society of Bengal, and the other members of the Council of that Society nominated by that Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Council of the Asiatic Society of Bengal under the said section; and XXII of 1876.

(*c*) the persons elected and appointed by the Trustees under the said Act, and now holding office as Trustees, shall be deemed to have been appointed by the Trustees under the said section.

(*2*) The Secretary to the Government of India and the Superintendent of the Geological Survey of India shall cease to be *ex officio* members of the said body corporate.

5. Notwithstanding anything in the Indian Museum Act, 1876,— Power to Trustees to keep collections not belonging to them. XXII of 1876.

(*a*) the Trustees of the Indian Museum, if they think fit, may, with the previous sanction of the Governor General in Council, and subject in each case to such conditions as he may approve and to such rules as he may from time to time prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trusts in that Act mentioned, and keep and preserve the collections either in the Indian Museum or elsewhere; and

(*b*) in the event of the trust constituted by that Act being determined, collections of which the Trustees have assumed the custody and administration under the foregoing part of this section shall not, by reason of their then being in the Indian Museum, become the property of the Government of India.

And whereas it is provided in the Indian Museum Act, 1876, that the Trustees of the Indian Museum shall have the exclusive possession, occupation and control, for the purposes of their trusts in that XXII of 1876.

Act mentioned, of the whole of the building called the Indian Museum, except certain portions thereof set apart for other purposes; and whereas the Trustees are by virtue of that provision in possession of the property described in the schedule to this Act; It is hereby enacted as follows:—

Power to Trustees to part with certain property in their possession.

6. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of that property to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

THE SCHEDULE.

Land bounded on the north by a straight line drawn between the east and the west boundaries parallel to the main south wall of the Museum at a distance of twenty-five feet from the said wall, on the west and south-west by the Chowringhee Road and the walls of the premises known as No. 29 Chowringhee Road, on the south by Kyd Street, and on the east by the walls of the premises known as No. 15 Kyd Street and No. 4 Chowringhee Lane, measuring in all four acres, three roods and sixteen perches, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give effect to an arrangement, made with the approval of the Government of India, whereby—

(a) the Bengal Government is to be represented among the Trustees of the Indian Museum;

(b) the Bengal Government is to entrust the Trustees with the custody and administration of the economic, ethnological, Indian Art-ware and Fine Art collections belonging to that Government; and

(c) the Trustees, in consideration of the provision by the Bengal Government of additional accommodation required by them, are to surrender certain land adjacent to the Museum on which that Government may build a School of Art and Art Gallery.

Sections 3 and 4 provide for the representation of the Bengal Government among the Trustees, and sections 5 and 6 empower the Trustees to assume the custody of the collections belonging to the Bengal Government, and to make over to that Government the land on which the School of Art and Art Gallery are to be built.

The 25th May, 1886.

S. C. BAYLEY.

S. HARVEY JAMES,
Offg. 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 June, 1886:—

No. 9 OF 1886.

THE DEBTORS BILL, 1886.

CONTENTS.

SECTIONS.
1. Short title and commencement.
2. Extent.
3. Definition.
4. Enforcement of decree or order for money by imprisonment permissible in excepted cases only.
5. Discretionary powers of Courts in some excepted cases.
6. Power to make rules for guidance of Courts in other excepted cases.
7. Provisions as to imprisonment under Act.
8. Commitment of fraudulent debtors to Magistrate.
9. Special provisions with respect to arrest before judgment.
10. Saving of proceedings antecedent to commencement of Act.
11. Act to bind the Crown.
12. Powers exerciseable from time to time.

A Bill to amend the law relating to Imprisonment for Debt.

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the Debtors Act, 1886; and it shall come into force on the first day of January, 1888.

Extent.

2. *(1)* This Act shall extend, in the first instance, only to the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

(2) But any other Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, extend this Act, with effect on and from a day not less remote than one year from the date of the notification, to the whole or any specified part of the territories under its administration or to any class of debtors within the whole or any specified part of those territories.

Definition.

3. In this Act the expression "Revenue Court" means a Court having jurisdiction in suits for the rent, revenue or profits of land.

Enforcement of decree or order for money by imprisonment permissible in excepted cases only.

4. Notwithstanding anything in the Code of Civil Procedure or any other enactment, a person shall not be liable to arrest or imprisonment for default in compliance with a decree or order of a Civil or Revenue Court for payment of money except in the following cases:— [Act XIV, 1882, s. 254: Act XII, 1881, s. 156: Act XIX, 1868, s. 109.] XIV of 1882.

(a) where the order is for payment of a fine; [Act X, 1882, s. 480: Act XIV, 1882, ss. 170, 174 & 412.]

(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself; [32 & 33 Vic., c. 62, s. 4: Guardians and Wards Bill, 1886, s. 33.] [L. R. 6 Ch. 156—158.]

(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property; [Act XIV, 1882, s. 359.]

(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same. [32 & 33 Vic., c. 62, s. 5.]

Discretionary powers of Courts in some excepted cases.

5. In any case coming within the exception specified in clause *(b)* of section 4 the Court may, after inquiry into the case, [41 & 42 Vic., c. 54.]

grant or refuse, either absolutely or on terms, any application for the arrest or imprisonment of the defaulter, or for his release from arrest or discharge from imprisonment.

[Act XIV, 1882, s. 287: 32 & 33 Vic., c. 62, s. 5.]

Power to make rules for guidance of Courts in other excepted cases.

6. *(1)* The High Court, with respect to Courts subordinate to it, and the Chief Controlling Revenue-authority, with respect to Courts subordinate to it, may, with the approval of the Local Government and the sanction of the Governor General in Council, make rules for regulating the procedure to be observed in inquiries for determining whether the case of a defaulter for whose arrest or imprisonment application has been made is a case coming within the exceptions specified in clauses (*c*) and (*d*) of section 4, or within either of those exceptions.

(2) Rules may be made under this section—

(a) for the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, at any time after the passing of this Act, and

(b) for territories under the administration of any other Local Government, at any time after the publication of the notification extending this Act to those territories or to any class of debtors therein;

but rules so made shall not take effect until the Act comes into force in the territories for which they have been made.

(3) An authority making rules under this section shall, before making the rules, publish a draft of the proposed rules in such manner as the Governor General in Council, by notification in the Gazette of India, prescribes.

(4) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(5) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(6) A rule made under this section shall not take effect until it has been published in the local official Gazette.

(7) The publication in that Gazette of a rule purporting to be made under this section shall be conclusive proof that it has been duly made.

Provisions as to imprisonment under Act.

7. The operation of the enactment under which the defaulter is liable to arrest or imprisonment in any case coming within the exceptions specified in clauses (*b*), (*c*) and (*d*) of section 4, or within any of those exceptions, or is entitled to release from the arrest or discharge from the imprisonment, shall be subject to the following provisions, namely:—

[Act XIV, 1882, s. 342. Act XII, 1881 s. 163.]

(*a*) the defaulter may be imprisoned for such term, not exceeding six months, as the Court directs;

[Act XIV, 1882, s. 339: Act XII, 1881, ss. 165 and 166: & Act XXVI, 1870, s. 36.]

(*b*) no allowance for the subsistence of the defaulter, or for supplying him with clothing or bedding, shall be payable by the person on whose application the order for the imprisonment of the defaulter is made;

(*c*) during the term of his imprisonment the defaulter shall be maintained at the expense of the Government, and be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment;

[L. R. 18 Ch. D. 34

(*d*) notwithstanding the payment of the money in respect of which the decree or order was made, or any arrangement for the payment thereof or proof of present inability to pay it, or any expression of intention to apply for a declaration of insolvency, or any declaration of insolvency, or any request by the person on whose application the order for the arrest or imprisonment was made, the defaulter shall not be released from arrest, or, if he is in prison and the term of his imprisonment is not fulfilled, be discharged from prison, without the order of the Court;

[Act XIV, 1882, ss. 341; & XII, 1881, s. 163.]

(*e*) an appeal from the order for the imprisonment of the defaulter, and from an order refusing his release or discharge under clause (*d*) of this section, shall lie—

[Act XIV, 1882, s. 5 (29).]

(i) if the Court making the order is a Civil Court subordinate for the purposes of the Code of Civil Procedure to the District Court, then to the District Court,

XIV of 1882.

(ii) if the Court making the order is any other Civil Court, then to the High Court, and

(iii) if the Court making the order is a Revenue Court, then to the authority to which appeals lie from orders of the Court relating to the execution of decrees, or, where those orders of the Court are final, to such authority as the Local Government may, by notification in the official Gazette, appoint in this behalf;

[Act XII, 1881, s. 196.]

and the order passed on the appeal shall be final.

[Act XIV, 1882, s. 622 Act XII, 1881, s. 199.]

Commitment of fraudulent debtors to Magistrate.

8. Where the Court is of opinion that the defaulter has been guilty of any offence under the Indian Penal Code or under any enactment for the time being in force for the punishment of fraudulent debtors, it may, if it thinks fit, instead of ordering his imprisonment under this Act, send him to a Magistrate to be dealt with according to law.

[Act XIV 1882, s. 359.]

XLV of 1860.

[Indian Bankruptcy Bill, 1886, s. 105.]

Special provisions with respect to arrest before judgment.

9. Notwithstanding anything in Chapter XXXIV of the Code of Civil Procedure, or any other enactment, a defendant in a suit for money only who has been arrested before judgment shall not, as such, either be required to give security for his appearance at any time after the day on which judgment is given, or, if he has been committed to prison, be detained in prison after that day:

[32 & 33 Vic., c. 62, s. 6.]

XIV of 1882.

Provided that, if judgment is given against the defendant, and the decree-holder applies, on the day on which judgment is given, for the enforcement of the decree by the imprisonment of the judgment-debtor, the Court may require the judgment-debtor to give such security as it thinks sufficient for his appearance at any time when called upon while the application is pending, and, if he fails to give the security, may commit him to prison, or place him in the custody of an officer of the Court, until the disposal of the application.

[Act XIV, 1882, s. 349.]

Saving of proceedings antecedent to commencement of Act.

10. Nothing in this Act shall affect the liability to arrest and imprisonment of any person for whose arrest in execution of a decree or order a warrant has been issued by a Civil or Revenue Court before this Act comes into force in the territory in which the Court is established.

Act to bind the Crown.

11. The provisions of this Act shall bind the Crown.

[L. R. 2 Ex. D. 47.]

Powers exerciseable from time to time.

12. All powers conferred by this Act may be exercised from time to time as occasion requires.

STATEMENT OF OBJECTS AND REASONS.

Imprisonment for Debt in India.

A decree or order for the payment of money may be enforced in India by the imprisonment of the judgment-debtor (Act XIV of 1882, s. 254). The Court has a discretionary power to refuse execution at the same time against the person and property of the judgment-debtor (s. 230), but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application* (s. 245). The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary (s. 250), and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

2. A judgment-debtor may, when arrested, obtain immediate release by payment of the debt; but if he does not, he must be brought at once before the Court (ss. 336-337).

3. The Local Government may by notification* direct that whenever a judgment-debtor is arrested in execution of a decree for money, and brought before the Court, the Court shall inform him that he may apply, under Chapter XX of the Code, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the Court (s. 336).

* Notifications have been issued under this section by all Local Governments except Hyderabad and Coorg.

4. If the judgment-debtor expresses his intention so to apply, and furnishes sufficient security that he will appear when called on, and that he will, within one month, apply to be declared an insolvent, the Court is to release him from arrest. But if he fails so to apply, the Court may either direct the security to be realised, or commit him to prison in execution of the decree (s. 336).

5. A person is not to be imprisoned in execution of a decree for more than six months, or, if the debt does not exceed fifty rupees, for more than six weeks (s. 342).

6. Whilst he is in prison, a monthly allowance must be paid for his subsistence according to scales fixed by the Local Government. The allowance is to be supplied by the decree-holder, and is to be deemed costs in the suit (ss. 338 to 340).

7. He is to be discharged from prison—

(*a*) on the amount mentioned in the warrant of committal being paid to the officer in charge of the prison, or

(*b*) on the decree being otherwise fully satisfied, or

(*c*) at the request of the person on whose application he has been imprisoned, or

(*d*) on default in the payment of the allowance for his subsistence, or

(*e*) on his being declared an insolvent, or

(*f*) on the expiration of the term of his imprisonment (s. 341).

His discharge from prison does not discharge him from his debt, but he cannot be re-arrested under the same decree (s. 341).

8. By the Presidency Small Cause Courts Act, XV of 1882, the provisions of the Code of Civil Procedure are applied, with modifications and exceptions, to the procedure in the Small Cause Courts at Calcutta, Madras and Bombay. Among the provisions not so applied are those which relate to the release of an arrested judgment-debtor on his expressing an intention to apply for a declaration of insolvency. Chapter XX of the Code, relating to insolvent judgment-debtors, is also not applied to these Courts. (See s. 23 and sched. II.)

9. The Act, however, contains certain special provisions with respect to an arrested judgment-debtor. Under section 29 the Court may release him from arrest on his giving security for payment. And under section 30, if it appears to the Court that a judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or of any instalment under the decree, the Court may, from time to time, for such time and on such terms as it thinks fit, suspend the execution of the decree, and release the debtor, or make such order as it thinks fit.

10. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts to which the Acts apply.

*"No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force."—(Act XVII of 1879, s. 21, as amended by Act XXII of 1882, s. 8.)

Imprisonment for Debt in England.

11. Imprisonment for debt was abolished in England by the Debtors Act of 1869 (32 & 33 Vic., c. 62), except in the following cases:—

(1) default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of a contract;

(2) default in payment of a sum recoverable summarily before a Justice or Justices of the Peace;

(3) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control;

(4) default by a solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money, when ordered to pay the same in his character of an officer of the Court;

(5) default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any Court having jurisdiction in bankruptcy is authorized to make an order;

(6) default in payment of sums in respect of the payment of which orders may be made under the Act (that is, cases of contumacious refusal under section 5 of the Act, see para. 14).

12. The term of imprisonment in these excepted cases must not exceed one year (s. 4).

13. In cases (3) and (4) the Court has power to enquire into the case, and at discretion to grant or refuse an order for arrest or imprisonment (41 & 42 Vic., c. 54, s. 1).

14. Under section 5 of the Act of 1869, a Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent Court. But the power is not to be exercised unless it is proved to the satisfaction of the Court that the person making default has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected to pay it. "Proof of the means of the person making default may be given in such manner as the Court thinks just, and for the purposes of such proof the debtor and witnesses may be summoned and examined on oath, according to the prescribed rules." A summons under this section is usually called a judgment summons.

15. It will be observed that all the cases in which a debtor is liable to imprisonment under the Act of 1869 involve some degree of delinquency.† And it has been held by high authority‡ that the Act was distinctly intended for the purpose of punishing fraudulent or dishonest debtors.

†Lord Hatherley, L. C., in *Middleton* v. *Chichester*, L. R. 6 Ch. 152.
‡Jessel, M. R., in *Marris* v. *Ingram*, L. R. 13 Ch. Div. 338.

16. Sums recoverable summarily before Justices, or, as they are called in modern statutory language, Courts of summary jurisdiction, are usually fines. But as ordinary civil debts are in some cases so recoverable, it has been provided by the Summary Jurisdiction Act, 1879 (42 & 43 Vic., c. 49, section 35) that an order of a Court of summary jurisdiction for the payment of a civil debt is not to be enforced by imprisonment, unless the case is such as would make the debtor liable to imprisonment under section 5 of the Debtors Act, 1869.

Imprisonment for Debt in Scotland.

17. In Scotland imprisonment for debt for sums under £8-6-8 was abolished in 1835 by 5 & 6 Wm. IV, c. 70, but alimentary debts (that is, debts for the support of the debtor's wife or children) were excepted from the operation of that Statute. In 1880 was passed the Debtors (Scotland) Act, 1880 (43 & 44 Vic., c. 34), which enacts, by section 4, that,

"with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.

"There shall be excepted from the operation of the above enactment—

(1) taxes, fines or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed;

(2) sums decreed for aliment:

"Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months."

The same Act contains provisions for the relief of insolvent debtors and for the punishment of fraudulent debtors.

18. By the Civil Imprisonment (Scotland) Act, 1882 (45 & 46 Vic., c. 42), imprisonment for alimentary debts was abolished, except in cases where there is a wilful failure to obey the decree for the debt (ss. 3 and 4), and the maximum term of imprisonment for failure to pay rates or assessments was reduced to six weeks (s. 5).

Imprisonment for Debt in Ireland.

19. In Ireland the law as to imprisonment for debt is regulated by the Debtors Act (Ireland), 1872 (35 & 36 Vic., c. 57), as amended by 41 & 42 Vic., c. 54, and is practically identical with the English law.

Proposals for amendment of Indian Law.

20. On the 17th November, 1881, a circular was addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *pardánashin* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

21. The replies to the circular disclosed much difference of opinion as regards the advisability of maintaining in India the present system of imprisonment for debt.

22. In favour of the maintenance under existing circumstances of the present system of imprisonment for debt were the Madras Government, the Madras High Court, the Bombay Government, the Bombay High Court, the Calcutta High Court, the Calcutta Chamber of Commerce and the Trades Association, Calcutta (unless a change were accompanied by the enactment of a stringent bankruptcy law), the British Indian Association, Calcutta, the Board of Revenue, North-Western Provinces, the Punjab Chief Court, the Chief Commissioner of the Central Provinces, the Chief Commissioner of Assam (provided the law were so altered as to permit the issue of process against the person only after all means of realising the decree by process against property have been exhausted), and the Chief Commissioner and the Judicial Commissioner of Coorg. The arguments which they advanced appear to be in the main the following:—

(*a*) that the total abolition of imprisonment for debt in India would be premature, and would remove from the Statute Book the only check upon the fraudulent alienation of property by solvent but dishonest debtors;

(*b*) that legislation has proceeded quite far enough in relief of the judgment-debtor, while there are in India special difficulties in executing a decree by attachment of property when the judgment-creditor is a member of an undivided* family. Creditors are not, it is said, in the habit of proceeding to extremities unless the debtor has the means of liquidating a portion at least of the debt. The men who go to prison are for the most part those who obstinately refuse to pay their debts, and cases of imprisonment for debt are not numerous;

*Sir C. Sargent, of the Bombay High Court, wrote:—
"The legal incidents of the undivided Hindu family, the minute distribution of property caused by the Muhammadan law of descent, and, though last not least, the practice of creating benami titles so common in this country, afford the dishonest debtor endless opportunities of baffling the efforts of the judgment-creditor to attach his property."

(*c*) that the abolition of imprisonment for debt would deprive lenders of personal security, would thereby depreciate credit, and would involve an increase in the rate of interest, already very high. In the case of agriculturists this might seriously impair their ability to pay the land-revenue;

(*d*) that abolition of imprisonment for debt should only be attempted when the habits of secrecy, engendered by centuries of oppression, have partly worn away, and when transactions are open and the registration of deeds and bonds has become habitual. When the debtor's property can be easily traced and seized in execution of a decree, then it will be reasonable and right to withhold execution on the body of a pauper debtor except as a distinctly exceptional and penal measure in the case of fraud.

23. In support of the abolition of imprisonment for debt were the following authorities :—

(*a*) the Advocate General of Bengal, who advocated the introduction of the English system, because there is no reason why the matter should not be regulated in India as in England, if proper exceptions and limitations, as contained in the English Debtors Act of 1869, are prescribed, and because the abolition of imprisonment for debt would not cause any public injury, while, on the other hand, the present system in most instances operates only as a means of oppression, to the total ruin of the party imprisoned and of his family;

(*b*) the Bengal Government, which, while not prepared to resist the opinions of the local officers that abolition would at present be premature, thought that, if an alteration of the bankruptcy law were at any time undertaken, measures might then be adopted for the abolition of imprisonment for debt in cases where fraud is not established against the judgment-debtor;

(*c*) the North-Western Provinces and Oudh Government, which regarded the existing practice of placing in the creditor's hands the power of selecting his own method of coercion as a relic of the old semi-barbarous debt laws which has now been eliminated from almost every civilized code of judicial procedure. The present system operates with severity against all debtors, honest and dishonest, indiscriminately. The power of subjecting a debtor to arrest and imprisonment should be entrusted *not* to the decree-holder, but to the Courts, and its exercise should be limited to cases where clear proof exists of fraudulent and contumacious attempts on the part of the judgment-debtor to defeat the operation of a decree. Imprisonment is especially hard on the cultivator and working-man, whom it deprives of their means of subsistence and of providing for their families;

(*d*) the North-Western Provinces High Court, which advocated the abolition of imprisonment for debt, as it is doubtful whether "any useful purpose is served by the perpetuation in this country of that remnant of barbarism";

(*e*) the Punjab Government, which believed that there is some reason to fear that, under the present system, creditors occasionally make use of the law to gratify vindictive feelings or personal spite, and to coerce debtors to sell their land and property at a price below its proper value or to relinquish their just rights. Discretionary power ought to be expressly allowed to the Civil Courts, imprisonment not being resorted to as an ordinary process of execution of a decree, unless the Court is satisfied that there has been fraud or wilful concealment of property;

(*f*) the Chief Commissioner of British Burma, who pointed out that the imprisonment of debtors who are paupers, but who are not fraudulent, does no real good to any class, works directly and indirectly great harm to the poorer classes, and causes a distinct loss to the community at large. The practice of permitting such imprisonment has been gradually circumscribed among other civilized nations; among some nations it has absolutely ceased; and there is no reason why the way should not be paved for the disappearance of the system in India. Civil Courts should be allowed to grant execution against the body of judgment-debtors against whom there might be *primâ facie* ground for presuming fraud or bad conduct, unless the presumption were rebutted by the judgment-debtor;

(*g*) the Judicial Commissioner of British Burma and the Recorder of Rangoon, who were of opinion that imprisonment for debt should be abolished, except in case of fraud, which should be punished criminally. The Recorder recommended that the law as it now obtains in England should be applied to India;

(*h*) the Resident at Hyderabad, who considered that the present system of imprisonment for debt is not wanted to compel payment, while it may be used to bring undue pressure to bear upon a debtor, especially in an agricultural country where interest in land is generally given as security for debts. He recommended that imprisonment for debt should be retained only to meet cases in which debtors abscond or endeavour to fraudulently evade meeting their obligations.

24. Thus, the preponderance of opinion was on the whole in favour of the maintenance of imprisonment for debt under the present condition of India, but a considerable and influential minority were in favour of its abolition.

25. The arguments on which the upholders of the present system rely fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

26. To arguments of the first class belongs the assertion that "to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." The same objection was made in England, first to the abolition of arrest on mesne process,* and afterwards to the abolition of arrest on final process. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

* See Lord Cottenham's speech in 1844 on the Creditors and Debtors Bill; Hansard, 74, page 153.

27. Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and, secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong because, owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting, fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realizing his debts are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessaries of life. The debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience acquired in the Dekkhan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessaries of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest; and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But there is reason to believe that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very rarely used. There is, or was until recently, a strong concurrence of opinion to the effect that the Insolvency Chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,—whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbrous or expensive, or by the difficulty of satisfying the Court under section 351 that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,—opinions differ; but about the fact of failure there appears to be no difference.

30. Since 1883 the Government of India has received and published reports obtained from Her Majesty's representatives abroad on the systems of imprisonment for debt in force in the various countries to which they are accredited. Those reports showed that imprisonment for debt has been abolished in nearly all civilized countries.

31. Having regard to the state of the law in the United Kingdom, to those reports, to the success which has attended the abolition of imprisonment for debt in the case of agriculturists to whom the Dekkhan Agriculturists' Relief Acts apply, to some expressions to be found in the opinions of the authorities who considered the draft Bankruptcy Bill of 1885, and to the advocacy by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and by the Chief Justice and Judges of the High Court of Judicature for the North-Western Provinces, of the entire abolition of the process of arrest for debt, so far as it is a process that can be set in motion at the discretion of the creditor, and of the enforcement of the process being restricted to cases in which the Courts are satisfied that there have been fraudulent and contumacious attempts to defeat the operation of decrees, the Government of India has decided to introduce a Bill giving effect tentatively and, in the first instance, within a limited area to the policy which dictated the English Act of 1869, and is believed by several authorities of weight to be applicable to India.

Provisions of Bill.

32. *Sections 1 and 2.*—It is proposed that the measure shall apply in the first instance to the North-Western Provinces and Oudh, and be extendible to other Provinces, or to particular classes of debtors in other Provinces, by Local Governments with the previous sanction of the Governor General in Council.

From the opinions recorded by the Chief Commissioner and by Mr. MacEwen, the Officiating Recorder of Rangoon, on the draft Bankruptcy Bill of 1885, and by the Recorder, Judicial Commissioner and other authorities, European and Native, on the circular of 1881, there appears to be a strong feeling in Burma in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But it is considered desirable that the proposed Act should apply in the first instance to the territories under one Local Government, and that its effect there should be ascertained before the Act is extended to other parts of the country.

The date on which the Act is to come into force in the North-Western Provinces and Oudh is the 1st of January, 1888. If therefore the Bill is passed during the present year, decree-holders will have more than twelve months within which they may proceed against their judgment-debtors under the provisions of the Code of Civil Procedure. In England the period which elapsed between the passing and the coming into force of the Debtors Act 1869, was less than five months.

33. *Section 4.*—This section is based on section 4 of the Debtors Act, 1869, but applies only to arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts. Clause (*c*) is specially designed to check those fraudulent alienations of property by solvent but dishonest debtors which are relied on by the opponents of any mitigation of the existing law as the main justification of imprisonment for debt.

34. *Section 5.*—This section, following the 41 & 42 Vic., c. 54, permits the Court to refuse, either absolutely or on terms, an application for the arrest or imprisonment, or for the release or discharge from arrest or imprisonment, of a defaulter who is a trustee or person acting in a fiduciary capacity and is required, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself.

The origin and object of this clause are stated as follows by Jessel, M. R., in *Marris* v. *Ingram* (L. R. 13 Ch. D. 343) :—

"Then we come to the Amendment Act of 1878, which was passed to meet a special class of cases, and the history of that Act was this: An application was made before me for the imprisonment of a trustee who had been ordered to pay a sum of money. It was a very hard case, one of an unintentional breach of trust; and though the man was actually dying, I had no alternative but to make an order. Then I had various other cases before me which led me to regret that the Court had no discretion, for it not unfrequently happened that a person who came in strictness under the first class of offences * was not guilty of any moral offence. Under these circumstances I thought it would be wise and prudent that a discretion should be given to the Courts to deal with exceptional cases, but not with the intention of repealing the existing Act. Mr Marten, being a member of the Legislature, then adopted my suggestion, and procured this Amendment Act to be passed."

* That is to say, the defaults specified in 32 & 33 Vic., c. 62, s. 4.

35. *Section 6.*—This section empowers the High Court and the Chief Controlling Revenue-authority to make rules for regulating the procedure to be followed in the Courts subordinate to them respectively in inquiries as to the liability of persons to arrest and imprisonment on the ground of fraud or contumacy.

36. *Section 7.*—This section modifies the operation of enactments authorising arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts for payment of money.

Clause (*a*), following the Code of Civil Procedure, limits the term of imprisonment to six months, notwithstanding that section 163 of the North-Western Provinces Rent Act, 1881, authorises imprisonment in certain cases for so long a period as two years.

Clause (*b*) relieves the decree-holder of the liability to maintain his judgment-debtor while in prison. If imprisonment is retained, not as a mode of enforcing payment but simply as a punishment, it will hardly be possible to continue the liability. This liability existed under the old Insolvency Law in England, and the Act which imposed it was once described as giving the creditor "the power of imprisoning and tormenting his debtor at the expense of 3*s.* 6*d.* per week."* If it is abolished, great care should be taken that imprisonment is not inflicted except in cases of misconduct which deserve punishment.

* Hansard, 74, page 451.

Clause (*c*) requires that the defaulter, though in the civil jail, shall nevertheless be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment. Where a person is ordered to pay a fine, the nature and term of his imprisonment will be regulated by the general law. This clause relates to the other cases in which a debtor is liable to imprisonment. Those cases, as before observed, all involve some degree of delinquency (L. R. 6 Ch. 157), and the imprisonment contemplated by the Bill, as by the English Act (L. R. 13 Ch. D. 343), is simple, that is, without hard labour. The effect of this clause will be to deprive the defaulter, as a civil prisoner, of the privilege of maintaining himself, and purchasing or receiving from private sources food, clothing, bedding, and other necessaries (Act XXVI of 1870, s. 34).

Clause (*d*) provides that, except where the arrest or imprisonment is for default in payment of a fine, the defaulter, when once arrested or imprisoned, shall not be released from

arrest, or discharged from prison, without the order of the Court. The Court may grant the order or refuse it. If it refuses the order, the defaulter may appeal.

Clause (*e*) so far modifies clause (29) of section 588 of the Code of Civil Procedure as to admit of an appeal being preferred from an order for imprisonment in execution of a decree.

37. *Section 8.*—This section follows section 359 of the Code of Civil Procedure in providing that where the Court is of opinion that the defaulter has been guilty of an offence against the Indian Penal Code or any special enactment for the punishment of fraudulent debtors, it may, instead of ordering his imprisonment in the civil jail, send him to a Magistrate to be dealt with according to law.

38. *Sections 9 and 10.*—These sections contain special provisions with respect to arrest before judgment, and save proceedings taken before the Act comes into force.

39. *Section 11.*—It has been decided *In re Heavens Smith* (L. R. 2 Ex. D. 47) that the English Debtors Act of 1869 does not apply to a case in which the defaulter is a debtor to the Crown. It is proposed that the Indian Act shall have the like effect as against the Crown where a decree or order for payment of money is made in its favour by a Civil or Revenue Court, as it will have against a subject.

40. The question of giving the Courts a discretionary power to refuse an order for the arrest and imprisonment of a judgment-debtor, or at least of a female judgment-debtor, will be considered when next the Code of Civil Procedure comes under revision.

C. P. ILBERT.

The 9th June, 1886.

S. HARVEY JAMES,
Offg. 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 June, 1886:—

NO. 10 OF 1886.

A Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawáb Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in a Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khás Mahál of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas in the years 1814, 1825, 1829 and 1838 loans, known respectively as the 1st, 3rd, 5th and 6th Oudh loans, were made by the Rulers of Oudh to the Hon'ble the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And whereas the said Government reserved to itself the right of commuting the pensions to the payment of which the interest accruing on the 5th Oudh loan was to be applied;

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applies, and rules respecting them have been made and published under section 14 of that Act; XXIII of 1871.

And whereas, since the making and publication of the rules, doubt has been expressed whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871; XXIII of 1871.

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Oudh Wasikas Act, 1886.

Act XXIII of 1871 applicable to Wasikas.

2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are, within the meaning of the Pensions Act, 1871, pensions conferred by a former Government and continued by the British Government on political considerations. XXIII of 1871.

Power to commute certain Wasikas without consent of holders.

3. Notwithstanding anything in section 10 of the said Act, the Local Government may, without the consent of the holder of a pension payable out of the interest accruing on the 5th Oudh loan, order the whole or any part of the pension to be commuted on the terms referred to in the fourth article of the treaty executed with respect to that loan on the first day of March, 1829, and ratified by the Governor General in Council on the eighth day of May in the same year.

STATEMENT OF OBJECTS AND REASONS.

CERTAIN allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Bahu Begam and the Vazirs and Kings of Oudh. Till the year 1880 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and, a dispute having arisen as to the person entitled to receive the capitalized amount of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Táj Mahál's Pension Act, 1881.

This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.

The 9th June, 1886.

J. W. QUINTON.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 26, 1886.

☞ 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 referred to a Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886 :—

No. 7 OF 1886.

A Bill to consolidate and amend the law relating to rent in Oudh.

NOTE.—*The 'marginal quotations' refer to portions of sections of the Oudh Rent Act omitted from the Bill.*

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the Oudh Rent Act, and shall extend only to Oudh. Short title and extent.

2. *Act XIX of 1868 is hereby repealed, but all notifications published and rules made under the repealed Act shall, so far as they are consistent with the present Act, be deemed to have been published and made hereunder.* Repeal of Act XIX of 1868.

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

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act: "Oudh."

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act: "Court."

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(Chapter I.—Preliminary.—Section 3.)

"Suit." "suit" means a suit under this Act:

"Assistant Commissioner" includes an Extra Assistant Commissioner:

"Assistant Commissioner."

"land" applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:

"Land."

"revenue" means the money payable to the Government on account of land:

"Revenue."

"rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, *or of any right in land*, or on account of the use of water for irrigation:

"Rent."

"proprietor" does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, "proprietor" means the holder of the superior right only:

"Proprietor."

"proprietary right" means a proprietor's right in land:

"Proprietary right."

"under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

"Under-proprietor."

"under-proprietary right" means an under-proprietor's right in land:

"Under-proprietary right."

"tenant" means any person, not being an under-proprietor, who is liable to pay rent. *In the following sections of this Act*, 7, 10, 13, 14, 15, 18, 19, 26, 38, 39, 40, 41, 42, 43, 43 (A), 83, 101, 111 *and* 116, *but in no others, the expression "tenant" shall be held to include a thikadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord*:

"Tenant."

"landlord" means any person to whom an under-proprietor or tenant is liable to pay rent:

"Landlord."

"representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and

"Representative."

"lambardár" means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement:

"Lambardár."

"prescribed" means prescribed from time to time by the Local Government by rules made under this Act.

"Prescribed."

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 4-7.)

[Act VIII, 1885, section 178.]

4. Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.

Restrictions on exclusion of Act by agreement.

Nothing in any contract made between a landlord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them:

Provided that nothing in this section shall affect the terms or conditions of a lease granted bonâ fide for the reclamation of waste land.

CHATER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Tenants having a right of occupancy.

Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession, as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1866: provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856: provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

5. (1). Nothing contained in section 5 shall be deemed to restrict the power of the landlord to confer on any persons other than those therein mentioned a right of occupancy in the lands which they hold or cultivate.

Power to confer right of occupancy.

6. If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 87, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

Loss of right of occupancy.

Tenants' Right to Pattas.

7. Every tenant is entitled to receive from his landlord a *patta* or *memorandum of the terms of the holding, signed by him*

Tenant's right to a patta.

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(Chapter II.—Of certain Rights and Liabilities of Landholders, Under-proprietors and Tenants.—Sections 8-13.)

or his authorized agent, and containing the following particulars:—

the quantity of land and, where the fields comprised in the *patta* have been numbered in a Government survey, the number of each field:

the term for which the *tenancy is to run*:

the amount of rent payable:

the instalments in which and the times at which the same is to be paid:

and, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

[any special conditions of the lease:]

8. Tenants having a right of occupancy are entitled to receive *pattas* at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

Patta to which tenant having right of occupancy is entitled.

9. Tenants not having a right of occupancy are entitled to *pattas for the terms and at the rates prescribed in Chapter IV (B) of this Act.*

Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

10. Every landlord who grants a *patta* is entitled to receive from the tenant a counterpart executed by him.

Landlord entitled to counterpart.

II. *Vide* section 48 (A).

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

What to be deemed an arrear of revenue or rent.

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

Receipts.

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

Receipts for rent.

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 14-15.)

[having a right of occupancy, or holding under an unexpired lease or under an agreement or decree]

Deposit of Revenue or Rent in Court without Suit.

14. If any co-sharer, under-proprietor, or tenant [ ] shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Power to pay into Court, without suit brought, amount of revenue or rent due.

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the lambardár or landlord of the amount so deposited.

15. The Court shall receive such deposits on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor tenant or agent making a declaration in the form set forth in Schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Procedure on making and withdrawing such payment.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of sections 52 of the said Code shall apply to the person making the verification. XIV of 1882.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in Schedule B hereto annexed.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

Service of notice.

In the absence of any such agent, it may be served by putting up a copy of the same at the court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or, if there be no such place, at the place where the revenue or rent is usually paid to the lambardár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 16-19.)

16. Whenever a deposit has been made under the provisions of this Act, no suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Limitation of suits for balance of revenue or rent.

17. If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lambardár or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lambardár or landlord, not exceeding the amount so paid or tendered.

Compensation for non-acceptance of revenue or rent.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lambardár or landlord, and shall make a decree for the balance due by the depositor.

Illegal Enforcement of Payment of Rent.

18. If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

Abatement of Rent.

19. No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement or decree, under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor, unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 20-21 (A).)

35 and 36]

[provided that if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate]

[or unless it has been let to any other person by such landlord or agent]

Act VIII, 1885, section 87.

Remission of Rent.

20. Notwithstanding anything contained in section 19 [ ] the Court, in making a decree for an arrear of rent, may allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been *materially* diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed.

When Court may allow remission from rent.

Relinquishment of Land.

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth of *March* in any year he gives notice *in writing* to the landlord or his recognised agent of his desire to relinquish such land, and relinquishes it accordingly [ ].

Relinquishment of land by tenant.

If the landlord or his recognised agent refuse to receive such notice *or to sign and deliver a receipt for the same*, the tenant may, *before the latest date prescribed for giving such notice*, apply to the tahsíldár or proper officer, and written notice of such desire shall thereafter be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupal* or other conspicuous place in the village wherein the land is situate.

21. (*A*). *If a tenant voluntarily abandons his holding without informing his landlord and without arranging for the cultivation of the holding, it shall be lawful for the landlord at any time after the fifteenth of May to enter on the holding. Before a landlord enters under this section, he shall file a notice in the prescribed form with the supervisor-kanúngo, stating that he has treated the holding as abandoned and is about to enter on it accordingly.*

Abandonment of holding.

When a landlord enters under this section, the tenant shall be entitled to institute a suit under section 83, clause 10, of this Act, to recover occupancy of the holding; and the Court shall, on being satisfied that the tenant did not voluntarily abandon his holding, order recovery of possession on such terms, if any, with respect

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 22-25.)

to compensation to persons injured and payment of arrears of rent as to the Court may seem just.

Compensations for Tenants' Improvements.

Tenant's right to compensation for improvements.

22. If any tenant, or the person from whom he has inherited, make any such improvements on the land in his occupation as are are hereinafter mentioned, *neither he nor his representative shall* be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the [ ] improvements *made on the land* by him, or the person from whom he has inherited, or whom he represents [ ].

[outlay, in money or labour, or both, expended in making such]

[within thirty years next before the date of such enhancement or ejectment]

Landlord's consent to tenant's improvement.

23. *Except as provided in the next following section, no tenant shall be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.*

Reference to Deputy Commissioner when permission is refused.

24. *If in any case the tenant apply to the landlord for his written consent to his making an improvement on his holding, and the landlord withhold or refuse to grant it, it shall be lawful for the tenant to apply to the Deputy Commissioner for sanction to make the improvement. The Deputy Commissioner, after taking into consideration any objections which the landlord may have to urge, either on the ground that—*

(a) the improvement is too costly or is unsuitable to the nature of the tenant's holding, or that

(b) he is prepared to make such improvement himself,

shall grant sanction on such conditions as he may consider fair and equitable or refuse the application. No appeal shall lie against an order passed by the Deputy Commissioner under this section.

"Improvements" defined.

25. The word "improvements," as used in *this* Act, means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

1st.—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles, and other works of a like nature.

2nd.—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

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(Chapter III.—Commutation and Payment of Rent in kind.—Sections 25A-28.)

Act VIII, 1885, section 83.

Principle on which compensation is to be estimated.

25 (A). *In estimating the compensation to which a tenant is entitled regard shall be had—*

(a) to the amount, by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;

(b) to the condition of the improvement and the probable duration of its effects;

(c) to the labour and capital required for the making of such an improvement;

(d) to any reduction or remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and

(e) in the case of a reclamation, or of the conversion of unirrigated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.

Ditto, clause 2.

Modes in which compensation may be made.

25. (B) *When a Court has assessed the amount of the compensation due to a tenant under the last preceding section, it may, if both landlord and tenant desire that the compensation assessed, instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon between them.*

Improvements by the landlord.

26. *A landlord shall be entitled to make any improvement of the nature specified in section 25 on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.*

A landlord who proposes to make an improvement shall, if the work is to be constructed in the holding of any tenant, give notice to the tenant through the tahsildár.

Survey and Measurement.

Landlord's right to enter and measure lands.

27. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

Commutation of rents in kind.

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 30-32.)

in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

Division or appraisement of produce taken for rent.

30. Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

Procedure in case of dispute.

31. On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

Enhancement of rent of tenant with right of occupancy.

32. No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent, except in pursuance of a decree made under this Act on some one of the following grounds (that is to say):—

1st ground.—That the rate of rent paid by him is below the rate of rent usually paid, by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2nd ground.—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid, by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

[The amount of rent thus fixed shall be binding upon the parties concerned.]

[All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.]

Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.

[**29.** The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress;

and may declare that officers are empowered to hear and decide cases under this section;

and may make rules for the guidance of officers acting under this section and section 28, and, from time to time, [with the like sanction] alter and add to the rules so made:

Provided that such rules, alterations and additions are consistent with this Act.]

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-35A)

Rule.—In this case the Court shall enchance his rent to such amount as the plaintiff demands, not exceeding such rate, less 12½ per cent.

3rd ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

Term for re-enhancement after decision fixing rent under section 32.

33. After a decision has been passed in accordance with section 32 no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said 3rd ground, or, in the case referred to in section 34, until by re-assessment within the said term of five years the revenue of such land has been increased.

Enhancement on re-assessment of revenue.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

B.—Other Tenants.

Tenant in occupation at the passing of this Act: the conditions of his statutory tenancy.

***35.** Every tenant, not being a tenant with a right of occupancy, shall be entitled to retain possession of the holding occupied by him at the time of the passing of this Act at the rent then payable by him for a period of seven years from the date of the last change in his rent or of the last alteration in the area of the holding.*

Tenant hereafter admitted: the conditions of his statutory tenancy.

***35(A).** Every such tenant hereafter admitted to the occupation of a holding shall be entitled to retain the same for a period of seven years from the date of his admission at a rent agreed upon with the landlord in accordance with the provisions of this Act; and every tenant, not being a tenant with a right of occupancy, in the area of whose holding or in the amount of whose rent any change shall be made by the landlord subsequently to the passing of this Act, shall be deemed to be admitted to the occupation of a holding within the meaning of this section.*

Explanation.—Holding means a parcel or parcels of land held by a tenant and forming the subject of a

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(Capter IV.—Enhancement and fixing Rates of Rent.—Sections 36-36C.)

separate engagement. Such engagement may be express or implied.

36. *If the landlord desires to enhance the rent of the tenant on the expiration of the term of seven years referred to in sections 35 and 35 (A), or at any time thereafter, he shall cause a notice to that effect to be served in the manner prescribed in section 36B. Until such notice is issued, the tenant shall be entitled to hold at the former rent:*

Enhancement on expiration of statutory tenancy limited.

Provided—(a) that the enhancement shall in no case exceed one anna in the rupee or six and a quarter per cent. on the annual rent payable when the notice is issued;

(b) that the terms of this section shall not apply to a tenant paying rent in kind.

36. *(A). The notice shall be written in Hindi and Urdu; it shall specify the land, the amount of the present rent and the amount of the enhancement, and shall require the tenant, if he refuses to pay the enhancement, to vacate the land by the fifteenth day of May next following, or to institute a suit in the proper Court to contest the notice of enhancement within a month from the date on which it was served.*

Terms of the notice of enhancement.

36 *(B). On the application of the landlord to the tahsildár or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of February, and the landlord shall pay the cost of service.*

Service of the notice.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village chaupal or other conspicuous place in the village wherein the land is situate.

36 *(C). A tenant may institute a suit to contest his liability to enhancement on any of the following grounds:—*

Grounds on which tenant may contest his liability to enhancement.

1st—That he holds a lease or agreement or a decree of Court under the terms of which he is not liable to enhancement.

2nd—That he has a right of occupancy in the land.

3rd—That the enhancement claimed is in excess of the rate authorized by law.

4th—That seven years have not elapsed since the date of the last change in the rent or alteration of the area of the holding by the landlord.

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5th — That the notice has not been sereved in the manner prescribed in section 36 B.

36 *(D). If the objection of the tenant is found by the Court to be invalid, or, if no suit has been instituted to contest the notice within a period of thirty days from the day on which it was served, on the expiration of such period, the tenant shall, if he retain possesion of the land after the fifteenth day of May next following the date of service of the notice, be held liable for the enhanced rent.*

Tenant's liability for enhanced rent.

36 *(E). If the tenant accepts the enhanced rent claimed by the notice, or remains in possession of the land under the terms of the preceding section, he shall be entitled to hold the land at such rent for a further period of seven years.*

Commencement of a fresh statutory period.

36 *(F). If the tenant refuses to accept the enhancement claimed and vacates the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.*

Tenant's right to compensation for improvement if he vacates.

36 *(G). Except in the cases mentioned in the next following section, the rent of a tenant admitted to the occupation of any land the tenancy of which has determined according to the provisions of this Act shall not exceed by more than one anna in the rupee, or six and a quarter per cent., the rent payable by the tenant immediately preceding.*

Rent of tenant who succeeds to a vacant holding.

36 *(H).—The rent of a tenant admitted to the occupation of any land the tenancy of which has ceased in consequence of the death of a previous tenant, or of the ejectment of a thikadár or mortgagee from lands of which he has taken cultivating possession during the period of his thika or mortgage, shall be such amount as may be agreed upon between him and the landlord.*

Rent of tenant who succeeds to a holding vacated by the death of the previous tenant.

36 *(I). The heir of a tenant who dies during the currency of the tenancy shall have the right to retain occupation of the land at the rent payable by the deceased for the unexpired portion of the period for which the deceased tenant might have held without liability to enhancement or ejectment, and to receive compensation under the provisions of this Act for improvements, if any, effected on the holding by himself or his predecessor in interest, but shall have no right to a renewal of the tenancy or to compensation for disturbance.*

Rights of the heir of a deceased tenant.

36 *(J). Notwithstanding anything contained in the preceding sections, the Local Government shall have power to vary, from time*

Local Government may vary the limit of enhancement of rent.

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(*Chapter V.—Ejectment.—Sections 36K-38A.*)

to time, within periods of not less than seven years, the limits of the enchancement to which tenants, not having rights of occupancy, are liable.

Enchancement of rent for improvements effected by landlord.

36 (*K*). *Nothing in the preceding sections shall bar the right of a landlord to an enchancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement effected by, or at the expense of, the landlord during the currency of the tenancy.*

Where an enchancement is claimed on the ground of such an improvement, the Court in determining the amount of such enchancement shall have regard to—

firstly—the increase in the productive powers in the land caused, or likely to be caused, by the improvement;

secondly—to the cost of the improvement;

thirdly—to the cost of the cultivation required for the utilising of the improvement.

CHAPTER V.

EJECTMENT.

Tenants with Right of Occupancy.

Ejectment of tenant having a right of occupancy.

37. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment: [Act XIX, 1868, section 41.]

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

Other Tenants.

Ejectment of tenant not having a right of occupancy.

38. A tenant not having a right of occupancy, and not holding under an unexpired lease, or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act: *first*, in execution of a decree for [ ] ejectment *under section 43A or by application under section 43; or, second*, by notice given by his landlord in the manner described in *the next following sections*. [Act XIX, 1868, section 42.]

[arrears of rent or for]

Compensation for disturbance.

38(*A*). *A landlord who desires to eject a tenant on the expiration of his tenancy may issue a notice of ejectment on such tenant, but shall* [Act XIX, 1868, section 87.]

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(*Chapter V.—Ejectment.—Sections 39-40.*)

deposit with the notice in the hands of the officer authorized to serve the notice a sum equal to the rent payable by the tenant for the year immediately preceding as compensation for disturbance.

In the case of a tenant paying rent in kind the amount of compensation to be deposited under this section shall be a sum equal to the average annual value of the produce paid as rent during the preceding three years.

Provided that no such compensation shall be payable to a tenant in respect of so much of his holding as he has sub-let without the consent of the landlord, or in the cases provided for by sections 36 (1), 43 and 43 (A).

[Act XIX, 1868, section 43.]

Notice of ejectment of tenant not having right of occupancy.

39. The notice mentioned in section 38 A shall be written in Hindi and in Urdu; it shall specify the land from which the tenant is to be ejected; and it shall inform him that he must either (*a*), if he means to dispute the ejectment, institute a suit for that purpose *within thirty days from the date of* the service of the notice, or (*b*) vacate the land on or before *the fifteenth of May next following*.

On the application of the landlord to the tahsíldár or officer authorised to serve such notices, the notice shall be served by such officer on or before the fifteenth day of *November*, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at [illegible] or, if he does not reside in the district wherein the land is situate, at the village *chaupál* or other conspicuous place in the village wherein the land is situate.

Grounds on which tenant may contest liability to ejectment.

40. A tenant *on whom a notice has been served under section 39* may contest his liability to be ejected from the land *specified therein* on any of the following grounds:—

1st—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment.

2nd—That he has a right of occupancy in the land.

3rd—If he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 39.

4th—That seven years have not elapsed since the date of the last change of rent or alteration of the area of the holding.

5th—That he is entitled to compensation for disturbance, and that the landlord has not deposited the sum required by this Act.

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Explanation.—A thikádár is not entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

Compensation for improvements, if any, to be claimed.

40 (*A*). *If the tenant has any claim for compensation for improvements effected by him on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.*

Determination of the claim directed.

40 *(B). If the Court finds the objections of the tenant to be invalid, it shall determine the amount of the compensation, if any, due for improvements, and shall declare the ejectment to be conditional on payment of that amount into Court.*

[Act XIX, 1868, section 44.]

If notice is not contested, tenancy to be held to cease.

41. If the tenant on whom such notice of ejectment has been served fails, *within thirty days from the date of* the service, to institute a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on *the fifteenth of May next following*, unless, after the service, the landlord has expressly authorised him to continue to occupy the land.

[Ditto, section 45.]

When assistance to eject may be given by Court.

42. If no such suit be brought, *or if a suit has been brought and determined adversely to the tenant*, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased [ ], he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, *and that any compensation for improvements and disturbance, which may be due to the tenant, has been paid into Court or to the proper officer*, it shall give such assistance accordingly :

[under the provisions of section 41]

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

[Act XIX, 1881, section 35.]

Ejectment for arrears of rent.

43. *If a landlord desires to eject a tenant, not being a tenant with a right of occupancy, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the first of April of the year in which the arrears accrued, apply to the Deputy Commissioner to eject the tenant. The Deputy Commissioner shall, on receiving the application, cause a notice to be served on the tenant, stating the amount due under the decree and informing him that, if he does not pay that amount into Court within fifteen days from the receipt of the notice, he will be ejected from his holding.*

If the amount be not so paid, the Deputy Commissioner shall, unless good cause be shown to the contrary, eject the tenant.

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(*Chapter V.—Ejectment.—Sections 43A-46 A.*)

[Act VIII, 1885, section 25.]

Decree for ejectment.

43 (*A*). *A decree for ejectment may be passed against a tenant on the ground—*

(a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy ; or,

(b) where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding.

The tenant shall continue liable for the rent of the land until the decree is executed.

General.

[except a sub-lessor]

[Act XIX, 1868, section 38.]

Time of ejectment of tenant.

44. No tenant [ ] shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act [ ].

[unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it]

[Act XIX, 1868, section 39.]

Time of ejectment of thikadár.

45. A *thikadár* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Compensation to ejectment of tenant for crops.

46. Any tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejectment :

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 39, he shall not be so entitled, unless, after such service, the landlord has expressly authorised him to continue to occupy the land.

Sír Lands.

Sír lands.

46 (*A*). *The rights conferred upon tenants by sections 24, 35, 35(A), 36, 36(E), 36(F), 36(G), 36(I) and 38(A) shall not accrue to cultivators of any of the following lands :—*

(a) Land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sír in the distribution of proprietary profits and charges. This condition shall be presumed, until the contrary is proved, where land was recorded as sír at settlement and has been continuously so recorded since :

(b) Land which for the seven years immediately preceding the passing of this Act has been continuously cultivated

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(Chapter VI.—Distress for Arrears of Rent.—Sections 46B-50.)

by the proprietor himself or by his servants or by hired labour.

46 *(B). A person holding land as a thikadár or mortgagee shall not, while so holding, acquire any of the rights enumerated in the preceding section in any of the land comprised in his thika or mortgage.*

Explanation.—A person having such rights in land does not lose them by subsequently taking a thika or mortgage in which his holding is comprised.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

47. When an arrear of rent is due from any tenant, the landlord may distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:

Recovery of arrears of rent by distress.

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable shall not be liable to distress so long as the security is in force.

Proviso as to tenants who have given security for payment of rent.

48. Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

No distress in certain cases.

49. The power of distress vested by section 47 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney to distrain:

Power of distress by whom exercisable.

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

Liability of principal of agent.

50. Any person empowered to distrain property under section 47 or section 49 may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Distress by servants.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 51-54.)

51. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with powers of distress under this Act.

Crops liable to distress.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

52. Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Demand of arrear before or at time of distress.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

53. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

Value of distress.

Service of list of property to be distrained.

54. Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

Reaping and storing standing crops when distrained.

If the tenant neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

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(Chapter VI.—Distress from Arrears of Rent.—Sections 55-59.)

55. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

56. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tender payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

57. Within five days from the time of storing any distrained crops or products, or, if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Application for sale.

58. The application shall be in writing; it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

Form of application.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

59. Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

Procedure on receipt of application.

The officer shall at the same time send to the Court, for the purpose of being put up at the court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

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(Chapter VI.—Distress for Arrears of Rent.—Sections 60-64.)

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

Suspension of sale on institution of suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

61. Any person whose property has been distrained as aforesaid may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

Suit to contest distrainer's demand.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

62. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

Withdrawal of distress on execution of bond.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

63. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Proceeding with sale, if, on expiration of time fixed, no suit is instituted.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the

Place and manner of sale.

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(Chapter VI.—Distress for Arrears of Rent,—Sections 65-69.)

proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale where fair price is not offered.

65. If, on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

Payment of purchase-money.

66. The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment the property shall be put up again and re-sold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

Proceeds of sale.

67. The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

Officers holding sales not to purchase.

68. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

Illegal acts of distrainer to be reported.

69. The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and

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intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

Recovery of expenses if no sale takes place.

70. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property:

Provided that in no case shall an amount exceeding ten rupees be recoverable under this section.

When property released on security.

71. When a suit has been instituted to contest the distrainer's demand, or any portion of the arrears for which the property has been attached, or the amount for which it has been adjudged to be due, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with cost of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

Distrainer to prove the arrear in suits to contest his demand.

72. In all suits instituted to contest a distrainer's demand the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71,

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and if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

Compensation for vexatious distress.

73. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Suit by third party claiming property distrained.

74. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Release on giving security.

When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Order if claim dismissed.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

Compensation for distress of stranger's property.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

76. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

Person claiming to be landlord, etc. to have right of distress to be made a party.

77. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such

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(Chapter VI.—Distress for Arrears of Rent.—Sections 78-80.)

arrear is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made by a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of such inquiry:

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of land to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

Suit for illegal distress.

78. Any person whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

Suit for illegal act of distrainer.

79. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

Suit for distress or sale falsely purporting to be under this Act.

80. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling for any injury which the plaintiff has sustained from the distress or sale.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

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(Chapter VII.—Jurisdiction of the Courts.—Sections 81-83.)

81. If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

Procedure in case of resistance to distress.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

82. If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

Punishment of offender.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

83. *No Courts other than* Courts of Revenue in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts *of Revenue* in the manner provided in this Act, and not otherwise:—

Suits cognizable under this Act.

A.—Suits by a Landlord.

(1.)—For the delivery by a tenant of the counterpart of a *patta* under section 10;

(2.)—For arrears of rent;

(3.)—For the enhancement of the rent of a tenant [ ];

[having a right of occupancy]

(4.)—For the ejectment of a tenant [ ];

[or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease]

(5.)—Suits by landlords aginst patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such patwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

B.—Suits by an Under-Proprietor or a Tenant.

(6.)—For establishing a right of occupancy;

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(7.)—For the delivery by a landlord of a *patta*;

(8.)—For contesting a notice of ejectment;

(9.)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent, due,

or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46,

or on account of loss arising for the making of improvements under section 26;

(10.)—For the recovery of the occupancy of any land of which an under-proprietor or tenant *has been dispossessed or from which he* has been illegally ejected by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement for rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22.

C.—Suits regarding the Division or Appraisement of Produce.

(14.)—Suits under section 31, regarding the division, estimate or appraisement of the produce of land.

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs.

(15.)—Suits by a sharer against a lambardár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lambardár or pattidár who is entitled to collect the rents of the patti, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lambardár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lambardár for compensation for revenue or rent paid by such lambardár on account of such joint lambardár;

(17.)—Suits by co-sharers against lambardárs, or by proprietors or lessees against muafidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muafidárs or assignees of revenue for arrears of revenue.

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(*Chaper VII.—Jurisdiction of the Courts.—Sections 84-91.*)

Grades of Courts.

Grades of Courts for the purposes of this Act.

84. For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

(1.)—The Court of the Assistant Collector of the second class,

(2.)—The Court of the Assistant Collector of the first class;

(3.)—The Court of the Deputy Collector;

(4.)—The Court of the Collector;

(5.)—The Court of the Commissioner;

(6.)—The Court of the Judicial Commissioner.

Chief Commissioner may declare grade of Tahsildár or Assistant Commissioner.

85. The Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsíldár with the powers of any of the same grades.

Deputy Commissioner to have Collector's powers.

86. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Settlement-officers may be invested with powers of Collector, &c., under this Act.

87. The Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

Jurisdiction of Assistant Collector of the second class.

88. The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the first class.

89. The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

Jurisdiction of Deputy Collector.

90. The Court of the Deputy Collector shall have power to try and determine suits of every description of which the subject-matter does not exceed five thousand rupees in value or amount.

Jurisdiction of Collector.

91. The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the orders of the Assistant Collectors, and, in suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, from such decisions and orders of the Deputy Collectors. XIV of 1882.

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(*Chapter VII.—Jurisdiction of the Courts.—Sections 92-95.*)

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, *and with the powers of a Deputy Commissioner to hear applications under sections 24 and 43,* and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

92. The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91 and 95 [and 102] [ ]. XIV of 1882.

Jurisdiction of Judicial Commissioner.

93. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also *second* appeals, as provided in the said Code, from the decisions passed in *first* appeal by the Collectors and by the Commissioners. XIV of 1882.

Appeals.

Time for presenting appeals.

94. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Judicial Commissioner. XIV of 1882

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Second appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for the presentation of *first appeals*.

No appeals, except in certain cases, from Collector's decree for money below one hundred rupees.

95. In suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Col-

The Oudh Rent Bill.

(Chapter VII.—Jurisdiction of the Courts.—Sections 96-99.)

lector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

Distribution of Business.

Deputy Commissioner may distribute business in subordinate Courts.

96. The Deputy Commissioner may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Transfer of Suits and Appeals.

Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.

97. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

Withdrawal or reference of appeals.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

Judicial Commissioner may transfer suits and appeals from one subordinate Court to another.

98. The Judicial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

Miscellaneous.

General subordination of Courts.

99. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Chief Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

Proviso.

Provided that nothing in this section shall empower the Chief Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

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(Chapter VIII.—Limitation of Suits.—Sections 100-106.)

Suits by or against managing agents or tahsíldárs of khám estates.

100. All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsíldárs of estates held under khám management, whether such estates are the property of Government or not.

Sharer to exercise certain powers only through manager or lambardar.

101. No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

In pattidári estates or tenures such powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

Rents payable on land occupied without consent of the landlord.

102. *Any person in possession of land occupied without consent of the landlord shall be liable for the rent of such land at the rate payable in the previous year, or, if no rent was payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of such land have any of the statutory privileges conferred by this Act.*

Courts may sit any where within limits of their jurisdiction.

103. The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

CHAPTER VIII.

LIMITATION OF SUITS.

General limitation.

104. Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

Suits for delivery of leases or counterparts.

105. Suits for the delivery of pattas or the counterparts of pattas may be instituted at any time during the tenancy.

Suits for arrears of rent or revenue or share of profits.

106. Suits for the recovery of arrears of rent of revenue or of a share of profits shall, except in the case mentioned in

section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

Suits against agents for money, or delivery of accounts or papers.

107. Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits regarding distress, division of produce, &c.

108. Suits regarding distress under section 74, 78, 79 or 80, and suits regarding the division, estimate or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

CHAPTER IX.

PROCEDURE.

Civil Procedure Code to be the procedure under this Act.

XIV of 1882. **109.** The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act.

Particulars to be added to plaint.

110. In addition to the particulars required by section 50 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

1st.—The name of the village or estate, and of the parganá in which the land to which the suit relates is situate;

2nd.—If the suit be for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

3rd.—If the suit be for recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

4th.—If the suit be for the delivery of a *patta* or the counterpart of a *patta*, the plaint shall specify all the particulars mentioned in section 7.

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(Chapter IX.—Procedure.—Sections 111-117.)

Third person claiming rent to be made a party.

111. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom he claims shall be inquired into, and the suit shall be decided according to the result of such inquiry:

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal.

112. In all suits under *clauses (1), (2), (7), (10) and (11) of section 83 of* this Act, the summons to the defendant shall be for the final disposal of the suit.

Set-off in suits for arrears of rent.

113. In a suit to recover an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

Defendant may pay money into Court.

114. In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the [illegible] up to the time of

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

Procedure for balance where defendant pays less than amount claimed.

115. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Dismissal of suit for lease or counterpart, in absence of written evidence of agreement.

[116. If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.]

Collector may make local inquiry.

117. The local inquiry described in section 392 of the Code of Civil Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer. XIV of 1882.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall

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(Chapter IX.—Procedure.—Sections 118-123.)

record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

As to Decrees.

118. No process of execution shall be issued on a decree under this Act *when the application for the issue of such process is made* after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts.

Time within which execution may be had.

119. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 256 of *the Code of Civil Procedure.*

Immediate execution of decree.

XIV of 1882.

120. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which such enhancement shall take effect.

Decree for enhancement to state date from which it is to take effect.

121. If the decree be for the delivery of papers or accounts, it may be enforced by the imprisonment in the civil jail of the party against whom it is made or by the attachment of his property, or by both imprisonment and attachment.

Enforcement of decree for delivery of papers or accounts.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided that no person shall be imprisoned under this section for a longer period than six months.

122. A decree for the delivery of a *patta* or of the counterpart of a *patta* shall specify all the particulars mentioned in section 7, and such other particulars *in accordance with the provisions of this Act* as to the Court seem fit.

Decree for lease or counterpart to specify particulars.

123. If the decree be for the delivery of a *patta* or the counterpart of a *patta*, and the party ordered to deliver such *patta* or counterpart neglects or refuses so to do, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and such *patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Court after decree may grant lease or counterpart, in case of defendant's refusal.

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(Chapter X.—General.—Sections 124-129.)

124. If the decree be for money, no process in execution shall issue against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree.

Sale of under-proprietary right in execution of decree for arrears of rent.

[Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.]

Appointment of Deputy Commissioner as manager.

126. No beneficial lease or other incumbrance hereafter created on his tenure by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

Registration of incumbrance created by under-proprietor.

127. When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall [illegible] proprietor the whole or [illegible] thereof of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

Proprietor's lien for rent payable by under-proprietor.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

Right of pre-emption at execution-sale.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed : Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred : Provided also that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

CHAPTER X.

GENERAL.

129. *The Local Government, on being satisfied that any estate is suffering from grave mismanagement to an extent which has,*

General powers reserved to the Local Government.

The Oudh Rent Bill.

(Chapter X.—General.—Sections 130-132.—Schedule A.)

since the first of January, 1886, materially deteriorated the condition of the tenantry, or diminished the area of cultivation, may, with the previous sanction of the Governor General in Council, appoint an officer for the revision of the rents of the estate and their authoritative settlement for a period not exceeding ten years.

130. *Notwithstanding anything contained in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom sections 35 and 35(A) of this Act apply shall be deemed good and valid without the same being registered.*

Registration of statutory pattas unnecessary.

III of 1877.

131. *The provisions of sections 4, 35, 35(A), 36, 36(A), 36(B), 36(C), 36(D), 36(E), 36(F), 36(G), 36(I), and 38(A) shall not extend to the areas specified in Schedule D attached to this Act, but the Local Government may hereafter, from time to time, by a notification published in the official Gazette, extend these provisions, or any of them, to any area hereby excluded.*

Exclusion of specified areas from certain provisions of the Act.

132. *The Local Government may, from time to time, make rules consistent with this Act for the guidance of all persons in matters connected with the enforcement of this Act.*

Power to make rules.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

[Act XII, 1881, section 211.

SCHEDULE A.*

(*See section 15.*)

I, *A. B.*, of , &c., solemnly declare that I did personally [or by my agent *C. D.*] on the day of tender payment to *E. F.* at (the place where the rent of the lands is payable) of the sum of rupees , held [*or* cultivated] by me under *or* from *or* jointly with] the said *E. F.* as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the said sum so tendered [*or* to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said *E. F.* no further sum on account of the rent of the said lands.

I, the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

If this declaration is made by an agent, it must be altered accordingly.

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(Schedule B.—Schedule C.—Schedule D.)

SCHEDULE B.*

(*See section 15.*)

Court of the of . Dated the day of 18 .

To *E.F.*, of , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 59.)

Office of , officer appointed to sell distrained property.

A. B.—Distrainer.

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you hereby are required either to pay the said sum to the said *A. B.* or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 188 .

[redacted]

* This is to be [illegible] a copy of the declaration in Schedule A made at the period paying the money into Court.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill, which has been prepared by the Government of the North-Western Provinces and Oudh, is to secure to tenants in Oudh some protection against arbitrary eviction from their holdings and enhancement of their rents, and to place on a clear footing their right to make improvements on their holdings and to receive compensation for improvements so made. Under the law as it stands they are absolutely unprotected against enhancement and eviction, provided that the landlord observes certain easy formalities in raising rents or in issuing his notices of ejectment. Every field in a tenant's holding can be shifted on the close of each agricultural year at the will of his landlord, and there is no limit to the rise of rents.

The Census Statistics show that the pressure of the population on the land in Oudh is very great, being 470 to the square mile, and the large number of notices of ejectment annually issued and their steady increase from 23,600 in 1876 to 90,200 in 1883 afford reason for believing that they are used as instruments for the undue enhancement of rent. Enquiry has shown that this belief is not unfounded, and that the effect of the existing law on a population dependent mainly on agriculture for its subsistence must lead at no distant date to the deterioration of agricultural industry and the impoverishment and degradation of the bulk of the people.

It is not proposed to introduce a system of heritable occupancy-right acquired by prescription, such as prevails in the North-Western Provinces, but to accept contract as the basis on which transactions between landlord and tenant are to be regulated. The tenant, however, who has no other means of subsistence open to him, is no match for the landlord in a thickly populated agricultural province, and with a view to place the parties on more equal terms the Bill imposes the following restrictions on free contract between them.

Sitting tenants may hold the land they at present occupy at the rent now paid from the date of the last change in their rent or in the area of the holdings.

The enhancement of rent permissible at the expiry of each statutory period is to be limited to 6¼ per cent., or one anna in the rupee, on the current rental; the sitting tenant to have the equity of renewal at rent within that limit.

At the end of that period it is proposed to allow the landlord to enhance the rent of the sitting tenant to such sum as he and the tenant may agree upon within a limit of one anna in the rupee, or 6¼ per cent., on the rent previously paid.

At any time after the expiration of the statutory period a landlord who has not made terms with the sitting tenant may proceed either by notice of enhancement or by notice of ejectment at his discretion. If he proceeds by notice of enhancement the enhancement must be within the limit above given. If the tenant accepts, a new period begins. If the tenant refuses the proposed enhancement, the holding will become vacant, but no higher rent can be recovered from the next tenant than 6¼ per cent. above the old rent on the same holding. If the landlord proceeds by ejectment, leaving the tenant no option of re-entry, compensation for disturbance will be given up to one year's rent at the rate last paid, and the limitation of 6¼ per cent. will apply to the rent recoverable from the next tenant. In both cases tenants will be entitled to receive before dispossession any compensation due to them for improvements. The right of renewal is to be personal to the tenant in occupancy. On the death of a tenant in occupancy his heir will be entitled to hold on, on the same terms, to the expiration of the statutory period enjoyable by his predecessor, but must then, should the landlord so wish, vacate the holding on payment of the compensation for improvements found to be due to him.

These provisions are experimental, and power is therefore given to the Local Government from time to time, within periods of not less than seven years in any district or part of a district, to vary the limit of enhancement. Although there has been a considerable rise of prices in the past fifteen years, the rise may not continue at the same rate, and in that case the limit of 6¼ per cent. might be unfair to the tenant. In other cases the limitation might conceivably operate to the prejudice of the landlord.

The condition in the taluqdár's sanad—that he will promote the agricultural prosperity of his estate—is so vaguely worded as to leave the Government and the taluqdár alike uncertain as to the grounds on which Government should interfere between him and his tenantry. To put the matter beyond doubt power is given to Government to step in when it is satisfied that an estate is suffering from grave mismanagement, which has since the present year materially deteriorated the condition of the tenantry or diminished the area of the cultivation. The exercise of this power is subject to the previous sanction of the Governor General in Council, and the consequences of it are not the forfeiture of the estate, but an authoritative settlement of rents for ten years.

A similar power of settling rents was conferred in the Bengal Tenancy Act of 1885, the Local Government being authorized to interfere in the interests of public order or of the local welfare.

The detailed reasons for the alterations in the present Act necessary to carry out these proposals will be found in the annexed letter from the Local Government.

The 29th January, 1886. J. W. QUINTON.

No. 177/203-11 R. OF 1886.

From

J. WOODBURN, ESQ., SECRETARY TO GOVT., N.-W. P. AND OUDH,

IN THE OUDH REVENUE DEPARTMENT,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

REVENUE AND AGRICULTURAL DEPARTMENT.

Dated Allahabad, the 15th January, 1886.

IN compliance with the request conveyed in your letter No. 893/135-6 (Revenue), dated the 8th ultimo, I am directed to submit a draft Bill to amend the Oudh Rent Law.

2. The general principles on which the Lieutenant-Governor and Chief Commissioner proposes to amend the Rent Law in Oudh are fully detailed and explained in the letters of this Government, No. 3939 of the 21st December, 1883, and No. 723 of the 12th May, 1884. In this letter submitting the draft Bill it seems sufficient to explain the reasons which have led to the various minor alterations of the present Rent Act.

3. The Bill takes the form of a revised edition of the existing Act. It is very probable that in phraseology and arrangement Act XIX of 1868 might be greatly improved; but it is only in Chapters IV and V that any material change is needed to give effect to the several proposals which have been made by the Lieutenant-Governor. And since the Act is well understood by and familiar to the Rent Courts and the people, it appears advisable to make no more alterations of it than are necessary to a clear and correct statement of the principles which are hereafter to govern the relations of landlord and tenant. But the opportunity has been taken to remove any difficulties that have been found by the Courts in interpreting certain other parts of the existing law. Additions to existing sections of the Act and all new sections are printed in italics; and any portions of existing sections which it is proposed to omit have been printed marginally in brackets.

4. I am now to proceed to a specific statement of the alterations made in the Act.

5. Section 2 repeals Act XIX of 1868, but maintains such notifications and rules made under it as are consistent with the new Act.

[redacted] use or occupation of the land in his tenure. A [redacted] to "tenant," to show what portions of the Act are applicable to a [redacted]dár. A [redacted] rents should acquire none of the statutory privileges of a cultivating tenant, but is a [redacted] the lessor for many purposes. A definition of "prescribed" has been inserted, which is taken from the Bengal Tenancy Act, 1885.

7. Section 4 is substituted for the corresponding section of the present Act. It is necessary to provide that no contract before or after the passing of the Act shall deprive a tenant of that protection against enhancement and ejectment which it is the special object of the new law to give. The Lieutenant-Governor has decided, after careful consideration of the point, not to recommend that the new law shall be so framed as to prohibit the execution of any special agreement which shall give a tenant a longer occupancy than the statutory period of seven years; but it is essential that agreements for any shorter term shall be [redacted], and I am to ask that this point may receive particular attention when the draft is examined. The proposal is that the occupation of a holding may be settled between landlord and tenant for a longer period than seven years by agreement, but that no contract shall defeat the statutory limit of enhancement. He is unwilling to interfere more than is absolutely necessary with any existing contracts; and where the terms of any patta at present in force exclude the tenant from making improvements or claiming compensation for such as [redacted] already made, he would not set the contract aside. So far as the Lieutenant-Governor's information goes, the number of such contracts is not great, while in many such cases it may be presumed that the improvements will have been made upon special terms and conditions.

8. As regards clearing leases the Lieutenant-Governor is of opinion that they must be left to be arranged by landlord and tenant without interference by the State. The conditions under which they are taken vary considerably in different parts of the country, and are in fact effectively controlled by local circumstances and local custom. A proviso has accordingly been added to this section, the terms of which have been taken from the first proviso to section 178 of the Bengal Tenancy Act.

9. Section 5 (A), empowering a landlord to confer occupancy-rights, has been inserted in accordance with the wish of His Excellency the Governor General in Council, as conveyed in paragraph 15 of your letter No. 252R., dated 12th April, 1884.

10. In section 7 of the present Act the word "lease" is used for the written memorandum of the terms of a tenant's holding. It is scarcely applicable to the record of the terms of a holding conferred by Statute, and the Lieutenant-Governor would prefer to use the word "patta." It is again inconsistent with a statutory tenure that the record of it should contain any conditions except those imposed by the Statute, and the clause of the present section 7, authorising the entry in the patta of any special conditions of the lease, should be omitted.

11. Section 11 of the present Act authorises the cancelment of a lease by decree. It seems desirable that the whole of the provisions in regard to the determination of tenancies should be placed together, and this section, with the material alterations which will be subsequently explained, has been transferred to the chapter on ejectments as 43(A).

12. Section 20 of the Rent Act contains the provincial rule regarding the remission of rent, where it is proved to the Rent Court that from unforeseen calamity the tenant is unable to pay the entire demand. A proviso is attached to the section, which prevents a tenant with a five years' lease from claiming the benefits of this section. If this proviso were retained under the amended Act, which is to give all tenants a statutory occupancy for seven years, the effect would be to nullify the section altogether. The question is, therefore, whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section shall stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackle it with an awkward and hardly logical condition. The corresponding provisions of the rent law in the North-Western Provinces are contained in section 23 of Act XII of 1881 and the rules which have been prepared under it. When the crops have been injured by hail or drought in a village of the North-Western Provinces, the Collector has to apply for a remission of revenue before he can move in the matter of rents; and when that is obtained he enforces a remission of rents, equivalent to double the remission of revenue, by a process which is not [illegible] or duly proportioned. There is by law no similar rule in Oudh, nor in the Rent Acts is any authority given to the Deputy Commissioner to carry on, distribute and enforce among the rents of the tenantry the remission which has been made in the landlord's revenue. It is true that under circular orders, issued administratively (of which an extract is given in the footnote), Deputy Commissioners have insisted on remissions of rent as a consequence of remissions of revenue; and the Lieutenant-Governor is not prepared at once to cancel those instructions. Nevertheless, when it comes to framing legal provisions, he would prefer to leave, at any rate experimentally, the adjustment of rent abatements between landlord and tenant as much as possible to the parties concerned, subject only to a Judge's discretion in extraordinary cases. The fact of the revenue remission is perfectly well known, and any tenant who is pressed to pay upon crops that have been seriously damaged has only to demur to the demand and let his claim to relaxation of the rent be considered by the Rent Court. So long as a tenant was liable to summary and arbitrary ejectment, undue pressure for the payment of rent could no doubt be made; but now that all tenants will be protected in the occupation of their holdings, the Lieutenant-Governor considers that with an appeal to the Rent Court, such as is given by section 20, they may be left to make their own arrangements with their landlords on such occasions as those contemplated by the section.

13. The proviso in section 20 is to some extent based on a distrust of the Courts, since they might exercise the power without sufficient cause, and hamper the landlord by remissions of rent for which he has received no compensating remission of revenue. The landlord, however, has always the remedy of appeal from a decree which he considers unfair, and if the case can be supposed possible of calamity so considerable as to justify large remissions of rent by the Court, although no previous remission of revenue had been given, no Deputy Commissioner would refuse to recommend a corresponding remission of revenue. There is again the risk that the Courts might force remissions of revenue by giving remissions of rent; but it must be assumed that the Courts will proceed with due care and upon sufficient evidence in remitting rents, while in Oudh they are likely always to keep in view the effect of their decrees upon the revenue. Moreover, a landlord is certain to contest any unfair reduction of his rent-demand; for a remission of revenue is never sufficient to compensate him, and his appeal is to the Commissioner or Deputy Commissioner, who is directly concerned with the collection of revenue. The Lieutenant-Governor recommends,

Any landlord who receives a remission of Government revenue will be bound, in proportion to the extent of the remission, not to take, either through himself or through a lessee, and to restore if he has so taken, rent for the crop on account of which the remission is granted.—(*From Circular Orders of 7th January, 1878.*)

therefore, that the section be maintained with the omission of the proviso. The draft proposes to insert "materially" before "diminished", to indicate to the Courts that remission is not to be given for any but considerable loss.

14. Sections 35 and 36 of the present Act will be entirely superseded, and the reference to them in section 20 may be excised.

15. In section 21 (relinquishment of the holding) the last clause of the first sentence may be omitted. The Lieutenant-Governor wishes to make a distinction between relinquishment and abandonment. If tenants are to have considerable fixity of tenure, it is right that the landlord should have fair notice of relinquishment of holding, that he may make suitable arrangements for a new tenant. The date for notice of relinquishment has accordingly been antedated to the 15th of March, and at this time lease to another tenant can hardly have been given. It has been prescribed that the notice shall be in writing.

16. A section has been drafted in regard to abandonment [21 (B)], adopted from section 87 of the Bengal Tenancy Act.

17. In the sections on compensation for tenants' improvements considerable changes have been made. Section 22 of the present Act directs that the tenant shall be entitled to compensation for improvements whenever his rent is enhanced. This provision has, so far as the Lieutenant-Governor can ascertain, remained a dead letter. Under a system by which the adjustment of rent between landlord and tenant was left entirely to private contract, any enhancement of rent, so long as the tenant chose to stay, probably took into consideration the tenant's expenditure on the improvement of his holding. For the future at least no such provision is needed. The enhancement at the close of a statutory period of tenancy is a statutory enhancement, and will have effect whether or not the tenant has in the course of his expiring period of tenancy effected an improvement which has added to its value. The clauses in section 22, providing for compensation on enhancement, may therefore be left out.

18. The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bars right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay, assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle is by no means a just one, for the landlord is exposed to great exaggerations by the tenant of his original outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair, but more simply and readily applied by [illegible] for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well [illegible] Oudh. A section has been [illegible]

19. It is the recognised custom of the province that [illegible] ment of a permanent character without the consent of the landlord. So long as the tenant held on a yearly tenancy at the will of the landlord, this consent was obtained on terms which were sometimes very harsh. I am to refer, for example, to paragraph 147 of Colonel Erskine's report of the 1st June, 1883 (page 277 of the second volume of papers on the condition of the Tenantry in Oudh). Now that the ordinary tenancy is for seven years, it is necessary for the agricultural progress of the country that the landlord's consent to improvements shall not be unreasonably withheld. It has accordingly been proposed in the Bill that the tenant shall have the right of applying to the Deputy Commissioner should the landlord refuse his consent, and that the Deputy Commissioner, after hearing the landlord's objections, shall pass such orders as may be fair and [illegible]

20. On the other hand it is right, when enhancement is otherwise carefully restricted, that arrangement should be made for the assessment of a fair enhancement on holdings the produce of which has been increased by a landlord's improvement, and section [illegible] (K) of the Bill have been drafted for the assistance of landlords in this matter.

21. Section 25 of the present Act is believed to have been of very little, if any, value. It has, however, been retained in section 23 (A) of the Bill in a shorter form, taken from [illegible] of section 83 of the Bengal Tenancy Act.

22. Chapter II of the Oudh Act refers to commutation and payment of rents in grain. The Lieutenant-Governor proposes to omit the last two clauses of section 23 and the whole of section 29. The commutation of grain-rents is an exceedingly delicate and difficult business, while the prevailing opinion as to the advantages and disadvantages of commutation is very greatly, the authorities leaning sometimes on one side, sometimes on the other. It can hardly ever be expedient that the Government shall interpose, except in the way of a settlement, to determine officially a question of this nature, which is essentially connected with local circumstances and conditions of agriculture that can best be settled by mutual consent; and [illegible] in fact, the authoritative commutation of rents

is hardly known in Oudh, the Lieutenant-Governor would prefer to leave it, by law, to private arrangement between landlord and tenant, except when a settlement of revenue is in progress. The transition from rents in kind to cash-rents is gradually spreading with the improvement of agriculture, and the process should be left to its natural and spontaneous course.

23. Chapter IV of the Act deals with the enhancement and settlement of rent. So far as it concerns the rent of tenants with a right of occupancy, they are left untouched. In the two sections, 35 and 36, of the Act are contained the whole of the provisions of the present law in regard to the rent of other tenants. To introduce the scheme sketched in paragraph 69 of my letter of 21st December, 1883, the sections numbered 35 to 36 (K) have been substituted for them in the Bill. They give every tenant a statutory right to occupy his holding for seven years, with a new period beginning from every change in rent or area by the landlord, and at the end of every period of tenancy they give him the preferential claim to continue in his holding at a rent that cannot be more than 6¼ per cent. in excess of the previous rent, or, if he be ejected, to be paid compensation for disturbance. In short, the landlord cannot disturb the tenant for seven years, and if after that period he desires to eject he must pay compensation. In no case can enhancement of rent, whether upon the sitting tenant or his successor, exceed 6¼ per cent. of the old rent; but if the sitting tenant will not agree to an enhancement thus limited he must quit without compensation. The new sections also provide that enhancement shall be by notice; they prescribe a procedure for contesting the notice; and detail the liabilities of the tenant, when he retains or vacates the holding, with or without objection to the notice (clauses 1, 2, and 4, paragraph 69, above quoted). The rights of a tenant are, however, to be personal, and provision has been made in sections 36 (I) and 36 (H) that the heir of a tenant who dies shall retain the holding only till the expiry of the statutory term current at the time of his death; and, subject to any claim by the heir to compensation for improvements, the landlord is left free to let the holding to any person at any rent which may be arranged (clause 6, paragraph 69). The new tenant under section 35 (A) then acquires statutory rights similar to those enjoyed by his predecessor.

24. In section 36 (J) power has been taken by the Local Government to vary the limit of enhancement at stated intervals (clause 3, paragraph 69).

25. In Chapter V of the Act are the provisions for ejectment and the determination of tenancies. In this there has again been much addition and, for the sake of clearness, some rearrangement of the sections.

[redacted] agreement. A tenant evicted by decree is not entitled to the compensation for disturbance given to the statutory tenant of the Bill. The Lieutenant-Governor is of opinion that the section should continue to cover the case of a tenant under special agreement.

27. Section 38 of the Bill is with some alteration section 42 of the Act. It covers the case of all other tenants, and permits their eviction either by a decree for ejectment under section 43 (A) of the Bill, or by an application where decreed arrears of rent remain unpaid, or by the notice of ejectment prescribed by the present Act. The application for ejectment for arrears has been taken from section 35 of the North-Western Provinces Rent Act (XII of 1881), and is a simpler procedure, which the improved position of the tenant justifies, than the application in execution of decree allowed by the present Act.

28. If the landlord proceeds by notice he is required by section 38 (A) of the Bill to deposit the compensation for disturbance, which was part of the scheme of the letter of December, 1883 (paragraph 69, clause 4).

29. In section 39 of the Bill (43 of the Act), which describes the details to be given in the notice, the only important change is that the time of service is put much earlier in the year (15th of November instead of 15th April). Tenancies will now be of seven years' duration, and it is very desirable that notice should be given in sufficient time to admit of all claims on the ground of improvement or other objections being fully sifted and decided before the expiry of the year.

30. Section 40 of the Bill (section 37 of the Act) then details the grounds on which the notice of ejectment may be contested. To the grounds given in the Act have to be added those which the new provisions in the Bill require. The notice may have been issued before the seven years of the statutory tenancy have expired, or the compensation for disturbance may have been deposited only in part or not at all. In sections 40 (A) and 40 (B) of the Bill the tenant is required, if he has any claim to compensation for improvements, to give a specific statement of his claim, and the Court is to determine it before it allows ejectment. From the ambiguous language of the Act there have been contradictory rulings in the Revenue Courts of Oudh as to the liability of the tenant to eviction before receipt of compensation due to him for improvements. It was clearly the intention of section 29 that he should be compensated before he was removed, and this is definitely expressed in the Bill.

31. Sections 41 and 42 of the Bill represent sections 44 and 45 of the Act with such alterations as the provisions of the preceding sections or experience in the working of the

present Act require. In section 42 of the Bill a clause has been inserted, which was much wanted, enabling the Court to give assistance to the landlord, when needed, to evict a tenant who has contested a notice unsuccessfully. These sections contain the only provisions by which a landord can remove a tenant of bad character, and no tenant is so likely to resist any action by the landlord himself. If assistance may be properly asked when the tenant has not contested the notice at all, it is more needed when the notice has been contested without valid ground of objection. The section in its present form follows the provision of section 40 of the North-Western Provinces Rent Act.

32. Section 43 of the Bill has been taken, as already explained, from the Rent Act of the North-Western Provinces.

33. Section 43(A) is the provision which the Lieutenant-Governor would substitute for section 11 of the Act, in regard to the terms on which a tenancy may be determined by a decree for ejectment. Section 11 bases it on a failure to perform or observe any of the stipulations of the lease or patta; but the patta of a statutory tenant will not contain any special stipulations, and when such a tenant defaults in his rent the landlord's process will be under section 43 of the Bill.

Even a statutory tenant, however, should be liable to ejectment if he uses his holding in a manner which renders it unfit for the purposes of his tenancy, and provision to that effect, taken from section 44 of the Bengal Tenancy Act, has been introduced in section 43(A) of the Bill. Moreover, many statutory tenants will hold on grain-rents; and as the amount of the landlord's receipts depends on the area the tenant cultivates, the landlord should be ensured against serious damage by the tenant's deliberate neglect to cultivate. In paragraph 77 of my letter of December, 1883, it was recommended that local custom should be left to decide what extent of failure in cultivation should be followed by forfeiture of the holding. This is the object of the second clause in section 43(A) of the Bill.

Tenants, however, "having a right of occupancy, or holding under an unexpired lease, or special agreement or decree of Court," are protected by section 41 of the Act (37 of the Bill) from eviction, except in execution of a decree for ejectment. The section specifies that a decree for ejectment against a tenant with a right of occupancy shall not be made unless at the date of the decree a decree against him for an arrear of rent has remained for fifteen days unsatisfied; but no definite explanation is given of the conditions under which ejectment may be made of the other classes of tenants specified in the section whether for failure in stipulations in the unexpired lease or special agreement, cessation of the effect of the decree of Court, or other ground for eviction. The Lieutenant-Governor presumes that it has been hitherto left to be decided under the general law whether the grounds for eviction in any such case are or are not sufficient, and that it is unnecessary to give any precise specification. This is, however, [redacted] on which the Legislative Department will advise.

34. [redacted] from the general rule that ejectment shall take place at the close of the agricultural year a statutory tenant he could only then be ejected, and for the same reason the last clause of section 38 of the Act should be omitted.

35. In section 39 of the Act the word thikadár has been substituted for sub-lessor.

36. Section 40 of the Act has been practically absorbed in section 42 of the Bill.

37. To this chapter of the Act two sections have been added in regard to sir lands. The Lieutenant-Governor accepts the opinion that in the home-farms of the landlords no statutory rights should be recognised in the tenants who may from time to time be admitted to cultivate in them. The principle is recognised in the Tenancy Acts of the North-Western Provinces and Bengal. Whenever, however, statutory rights are recognised outside the private lands of the zamíndár, it becomes necessary to define what those private lands are. Hitherto there has been in Oudh no special reason for entering [redacted] in the rent-rolls land which is not sir; for the change of law now proposed, which is to restrict the arbitrary powers of landlords over all holdings that are outside sir, has not been anticipated, and the revision of assessment is still sufficiently distant to make it more convenient for the collection of rent that land let to tenants shall be so recorded. Since all that has been reported the village rent-rolls are in this respect, as indeed in [redacted] others, very fairly correct; and the Lieutenant-Governor is disposed, therefore, to prescribe a less exacting definition of sir than that in force in the North-Western Provinces. The definition of sir which is given in section 39 (A) of the Bill is for these reasons less stringent in several particulars than that which is laid down in section 3 of the North-Western Provinces Rent Act. It has been proposed on some authority to [redacted] this definition on the principle of allowing land to fall into sir and again to fall back into ordinary tenancy land by fixing certain periods after which continuous cultivation by the landlord or by a tenant should determine the character of the cultivating occupancy. The rule of the North-Western Provinces is to fix a long period of continuous cultivation by the landlord, and then to make the lands so cultivated a permanent addition to the original sir, whether he continues to cultivate or lets to a tenant. The Bengal rule prevents any accession to the present sir unless it is recognised by village custom.

The Lieutenant-Governor would have been glad, nevertheless, to admit a proposal which is quite in keeping with the fluctuations of all agricultural enterprise, and the developments and depressions which circumstances frequently induce in agricultural families. No adjustment, however, has been discovered to regulate the recognition of lands as sír and their restoration to the normal conditions of tenancy which the landlord will not be able so to manipulate as to exclude from the statutory provisions an area of cultivated land considerably larger than that which he for the time being occupies. For the purposes of the landlord's cultivation, moreover, there is no restriction on its development. When a tenant's holding falls in by his death, it is open to the landlord to occupy it himself instead of letting it to another tenant. Whether, therefore, it is called sír or not will merely operate in determining whether the landlord can subsequently let it without initiating the usual statutory privileges in his tenant. After mature consideration the Lieutenant-Governor is of opinion that sír to the extent of all present requirements is provided by the definition as it stands in the Bill, that this may, as in the North-Western Provinces and Bengal, be permanently excluded from the operation of the sections which regulate the ordinary holdings of tenants, but that for the future no provision should be made by the law to a enable landlord, by private cultivation for any definite period, to remove permanently any lands from the general operation of those sections.

38. The section 46 (B) of the Bill has been added to meet the case of lessees and mortgagees who during their management have brought lands under their personal cultivation. These are lands which, on the expiry of the lease or redemption of the mortgage, are paying no rent; and unless some express provision is made, the lessee or mortgagee would apparently have not only the statutory rights of a tenant, but be entitled to sit rent-free.

39. In Chapter VI (Distress for Arrears of Rent) the Lieutenant-Governor proposes no change.

40. In Chapter VII (Jurisdiction of the Courts) the change are few.

41. In the preamble of section 83 a small change has been made in the terms of section 93 of the North-Western Provinces Rent Act, excluding definitely the jurisdiction of all Courts other than Courts of Revenue in the classes of cases specified.

In clause 3 it seems unnecessary to limit a suit for enhancement to the case of an occupancy-tenant. A lessee in whose lands there may be large [illegible] may be liable to a [illegible] enhancement.

[illegible]

[illegible]

In clause 9 an addition is necessary from the terms of section 26 of the Bill.

In clause 10 an addition is required by section 21 (A) of the Bill.

42. In section 91 an addition is proposed authorising the Local Government to invest any officer of the grade of a Deputy Collector with the powers of a Deputy Commissioner to hear applications by a tenant under section 24 to make improvements, or of a landlord under section 43 to eject a tenant for arrears of rent.

43. Section 102 of the Act gives summary powers to Deputy Collectors to restore possession which has been illegally disturbed. From orders under this section there is no appeal. Against this section there has been much complaint, and now that the position of the tenant will be comparatively secure it is preferable that the restoration should be by ordinary suit, subject to the usual appeal. For this section of the Act has been substituted a provision enabling the landlord to recover a fair rent for land which has been occupied without his permission. The absence of any such provision has been for many years a frequent cause of notice of ejectment. The only course open to the landlord hitherto, when a tenant has added surreptitiously to his holding, has been to eject him, or to attack him by the cumbrous process of a suit in the Civil Court for damages. If the land happened to be unlet in the previous year, the provisions of sections 35 and 36 of the Act prevent the landlord from recovering any rent in the Rent Court.

44. Section 112 of the Act requires that in all suits under the Act the summons to the defendant shall be for the final disposal of the suit. The suit is in many cases intricate, and will hereafter involve and concern tenancies of a longer and more valuable character. It is proposed to limit this provision to specified classes of suits.

45. Section 116 of the Act is no longer consistent with the general provisions of the Bill, and should be omitted.

46. Section 125 of the Act provides that sale of an under-proprietary tenure shall not be [illegible] satisfaction of the decree can be made by management of the tenure under [illegible] and 244 of the Civil Procedure Code of 1859 (or the corresponding sections of the Code of 1882). Management of under-proprietary tenures by the Deputy Commissioner has for some time, however, been recognized as practically impossible. They are generally small; as they come under the Deputy Commissioner's charge, they are scattered; and official management can be neither efficient nor economical. If the [illegible] proprietor can give the Deputy Commissioner any anticipation that a private adjustment

the judgment-debt can be effected by mortgage or otherwise, time can always be given under section 305 of the Code of 1882, and the Lieutenant-Governor's opinion on the whole is that all of the section, except the first sentence, may be without disadvantage omitted.

47. In a concluding chapter (X) of the Bill are entered four new sections.

48. Section 129 reserves to the Local Government authority under the sanction of the Governor General in Council to appoint an officer for the revision of rents in an estate in which from grave mismanagement the condition of the tenantry has been materially deteriorated or the area of the cultivation diminished. This formed the seventh clause of the scheme in paragraph 69 of the letter of 21st December, 1883, and the reasons for the provision have been there sufficiently explained.

49. Under the present registration law all pattas for seven years, for however small a sum, must be registered. The inconvenience of an enforced registration throughout the country would be very serious; and as the pattas of all tenants will be checked by the supervisor-kanúngos, registration seems to be unnecessary. The object of registration is practically effected by his verification, and personation will be difficult when the verification is made in the course of his village rounds. It is proposed, therefore, in section 130, to exempt pattas for the statutory period of seven years from the Registration Act.

50. In section 131 reference is made to a schedule, in which will be entered certain tracts which the Lieutenant-Governor proposes to exclude from the general rule of a statutory right to a seven years' holding. It has been explained in paragraph 78 of the letter of December, 1883, that in part of the northern and submontane districts the rent customs are exceptional, the area in cultivation varies with the season, and the rent is separately settled at each harvest. With these circumstances the general proposals of the Bill will not fit in; but in these tracts the population is sparse, and the tenants can command their own terms. A detail of the areas to be scheduled will be forwarded subsequently.

51. In the last section (132) of the Bill power is taken to the Local Government to make any rules necessary under the Act and consistent with it. The terms of the section have been taken from the last clause of section 211 of the North-Western Provinces Rent Act.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 9th June, 1886, and was referred to a Select Committee :—

NO. 8 OF 1886.

A Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body.

WHEREAS it is expedient to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to amend the law relating to the powers of the said Trustees; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Indian Museum Act, 1886; and

(*2*) It shall come into force at once.

2. Sections 3, 4 and 5 of the Indian Museum Act, 1876, are repealed. XXII of 1876.

3. For those sections the following shall be substituted, namely:—

"*Incorporation of the Trustees.*

Constitution and incorporation of the Trustees of the Indian Museum.

"3. The Trustees of the said Indian Museum shall be—

(*a*) the person for the time being holding the office of Accountant General of Bengal;

(*b*) five other persons to be appointed by the Governor General in Council;

(*c*) five other persons to be appointed by the Lieutenant-Governor of Bengal;

(*d*) five other persons to be appointed by the Council of the Asiatic Society of Bengal; and

(*e*) five other persons to be appointed by the Trustees;

and the said Trustees shall be a body corporate, by the name of the Trustees of the Indian Museum, and shall have perpetual succession and a common seal.

Number of corporators.

"4. All the powers of the said body corporate may be exercised so long and so often as there are nine members thereof.

Power to appoint new trustees.

"5. If a trustee appointed under section 3 dies, or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act, or becomes Accountant General of Bengal, then the authority which appointed the trustee may appoint a new trustee in his place."

Continuance of existing trustees.

4. (*1*) For the purposes of the Indian Museum Act, 1876, as amended by this Act— XXII of 1876.

(*a*) the persons nominated by the Governor General in Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor General in Council under section 3 of that Act as amended by this Act; XXII of 1876.

(*b*) the President of the Asiatic Society of Bengal, and the other members of the Council of that Society nominated by that Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Council of the Asiatic Society of Bengal under the said section; and XXII of 1876.

(*c*) the persons elected and appointed by the Trustees under the said Act, and now holding office as Trustees, shall be deemed to have been appointed by the Trustees under the said section.

(*2*) The Secretary to the Government of India and the Superintendent of the Geological Survey of India shall cease to be *ex officio* members of the said body corporate.

Power to Trustees to keep collections not belonging to them.

5. Notwithstanding anything in the Indian Museum Act, 1876,— XXII of 1876.

(*a*) the Trustees of the Indian Museum, if they think fit, may, with the previous sanction of the Governor General in Council, and subject in each case to such conditions as he may approve and to such rules as he may from time to time prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trusts in that Act mentioned, and keep and preserve the collections either in the Indian Museum or elsewhere; and

(*b*) in the event of the trust constituted by that Act being determined, collections of which the Trustees have assumed the custody and administration under the foregoing part of this section shall not, by reason of their then being in the Indian Museum, become the property of the Government of India.

And whereas it is provided in the Indian Museum Act, 1876, that the Trustees of the Indian Museum shall have the exclusive possession, occupation and control, for the purposes of their trusts in that XXII of 1876.

Act mentioned, of the whole of the building called the Indian Museum, except certain portions thereof set apart for other purposes; and whereas the Trustees are by virtue of that provision in possession of the property described in the schedule to this Act; It is hereby enacted as follows:—

6. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of that property to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

Power to Trustees to part with certain property in their possession.

THE SCHEDULE.

Land bounded on the north by a straight line drawn between the east and the west boundaries parallel to the main south wall of the Museum at a distance of twenty-five feet from the said wall, on the west and south-west by the Chowringhee Road and the walls of the premises known as No. 29 Chowringhee Road, on the south by Kyd Street, and on the east by the walls of the premises known as No. 15 Kyd Street and No. 4 Chowringhee Lane, measuring in all four acres, three roods and sixteen perches, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give effect to an arrangement, made with the approval of the Government of India, whereby—

(a) the Bengal Government is to be represented among the Trustees of the Indian Museum;

(b) the Bengal Government is to entrust the Trustees with the custody and administration of the economic, ethnological, Indian Art-ware and Fine Art collections belonging to that Government; and

(c) the Trustees, in consideration of the provision by the Bengal Government of additional accommodation required by them, are to surrender certain land adjacent to the Museum on which that Government may build a School of Art and Art Gallery.

Sections 3 and 4 provide for the representation of the Bengal Government among the Trustees, and sections 5 and 6 empower the Trustees to assume the custody of the collections belonging to the Bengal Government, and to make over to that Government the land on which the School of Art and Art Gallery are to be built.

The 25th May, 1886.

S. C. BAYLEY.

S. HARVEY JAMES,
Offg. Secretary to the Government 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 9th June, 1886:—

No. 9 OF 1886.

THE DEBTORS BILL, 1886.

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SECTIONS.

1. Short title and commencement.
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4. Enforcement of decree or order for money by imprisonment permissible in excepted cases only.
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6. Power to make rules for guidance of Courts in other excepted cases.
7. Provisions as to imprisonment under Act.
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9. Special provisions with respect to arrest before judgment.
10. Saving of proceedings antecedent to commencement of Act.
11. Act to bind the Crown.
12. Powers exercisable from time to time.

A Bill to amend the law relating to Imprisonment for Debt.

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

1. This Act may be called the Debtors Act, 1886; and it shall come into force on the first day of January, 1888.

Short title and commencement.

2. *(1)* This Act shall extend, in the first instance, only to the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

Extent.

(2) But any other Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, extend this Act, with effect on and from a day not less remote than one year from the date of the notification, to the whole or any specified part of the territories under its administration or to any class of debtors within the whole or any specified part of those territories.

3. In this Act the expression "Revenue Court" means a Court having jurisdiction in suits for the rent, revenue or profits of land.

Definition.

4. Notwithstanding anything in the Code of Civil Procedure or any other enactment, a person shall not be liable to arrest or imprisonment for default in compliance with a decree or order of a Civil or Revenue Court for payment of money except in the following cases:— [Act XIV, 1882, s. 254: Act XII, 1881, s. 156: Act XIX, 1868, s. 109.] XIV of 1882.

Enforcement of decree or order for money by imprisonment permissible in excepted cases only.

(a) where the order is for payment of a fine; [Act X, 1882, s. 480: Act XIV, 1882, ss. 170, 174 & 412.]

(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself; [32 & 33 Vic., c. 62, s. 4: Guardians and Wards Bill, 1886, s. 38.] [L. R. 6 Ch. 156—158.]

(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property; [Act XIV, 1882, s. 359.]

(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same. [32 & 33 Vic., c. 62, s. 5.]

5. In any case coming within the exception specified in clause *(b)* of section 4 the Court may, after inquiry into the case, [41 & 42 Vic., c. 54.]

Discretionary powers of Courts in some excepted cases.

grant or refuse, either absolutely or on terms, any application for the arrest or imprisonment of the defaulter, or for his release from arrest or discharge from imprisonment.

[Act XIV, 1882, s. 287: 32 & 33 Vic., c. 62, s. 5.]

Power to make rules for guidance of Courts in other excepted cases.

6. *(1)* The High Court, with respect to Courts subordinate to it, and the Chief Controlling Revenue-authority, with respect to Courts subordinate to it, may, with the approval of the Local Government and the sanction of the Governor General in Council, make rules for regulating the procedure to be observed in inquiries for determining whether the case of a defaulter for whose arrest or imprisonment application has been made is a case coming within the exceptions specified in clauses (*c*) and (*d*) of section 4, or within either of those exceptions.

(2) Rules may be made under this section—

(a) for the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, at any time after the passing of this Act, and

(b) for territories under the administration of any other Local Government, at any time after the publication of the notification extending this Act to those territories or to any class of debtors therein;

but rules so made shall not take effect until the Act comes into force in the territories for which they have been made.

(3) An authority making rules under this section shall, before making the rules, publish a draft of the proposed rules in such manner as the Governor General in Council, by notification in the Gazette of India, prescribes.

(4) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(5) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(6) A rule made under this section shall not take effect until it has been published in the local official Gazette.

(7) The publication in that Gazette of a rule purporting to be made under this section shall be conclusive proof that it has been duly made.

Provisions as to imprisonment under Act.

7. The operation of the enactment under which the defaulter is liable to arrest or imprisonment in any case coming within the exceptions specified in clauses (*b*), (*c*) and (*d*) of section 4, or within any of those exceptions, or is entitled to release from the arrest or discharge from the imprisonment, shall be subject to the following provisions, namely:—

[Act XIV, 1882, s. 342. Act XII, 1881 s. 163.]

(*a*) the defaulter may be imprisoned for such term, not exceeding six months, as the Court directs;

[Act XIV, 1882, s. 339: Act XII, 1881, ss. 165 and 166; & Act XXVI, 1870, s. 36.]

(*b*) no allowance for the subsistence of the defaulter, or for supplying him with clothing or bedding, shall be payable by the person on whose application the order for the imprisonment of the defaulter is made;

(*c*) during the term of his imprisonment the defaulter shall be maintained at the expense of the Government, and be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment; [L. R. 13 Ch. D. 343.]

(*d*) notwithstanding the payment of the money in respect of which the decree or order was made, or any arrangement for the payment thereof or proof of present inability to pay it, or any expression of intention to apply for a declaration of insolvency, or any declaration of insolvency, or any request by the person on whose application the order for the arrest or imprisonment was made, the defaulter shall not be released from arrest, or, if he is in prison and the term of his imprisonment is not fulfilled, be discharged from prison, without the order of the Court; [Act XIV, 1882, ss. 336 & 341; & Act XII, 1881, s. 163.]

(*e*) an appeal from the order for the imprisonment of the defaulter, and from an order refusing his release or discharge under clause (*d*) of this section, shall lie— [Act XIV, 1882, s. 588 (29).]

(i) if the Court making the order is a Civil Court subordinate for the purposes of the Code of Civil Procedure to the District Court, then to the District Court, XIV of 1882.

(ii) if the Court making the order is any other Civil Court, then to the High Court, and

(iii) if the Court making the order is a Revenue Court, then to the authority to which appeals lie from orders of the Court relating to the execution of decrees, or, where those orders of the Court are final, to such authority as the Local Government may, by notification in the official Gazette, appoint in this behalf; [Act XII, 1881, s. 196.]

and the order passed on the appeal shall be final. [Act XIV, 1882, s. 622 Act XII, 1881, s. 199.]

Commitment of fraudulent debtors to Magistrate.

8. Where the Court is of opinion that the defaulter has been guilty of any offence under the Indian Penal Code or under any enactment for the time being in force for the punishment of fraudulent debtors, it may, if it thinks fit, instead of ordering his imprisonment under this Act, send him to a Magistrate to be dealt with according to law. [Act XIV 1882, s. 359.] XLV of 1860. [Indian Bankruptcy Bill, 1886, s. 105.]

Special provisions with respect to arrest before judgment.

9. Notwithstanding anything in Chapter XXXIV of the Code of Civil Procedure, or any other enactment, a defendant in a suit for money only who has been arrested before judgment shall not, as such, either be required to give security for his appearance at any time after the day on which judgment is given, or, if he has been committed to prison, be detained in prison after that day: [32 & 33 Vic., c. 62, s. 6.] XIV of 1882.

Provided that, if judgment is given against the defendant, and the decree-holder applies, on the day on which judgment is given, for the enforcement of the decree by the imprisonment of the judgment-debtor, the Court may require the judgment-debtor to give such security as it thinks sufficient for his appearance at any time when called upon while the application is pending, and, if he fails to give the security, may commit him to prison, or place him in the custody of an officer of the Court, until the disposal of the application. [Act XIV, 1882, s. 349.]

Saving of proceedings antecedent to commencement of Act.

10. Nothing in this Act shall affect the liability to arrest and imprisonment of any person for whose arrest an order a warrant has been issued by a Civil or Revenue Court before this Act comes into force in the territory in which the Court is established.

Act to bind the Crown.

11. The provisions of this Act shall bind the Crown. [L. R. 2 Ex. D. 47.]

Powers exercisable from time to time.

12. All powers conferred by this Act may be exercised from time to time as occasion requires.

STATEMENT OF OBJECTS AND REASONS.

Imprisonment for Debt in India.

A decree or order for the payment of money may be enforced in India by the imprisonment of the judgment-debtor (Act XIV of 1882, s. 254). The Court has a discretionary power to refuse execution at the same time against the person and property of the judgment-debtor (s. 230), but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application* (s. 245). The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary (s. 250), and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

2. A judgment-debtor may, when arrested, obtain immediate release by payment of the debt; but if he does not, he must be brought at once before the Court (ss. 336-337).

3. The Local Government may by notification* direct that whenever a judgment-debtor is arrested in execution of a decree for money, and brought before the Court, the Court shall inform him that he may apply, under Chapter XX of the Code, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the Court (s. 336).

* Notifications have been issued under this section by all Local Governments except Hyderabad and Coorg.

4. If the judgment-debtor expresses his intention so to apply, and furnishes sufficient security that he will appear when called on, and that he will, within one month, apply to be declared an insolvent, the Court is to release him from arrest. But if he fails so to apply, the Court may either direct the security to be realised, or commit him to prison in execution of the decree (s. 336).

5. A person is not to be imprisoned in execution of a decree for more than six months, or, if the debt does not exceed fifty rupees, for more than six weeks (s. 342).

6. Whilst he is in prison, a monthly allowance must be paid for his subsistence according to scales fixed by the Local Government. The allowance is to be supplied by the decree-holder, and is to be deemed costs in the suit (ss. 338 to 340).

7. He is to be discharged from prison—

(*a*) on the amount mentioned in the warrant of committal being paid to the officer in charge of the prison, or

(*b*) on the decree being otherwise fully satisfied, or

(*c*) at the request of the person on whose application he has been imprisoned, or

(*d*) on default in the payment of the allowance for his subsistence, or

(*e*) on his being declared an insolvent, or

(*f*) on the expiration of the term of his imprisonment (s. 341).

His discharge from prison does not discharge him from his debt, but he cannot be re-arrested under the same decree (s. 341).

8. By the Presidency Small Cause Courts Act, XV of 1882, the provisions of the Code of Civil Procedure are applied, with modifications and exceptions, to the procedure in the Small Cause Courts at Calcutta, Madras and Bombay. Among the provisions not so applied are those which relate to the release of an arrested judgment-debtor on his expressing an intention to apply for a declaration of insolvency. Chapter XX of the Code, relating to insolvent judgment-debtors, is also not applied to these Courts. (See s. 23 and sched. II.)

9. The Act, however, contains certain special provisions with respect to an arrested judgment-debtor. Under section 29 the Court may release him from arrest on his giving security for payment. And under section 30, if it appears to the Court that a judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or of any instalment under the decree, the Court may, from time to time, for such time and on such terms as it thinks fit, suspend the execution of the decree, and release the debtor, or make such order as it thinks fit.

10. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts to which the Acts apply.

* "No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force."—(Act XVII of 1879, s. 21, as amended by Act XXII of 1882, s. 8.)

Imprisonment for Debt in England.

11. Imprisonment for debt was abolished in England by the Debtors Act of 1869 (32 & 33 Vic., c. 62), except in the following cases:—

(1) default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of a contract;

(2) default in payment of a sum recoverable summarily before a Justice or Justices of the Peace;

(3) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control;

(4) default by a solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money, when ordered to pay the same in his character of an officer of the Court;

(5) default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any Court having jurisdiction in bankruptcy is authorized to make an order;

(6) default in payment of sums in respect of the payment of which orders may be made under the Act (that is, cases of contumacious refusal under section 5 of the Act, see para. 14).

12. The term of imprisonment in these excepted cases must not exceed one year (s. 4).

13. In cases (3) and (4) the Court has power to enquire into the case, and at discretion to grant or refuse an order for arrest or imprisonment (41 & 42 Vic., c. 54, s. 1).

14. Under section 5 of the Act of 1869, a Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent Court. But the power is not to be exercised unless it is proved to the satisfaction of the Court that the person making default has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected to pay it. "Proof of the means of the person making default may be given in such manner as the Court thinks just, and for the purposes of such proof the debtor and witnesses may be summoned and examined on oath, according to the prescribed rules." A summons under this section is usually called a judgment summons.

15. It will be observed that all the cases in which a debtor is liable to imprisonment under the Act of 1869 involve some degree of delinquency.† And it has been held by high authority‡ that the Act was distinctly intended for the purpose of punishing fraudulent or dishonest debtors.

† Lord Hatherley, L. C., in *Middleton* v. *Chichester*, L. R. 6 Ch. 152.

‡ Jessel, M. R., in *Marris* v. *Ingram*, L. R. 13 Ch. Div. 338.

16. Sums recoverable summarily before Justices, or, as they are called in modern statutory language, Courts of summary jurisdiction, are usually fines. But as ordinary civil debts are in some cases so recoverable, it has been provided by the Summary Jurisdiction Act, 1879 (42 & 43 Vic., c. 49, section 35) that an order of a Court of summary jurisdiction for the payment of a civil debt is not to be enforced by imprisonment, unless the case is such as would make the debtor liable to imprisonment under section 5 of the Debtors Act, 1869.

Imprisonment for Debt in Scotland.

17. In Scotland imprisonment for debt for sums under £8-6-8 was abolished in 1835 by 5 & 6 Wm. IV, c. 70, but alimentary debts (that is, debts for the support of the debtor's wife or children) were excepted from the operation of that Statute. In 1880 was passed the Debtors (Scotland) Act, 1880 (43 & 44 Vic., c. 34), which enacts, by section 4, that,

"with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.

"There shall be excepted from the operation of the above enactment—

(1) taxes, fines or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed;

(2) sums decreed for aliment:

"Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months."

The same Act contains provisions for the relief of insolvent debtors and for the punishment of fraudulent debtors.

18. By the Civil Imprisonment (Scotland) Act, 1882 (45 & 46 Vic., c. 42), imprisonment for alimentary debts was abolished, except in cases where there is a wilful failure to obey the decree for the debt (ss. 3 and 4), and the maximum term of imprisonment for failure to pay rates or assessments was reduced to six weeks (s. 5).

Imprisonment for Debt in Ireland.

19. In Ireland the law as to imprisonment for debt is regulated by the Debtors Act (Ireland), 1872 (35 & 36 Vic., c. 57), as amended by 41 & 42 Vic., c. 54, and is practically identical with the English law.

Proposals for amendment of Indian Law.

20. On the 17th November, 1881, a circular was addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *pardánashin* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

21. The replies to the circular disclosed much difference of opinion as regards the advisability of maintaining in India the present system of imprisonment for debt.

22. In favour of the maintenance under existing circumstances of the present system of imprisonment for debt were the Madras Government, the Madras High Court, the Bombay Government, the Bombay High Court, the Calcutta High Court, the Calcutta Chamber of Commerce and the Trades Association, Calcutta (unless a change were accompanied by the enactment of a stringent bankruptcy law), the British Indian Association, Calcutta, the Board of Revenue, North-Western Provinces, the Punjab Chief Court, the Chief Commissioner of the Central Provinces, the Chief Commissioner of Assam (provided the law were so altered as to permit the issue of process against the person only after all means of realising the decree by process against property have been exhausted), and the Chief Commissioner and the Judicial Commissioner of Coorg. The arguments which they advanced appear to be in the main the following:—

(*a*) that the total abolition of imprisonment for debt in India would be premature, and would remove from the Statute Book the only check upon the fraudulent alienation of property by solvent but dishonest debtors;

(*b*) that legislation has proceeded quite far enough in relief of the judgment-debtor, while there are in India special difficulties in executing a decree by attachment of property when the judgment-creditor is a member of an undivided* family. Creditors are not, it is said, in the habit of proceeding to extremities unless the debtor has the means of liquidating a portion at least of the debt. The men who go to prison are for the most part those who obstinately refuse to pay their debts, and cases of imprisonment for debt are not numerous;

* Sir C. Sargent, of the Bombay High Court, wrote:—
"The legal incidents of the undivided Hindu family, the minute distribution of property caused by the Muhammadan law of descent, and, though last not least, the practice of creating benami titles so common in this country, afford the dishonest debtor endless opportunities of baffling the efforts of the judgment-creditor to attach his property."

(*c*) that the abolition of imprisonment for debt would deprive lenders of personal security, would thereby depreciate credit, and would involve an increase in the rate of interest, already very high. In the case of agriculturists this might seriously impair their ability to pay the land-revenue;

(*d*) that abolition of imprisonment fordebt should only be attempted when the habits of secrecy, engendered by centuries of oppression, have partly worn away, and when transactions are open and the registration of deeds and bonds has become habitual. When the debtor's property can be easily traced and seized in execution of a decree, then it will be reasonable and right to withhold execution on the body of a pauper debtor except as a distinctly exceptional and penal measure in the case of fraud.

23. In support of the abolition of imprisonment for debt were the following authorities:—

(*a*) the Advocate General of Bengal, who advocated the introduction of the English system, because there is no reason why the matter should not be regulated in India as in England, if proper exceptions and limitations, as contained in the English Debtors Act of 1869, are prescribed, and because the abolition of imprisonment for debt would not cause any public injury, while, on the other hand, the present system in most instances operates only as a means of oppression, to the total ruin of the party imprisoned and of his family;

(*b*) the Bengal Government, which, while not prepared to resist the opinions of the local officers that abolition would at present be premature, thought that, if an alteration of the bankruptcy law were at any time undertaken, measures might then be adopted for the abolition of imprisonment for debt in cases where fraud is not established against the judgment-debtor;

(*c*) the North-Western Provinces and Oudh Government, which regarded the existing practice of placing in the creditor's hands the power of selecting his own method of coercion as a relic of the old semi-barbarous debt laws which has now been eliminated from almost every civilized code of judicial procedure. The present system operates with severity against all debtors, honest and dishonest, indiscriminately. The power of subjecting a debtor to arrest and imprisonment should be entrusted *not* to the decree-holder, but to the Courts, and its exercise should be limited to cases where clear proof exists of fraudulent and contumacious attempts on the part of the judgment-debtor to defeat the operation of a decree. Imprisonment is especially hard on the cultivator and working-man, whom it deprives of their means of subsistence and of providing for their families;

(*d*) the North-Western Provinces High Court, which advocated the abolition of imprisonment for debt, as it is doubtful whether "any useful purpose is served by the perpetuation in this country of that remnant of barbarism";

(*e*) the Punjab Government, which believed that there is some reason to fear that, under the present system, creditors occasionally make use of the law to gratify vindictive feelings or personal spite, and to coerce debtors to sell their land and property at a price below its proper value or to relinquish their just rights. **Discretionary power ought to be expressly allowed to the Civil Courts, imprisonment not being resorted to as an ordinary process of execution of a decree, unless the Court is satisfied that there has been fraud or wilful concealment of property;**

(*f*) the Chief Commissioner of British Burma, who pointed out that the imprisonment of debtors who are paupers, but who are not fraudulent, does no real good to any class, works directly and indirectly great harm to the poorer classes, and causes a distinct loss to the community at large. The practice of permitting such imprisonment has been gradually circumscribed among other civilized nations; among some nations it has absolutely ceased; and there is no reason why the way should not be paved for the disappearance of the system in India. Civil Courts should be allowed to grant execution against the body of judgment-debtors against whom there might be *primâ facie* ground for presuming fraud or bad conduct, unless the presumption were rebutted by the judgment-debtor;

(*g*) the Judicial Commissioner of British Burma and the Recorder of Rangoon, who were of opinion that imprisonment for debt should be abolished, except in case of fraud, which should be punished criminally. The Recorder recommended that the law as it now obtains in England should be applied to India;

(*h*) the Resident at Hyderabad, who considered that the present system of imprisonment for debt is not wanted to compel payment, while it may be used to bring undue pressure to bear upon a debtor, especially in an agricultural country where interest in land is generally given as security for debts. He recommended that imprisonment for debt should be retained only to meet cases in which debtors abscond or endeavour to fraudulently evade meeting their obligations.

24. Thus, the preponderance of opinion was on the whole in favour of the maintenance of imprisonment for debt under the present condition of India, but a considerable and influential minority were in favour of its abolition.

25. The arguments on which the upholders of the present system rely fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

26. To arguments of the first class belongs the assertion that "to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." The same objection was made in England, first to the abolition of arrest on mesne process,* and afterwards to the abolition of arrest on final process. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

* See Lord Cottenham's speech in 1844 on the Creditors and Debtors Bill; Hansard, 74, page 453.

27. Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and, secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong because, owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realizing his debts are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessaries of life. The debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience acquired in the Dekkhan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessaries of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest; and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But there is reason to believe that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very rarely used. There is, or was until recently, a strong concurrence of opinion to the effect that the Insolvency Chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,—whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbrous or expensive, or by the difficulty of satisfying the Court under section 351 that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,—opinions differ; but about the fact of failure there appears to be no difference.

30. Since 1883 the Government of India has received and published reports obtained from Her Majesty's representatives abroad on the systems of imprisonment for debt in force in the various countries to which they are accredited. Those reports showed that imprisonment for debt has been abolished in nearly all civilized countries.

31. Having regard to the state of the law in the United Kingdom, to those reports, to the success which has attended the abolition of imprisonment for debt in the case of agriculturists to whom the Dekkhan Agriculturists' Relief Acts apply, to some expressions to be found in the opinions of the authorities who considered the draft Bankruptcy Bill of 1885, and to the advocacy by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and by the Chief Justice and Judges of the High Court of Judicature for the North-Western Provinces, of the entire abolition of the process of arrest for debt, so far as it is a process that can be set in motion at the discretion of the creditor, and of the enforcement of the process being restricted to cases in which the Courts are satisfied that there have been fraudulent and contumacious attempts to defeat the operation of decrees, the Government of India has decided to introduce a Bill giving effect tentatively and, in the first instance, within a limited area to the policy which dictated the English Act of 1869, and is believed by several authorities of weight to be applicable to India.

Provisions of Bill.

32. *Sections 1 and 2.*—It is proposed that the measure shall apply in the first instance to the North-Western Provinces and Oudh, and be extendible to other Provinces, or to particular classes of debtors in other Provinces, by Local Governments with the previous sanction of the Governor General in Council.

From the opinions recorded by the Chief Commissioner and by Mr. MacEwen, the Officiating Recorder of Rangoon, on the draft Bankruptcy Bill of 1885; and by the Recorder, Judicial Commissioner and other authorities, European and Native, on the circular of 1881, there appears to be a strong feeling in Burma in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But it is considered desirable that the proposed Act should apply in the first instance to the territories under one Local Government, and that its effect there should be ascertained before the Act is extended to other parts of the country.

The date on which the Act is to come into force in the North-Western Provinces and Oudh is the 1st of January, 1888. If therefore the Bill is passed during the present year, decree-holders will have more than twelve months within which they may proceed against their judgment-debtors under the provisions of the Code of Civil Procedure. In England the period which elapsed between the passing and the coming into force of the Debtors Act 1869, was less than five months.

33. *Section 4.*—This section is based on section 4 of the Debtors Act, 1869, but applies only to arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts. Clause (*c*) is specially designed to check those fraudulent alienations of property by solvent but dishonest debtors which are relied on by the opponents of any mitigation of the existing law as the main justification of imprisonment for debt.

34. *Section 5.*—This section, following the 41 & 42 Vic., c. 54, permits the Court to refuse, either absolutely or on terms, an application for the arrest or imprisonment, or for the release or discharge from arrest or imprisonment, of a defaulter who is a trustee or person acting in a fiduciary capacity and is required, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself.

The origin and object of this clause are stated as follows by Jessel, M. R., in *Marris* v. *Ingram* (L. R. 13 Ch. D. 343):—

"Then we come to the Amendment Act of 1878, which was passed to meet a special class of cases, and the history of that Act was this: An application was made before me for the imprisonment of a trustee who had been ordered to pay a sum of money. It was a very hard case, one of an unintentional breach of trust; and though the man was actually dying, I had no alternative but to make an order. Then I had various other cases before me which led me to regret that the Court had no discretion, for it not unfrequently happened that a person who came in strictness under the first class of offences * was not guilty of any moral offence. Under these circumstances I thought it would be wise and prudent that a discretion should be given to the Courts to deal with exceptional cases, but not with the intention of repealing the existing Act. Mr. Marten, being a member of the Legislature, then adopted my suggestion, and procured this Amendment Act to be passed."

* That is to say, the defaults specified in 32 & 33 Vic., c. 62, s. 4.

35. *Section 6.*—This section empowers the High Court and the Chief Controlling Revenue-authority to make rules for regulating the procedure to be followed in the Courts subordinate to them respectively in inquiries as to the liability of persons to arrest and imprisonment on the ground of fraud or contumacy.

36. *Section 7.*—This section modifies the operation of enactments authorising arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts for payment of money.

Clause (*a*), following the Code of Civil Procedure, limits the term of imprisonment to six months, notwithstanding that section 163 of the North-Western Provinces Rent Act, 1881, authorises imprisonment in certain cases for so long a period as two years.

Clause (*b*) relieves the decree-holder of the liability to maintain his judgment-debtor while in prison. If imprisonment is retained, not as a mode of enforcing payment but simply as a punishment, it will hardly be possible to continue the liability. This liability existed under the old Insolvency Law in England, and the Act which imposed it was once described as giving the creditor "the power of imprisoning and tormenting his debtor at the expense of 3*s.* 6*d.* per week."* If it is abolished, great care should be taken that imprisonment is not inflicted except in cases of misconduct which deserve punishment.

* Hansard, 74, page 451.

Clause (*c*) requires that the defaulter, though in the civil jail, shall nevertheless be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment. Where a person is ordered to pay a fine, the nature and term of his imprisonment will be regulated by the general law. This clause relates to the other cases in which a debtor is liable to imprisonment. Those cases, as before observed, all involve some degree of delinquency (L. R. 6 Ch. 157), and the imprisonment contemplated by the Bill, as by the English Act (L. R. 13 Ch. D. 343), is simple, that is, without hard labour. The effect of this clause will be to deprive the defaulter, as a civil prisoner, of the privilege of maintaining himself, and purchasing or receiving from private sources food, clothing, bedding, and other necessaries (Act XXVI of 1870, s. 34).

Clause (*d*) provides that, except where the arrest or imprisonment is for default in payment of a fine, the defaulter, when once arrested or imprisoned, shall not be released from

arrest, or discharged from prison, without the order of the Court. The Court may grant the order or refuse it. If it refuses the order, the defaulter may appeal.

Clause (*e*) so far modifies clause (29) of section 588 of the Code of Civil Procedure as to admit of an appeal being preferred from an order for imprisonment in execution of a decree.

37. *Section 8.*—This section follows section 359 of the Code of Civil Procedure in providing that where the Court is of opinion that the defaulter has been guilty of an offence against the Indian Penal Code or any special enactment for the punishment of fraudulent debtors, it may, instead of ordering his imprisonment in the civil jail, send him to a Magistrate to be dealt with according to law.

38. *Sections 9 and 10.*—These sections contain special provisions with respect to arrest before judgment, and save proceedings taken before the Act comes into force.

39. *Section 11.*—It has been decided *In re Heavens Smith* (L. R. 2 Ex. D. 47) that the English Debtors Act of 1869 does not apply to a case in which the defaulter is a debtor to the Crown. It is proposed that the Indian Act shall have the like effect as against the Crown where a decree or order for payment of money is made in its favour by a Civil or Revenue Court, as it will have against a subject.

40. The question of giving the Courts a discretionary power to refuse an order for the arrest and imprisonment of a judgment-debtor, or at least of a female judgment-debtor, will be considered when next the Code of Civil Procedure comes under revision.

C. P. ILBERT.

The 9th June, 1886.

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

5 P

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 June, 1886 :—

NO. 10 OF 1886.

A Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawáb Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in a Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khás Mahál of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas in the years 1814, 1825, 1829 and 1838 loans, known respectively as the 1st, 3rd, 5th and 6th Oudh loans, were made by the Rulers of Oudh to the Hon'ble the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And whereas the said Government reserved to itself the right of commuting the pensions to the payment of which the interest accruing on the 5th Oudh loan was to be applied;

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applies, and rules respecting them have been made and published under section 14 of that Act; XXIII of 1871.

And whereas, since the making and publication of the rules, doubt has been expressed whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871; XXIII of 1871.

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Oudh Wasikas Act, 1886.

Act XXIII of 1871 applicable to Wasikas.

2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are, within the meaning of the Pensions Act, 1871, pensions conferred by a former Government and continued by the British Government on political considerations. XXIII of 1871.

Power to commute certain Wasikas without consent of holders.

3. Notwithstanding anything in section 10 of the said Act, the Local Government may, without the consent of the holder of a pension payable out of the interest accruing on the 5th Oudh loan, order the whole or any part of the pension to be commuted on the terms referred to in the fourth article of the treaty executed with respect to that loan on the first day of March, 1829, and ratified by the Governor General in Council on the eighth day of May in the same year.

STATEMENT OF OBJECTS AND REASONS.

CERTAIN allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Bahu Begam and the Vazirs and Kings of Oudh. Till the year 1880 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and, a dispute having arisen as to the person entitled to receive the capitalized amount of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Táj Mahál's Pension Act, 1881.

This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.

The 9th June, 1886.

J. W. QUINTON.

S. HARVEY JAMES,
Offg. 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 23rd June, 1886:—

No. 11 OF 1886.

THE PUNJAB TENANCY BILL.

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A Bill to amend the Law relating to the Tenancy of Land in the Punjab.

WHEREAS it is expedient to amend the law relating to the tenancy of land in the Punjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Tenancy Act, 1886.

(*2*) It extends to the territories for the time being administered by the Lieutenant-Governor of the Punjab and its Dependencies; and

(*3*) It shall come into force on such date (hereinafter called the commencement of this Act) as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, appoint in this behalf.

Repeal.

2. (*1*) The Punjab Tenancy Act, 1868, is hereby repealed; and XXVIII of 1868.

(*2*) All suits, appeals and applications instituted, preferred and made under that Act, and pending at the commencement of this Act, shall, so far as may be, be deemed to have been respectively instituted, preferred and made under this Act.

Definitions.

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

(*a*) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land: [New. Cf. Act IX, 1883, s. 3 (*1*).]

(*b*) "tenant" means a person who holds land of another person, and is, or, but for a special contract, would be, liable to pay rent for that land to that other person. But it does not include an inferior landowner, or a farmer or mortgagee of the rights of a landowner, or a person who takes a lease of unoccupied land for the purpose of subletting it: [New. Cf. Act IX, 1883, s. 3 (*2*).]

(*c*) "landlord" means the person of whom a tenant holds land, and to whom the tenant is, or, but for a special contract, would be, liable to pay rent for that land: [New. Cf. Act IX, 1883, s. 3 (*3*).]

(*d*) "tenant" and "landlord" include the predecessors and representatives in interest of a tenant and landlord respectively: [New.]

(*e*) "rent" means whatever is payable, deliverable or renderable in money, kind or service by a tenant on account of the use or occupation of land held by him: [New. Cf. Act XI, 1883, s. 3 (*4*).]

(*f*) "pay," "payable" and "payment," used with reference to rent, include "deliver," "deliverable" and "delivery," and "render," "renderable" and "rendering": [New. Cf. Act IX, 1883, s. 3 (*5*).]

(*g*) "arrear of rent" means rent which remains unpaid after the date on which it becomes payable: [Act XXVIII, 1868, s. 3.]

(*h*) "tenancy" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions: [New. Cf. Act IX, 1883, s. 3 (*7*).]

(*i*) "land-revenue" means—

(1) the land-revenue for the time being assessed on land, whether the assessment is leviable or not; or [Cf. Act XX, 1884, s. 3 (*4*).]

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(Chapter II.—Right of Occupancy.—Sections 4-5.)

(2) where the land-revenue has been permanently assessed, or has been wholly or in part compounded for or redeemed, the amount which, but for the permanent assessment, composition or redemption, would have been leviable, or

(3) where no land-revenue has been assessed on land, the amount which would have been assessed thereon if the rate sanctioned for like land in the same village or in adjacent villages had been applied;

and includes any rate imposed in respect of the increased value of land due to canal-irrigation, unless, where the land is assessed, that increased value has been taken into account in the assessment:

[Neg. XX of 1883.] (*j*) "rates and cesses" mean the local rate payable under the Punjab District Boards Act, 1883, the zaildári, lambardári and patwári cesses, and any other rates and cesses of which the levy has been generally or specially authorised by the Local Government:

[New.] (*k*) "Revenue-officer" and "Revenue Court" have the meanings respectively assigned to those expressions in the Punjab Land-revenue Act, 1886:

[Act IX, 1883, s. 3 (*9*).] (*l*) "prescribed Revenue-officer," in any provision of this Act, means such Revenue-officer as the Local Government may, by notification in the official Gazette, direct by name or by virtue of his office to discharge the functions of a Revenue-officer under that provision:

[New. Cf. Act IX, 1883, s. 3 (*8*).] (*m*) "improvement" means, with reference to a tenancy, any work which is suitable to the tenancy and consistent with the conditions on which it is held, by which the letting value of the tenancy has been and continues to be increased, and which, if not executed on the tenancy, is either executed directly for its benefit, or is, after execution, made directly beneficial to it;

Explanation I.—It includes—

[Act XXVIII, 1868, s. 38.]

(*1*) the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods;

(*2*) the construction of wells, the reclaiming, enclosing, levelling and terracing of land for agricultural purposes, and other works of a like nature;

(*3*) the erection of buildings in connection with the land for the more convenient or profitable cultivation thereof; and

(*4*) the renewal or re-construction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same and as durably increase their value;

[Cf. Bom. Act V, 1879, s. 170.] But it does not include any benefit accruing to land from the ordinary operations of husbandry;

Explanation II.—A work which benefits several tenancies may be deemed to be, with respect to each of them, an improvement;

Explanation III.—A work executed by a tenant is not an improvement if it substantially diminishes the value of any other part of his landlord's property:

[Act XXVIII, 1868, s. 3, amended.] (*n*) "grandfather" includes the father of an adoptive father, the adoptive father of a father and the adoptive father of an adoptive father; "uncle" includes the brother of an adoptive father; and "grand-uncle" includes the adoptive father of an uncle: and

[New.] (*o*) jágírdár includes the holder of any revenue-free land.

CHAPTER II.

RIGHT OF OCCUPANCY.

Tenants having right of occupancy.

4. (*1*) A tenant—

(*a*) who has before or after the commencement of this Act paid no rent in respect of land occupied by him beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, and whose father and grand-father, uncle and grand-uncle, occupying the same land, paid no rent beyond the amount aforesaid, or [Act XXVIII, 1868, s. 5 (*1*).]

(*b*) who has before or after the commencement of this Act continuously occupied land of which he was landowner and of which he ceased to be landowner otherwise than by forfeiture to Government or by any voluntary act, or [Act XXVIII, 1868, s. 5 (*2*).]

(*c*) who, before the twenty-first day of October, 1868, settled in a village along with the founders thereof as a cultivator of the land occupied by him, and who, since so settling there, has before or after the commencement of this Act continuously occupied that land, or [Act XXVIII, 1868, s. 5 (*3*).]

(*d*) who is, or has before or after the commencement of this Act been, jágírdár of the village or any part of the village in which the land occupied by him is situate, and who— [Act XXVIII, 1868, s. 5 (*4*).]

(i) being such jágírdár, has before or after the commencement of this Act continuously occupied the land for not less than twenty years, or

(ii) having been such jágírdár, occupied the land while he was jágírdár and has before or after the commencement of this Act continuously occupied it for not less than twenty years,

shall be deemed to have a right of occupancy in the land so occupied.

(*2*) If a tenant proves that he has before or after the commencement of this Act continuously occupied land for thirty years and paid no rent therefor beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, he shall be presumed to have fulfilled the conditions of clause (*a*) of sub-section (*1*). [New.]

(*3*) If a tenant occupied land in a village in 1838, he shall, for the purposes of clause (*c*) of sub-section (*1*), be presumed to have settled there along with the founders of the village. [New.]

Right of occupancy of other tenants recorded as having the right before passing of Punjab Tenancy Act, 1868.

5. A tenant whose name is entered in a record-of-rights sanctioned by the Local Government before the twenty-first day of October, 1868, as of a tenant having a right of occupancy in land which he has continuously occupied from the time of the preparation of that record, shall be deemed to have and to have had a right of occupancy in that land unless the landlord proves in a suit— [Act XXVIII 1868, s. 6.]

(*a*) that within the thirty years immediately preceding the institution of the suit other tenants of the same class in the same village, or in adjacent villages, have ordinarily been ejected at the will of the landlord; or

(*b*) that before the twenty-first day of October, 1868, the tenant, in the presence of an officer authorized to attest entries in the record-of-rights,

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(Chapter III.—Rent.—Sections 6-15.)

voluntarily admitted himself to be a tenant not having a right of occupancy, and that the admission was recorded at the time by that officer.

[Act XXVIII, 1868, s. 7.]

Right of occupancy in land taken in exchange.

6. If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him, for other land belonging to the same landlord, the land taken in exchange shall, for the purposes of this Act, be held to be subject to the same right of occupancy as that to which the land given in exchange would have been subject if the exchange had not taken place.

[Act XXVIII, 1868, s. 8.]

Establishment of right of occupancy on grounds other than those expressly stated in Act.

7. Nothing in the foregoing sections of this Chapter shall preclude any person claiming a right of occupancy on any ground other than the grounds specified in those sections from suing to establish the right.

[Act XXVIII, 1868, s. 9.]

Right of occupancy not to be acquired by mere lapse of time.

8. No tenant shall acquire a right of occupancy by mere lapse of time.

[Act XXVIII, 1868, s. 9, amended.]

Right of occupancy not to be acquired by joint owner in land held in joint ownership.

9. In the absence of a custom to the contrary, no one of several joint-owners of land shall acquire a right of occupancy in the land jointly owned by them.

CHAPTER III.

RENT.

Revision of Rents.

[New.]

Procedure for revision of rents of occupancy-tenants.

10. *(1)* At any time while a local area is being assessed, and before the assessment has been confirmed, the prescribed Revenue-officer, of his own motion or on the application of either landlord or tenant, may, subject to the other provisions of this Chapter, revise the rent of any tenant having a right of occupancy in land situate in that local area.

(2) At any other time the prescribed Revenue-officer, on the application of either landlord or tenant, may, subject to those provisions, revise the rent of any tenant having a right of occupancy.

Conversion of Rents.

[Act XXVIII, 1868, s. 16.]

Commutation of rent.

11. *(1)* In the case of a tenant having a right of occupancy or holding under an unexpired lease, rent in kind shall not be commuted into rent in money, or rent in money into rent in kind, without the consent of both the landlord and the tenant.

(2) With their consent the commutation may be made by the prescribed Revenue-officer on application made to him for that purpose by either of them.

[New.]

Conversion of lump cash-rents.

12. When the rent payable by a tenant having a right of occupancy is fixed at a lump sum without relation to the land-revenue of his tenancy and the rates and cesses chargeable thereon, the prescribed Revenue-officer shall, on the application of either the landlord or the tenant, determine what portion of the rent is represented by the land-revenue and rates and cesses.

Enhancement.

[Act XXVIII, 1868, s. 10.]

Date of effect of enhancement of rent.

13. *(1)* An enhancement of rent shall not take effect before the commencement of the agricultural year next following the date of the agreement or order under which it is payable.

[New.] *(2)* The agricultural year shall for the purposes of this section commence on the sixteenth day of June.

[New.]

Rents of occupancy-tenants which are ordinarily not liable to enhancement.

14. Where the rent of a tenant having a right of occupancy in any land is a share of the produce, or of the appraised value thereof, with or without an addition in cash, or is paid according to cash-rates fixed with reference to the nature of the crops grown, the tenant shall be entitled to occupy the land at the share or rates hitherto paid by him:

Provided that—

(*a*) when the land or any part thereof previously not irrigated or flooded becomes irrigated or flooded, the share or rates payable in respect of the land or part may, subject to the provisions of this Act, be enhanced to the share or rates paid by tenants having a right of occupancy for irrigated or flooded land of a similar description and with similar advantages in the same neighbourhood; and [See section 42 of this Bill.]

(*b*) where, in the case of rent consisting of a share of the produce, or of the appraised value thereof, with an addition in cash, that addition is the amount of the land-revenue and rates and cesses, or a proportion thereof, it may, on an enhancement of that amount, be enhanced—

(*i*) if the addition was the full amount, then to the enhanced amount of the land-revenue and rates and cesses, and

(*ii*) if the addition was a proportion of the amount, then to the same proportion of the enhanced amount.

[Act XXVIII, 1868, s. 10.]

Ground and limitation of enhancement of rents of occupancy-tenants which are ordinarily liable to enhancement.

15. *(1)* The rent payable by a tenant having a right of occupancy, to whom the last foregoing section does not apply, may be enhanced on the ground that the rent paid by him in respect of his tenancy, after deducting the amount of the land-revenue thereof and the rates and cesses chargeable thereon, is—

(*a*) if he belongs to the class specified in clause (*a*) of sub-section (*1*) of section 4, less than two annas per rupee of the amount of the land-revenue; [Act XXVIII 1868, ss. 11 and 12.]

(*b*) if he belongs to any of the classes specified in clauses (*a*), (*b*) and (*c*) of that sub-section, less than four annas per rupee of the amount of the land-revenue;

(*c*) if he does not belong to any of the classes specified in that sub-section, less than eight annas per rupee of the amount of the land-revenue.

(2) In a case to which sub-section *(1)* of this section applies, the rent may be enhanced to an amount not exceeding two, four or eight annas per rupee of the amount of the land-revenue, as the case may be, in addition to the amount of the land-revenue and rates and cesses.

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Reduction.

[New.]

Grounds and limitation of reduction of rents described in section 14.

16. *(1)* When the land, or any part of the land, held by a tenant having a right of occupancy, to whom section 14 applies ceases to be irrigated or flooded, the share or rates payable in respect of the land or part may be reduced to the share or rates paid by tenants having a right of occupancy for unirrigated or unflooded land of a similar description and with similar advantages in the same neighbourhood.

(2) Where the rent of a tenant having a right of occupancy is a share of the produce, or of the appraised value thereof, with an addition in cash, and that addition is the amount of the land-revenue and rates and cesses, or a proportion thereof, the addition may, on a reduction of that amount, be reduced—

(*i*) if it was the full amount, then to the reduced amount of the land-revenue and rates and cesses; and

(*ii*) if it was a proportion of the amount, then to the same proportion of the reduced amount.

[Act XXVIII, 1868, s. 14.]

Grounds and limitation of reduction of other rents.

17. *(1)* The rent payable by a tenant having a right of occupancy, to whom section 14 does not apply, may be reduced on any of the following grounds, and on no others, namely:—

first—that the area of the land held by him has been diminished or has been proved to be less than the area for which rent has been previously paid by him;

second—that the productive powers of that land have been decreased by any cause beyond his control;

[New.] *third*—that the rent of the land is regulated by the amount of the land-revenue thereof and that the land-revenue has been reduced;

[New.] *fourth*—that within the six years immediately preceding the passing of this Act the rent has been raised above the maximum allowed by section 15.

(2) In a case to which sub-section *(1)* of this section applies, the rent shall be reduced to the amount which the Revenue-officer considers fair and equitable:

Provided that—

[New.] (*a*) where the reduction is made on the third ground, it shall be in proportion to the reduction in the land-revenue of the land;

(*b*) where the reduction is made on the fourth ground, the rent shall not be reduced below the maximum allowed by section 15; and

[New.] (*c*) a reduction shall not be made in any case if its effect would be to make the rent of the land less than the amount of the land-revenue thereof and the rates and cesses chargeable thereon.

Remission.

[Act XXVIII, 1868, s. 15.]

Remission of rent by Courts decreeing arrears.

18. Notwithstanding anything contained in the foregoing sections of this Chapter, if it appears to a Court making a decree for an arrear of rent that the area of a tenancy has been so diminished by diluvion or otherwise, or that the produce thereof has been so diminished by drought, hail, deposit of sand, or other like calamity, that the full amount of rent payable by him cannot be equitably decreed, the Court may allow such remission from the rent payable by him as may appear to it to be just.

[Cf. Act XII, 1881, s. 23.]

Remission and suspension of rent consequent on like treatment of land-revenue.

19. *(1)* Whenever by any cause the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or for any period suspended, the prescribed Revenue-officer may by order remit or for that period suspend, as the case may be, the payment of the rent of that land to an amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land-revenue of which the payment has been remitted or suspended bears to the whole of the land-revenue payable in respect of the land.

(2) An order passed under sub-section *(1)* shall not be liable to be contested by suit in any Court.

(3) A suit shall not lie for the recovery of any rent of which the payment has been remitted, or during the period of suspension for any rent of which the payment has been suspended.

[Cf. Act XIV, 1882, s. 325A.]

(4) Where the payment of rent has been suspended for any period, that period shall be excluded in the computation of the period of limitation prescribed for a suit for the recovery of the rent.

(5) If the landlord collects any rent of which the payment has been remitted, or before the expiration of the period of suspension collects any rent of which the payment has been suspended, the whole of the land-revenue remitted or suspended in his favour shall become immediately payable by him.

[New.] *(6)* The provisions of this section relating to the remission or suspension of the payment of rent may be applied, so far as they can be made applicable, to land held free of revenue, in any case in which, if the land had been revenue-paying, the payment of the whole or any part of the land-revenue thereof might, in the opinion of the prescribed Revenue-officer, have been remitted or suspended under the rules for the time being in force for regulating the remission and suspension of land-revenue.

Division of Produce and Appraisement of Crops.

[Act XXVIII, 1868, s. 17, and Act IX, 1883, s. 25.]

Appointment of referee for division or appraisement.

20. When rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division, estimate or appraisement, or if there is a dispute about the division of the produce or the quantity or value of the crop, the prescribed Revenue-officer may, on the application of either party, appoint such person as he thinks fit to be a referee to divide the produce or estimate or appraise the crop.

[New. Cf. Act XXVIII, 1868, s. 18, and Act IX, 1883, s. 26.]

Appointment of assessors.

21. *(1)* When the Revenue-officer appoints a referee under the last foregoing section, he may in his discretion authorise the referee to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting those assessors (if any) and the procedure

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to be followed in making the division, estimate or appraisement.

(2) The referee so appointed shall make the division, estimate or appraisement in accordance with those instructions.

(3) For the purpose of exercising the powers conferred upon him, the referee, with his assessors (if any), may enter upon or into any land or building on or in which the crop is standing or the produce is lying.

[New. Cf. Act IX, 1883, s. 28.]

22. (1) The result of the division, estimate or appraisement shall be recorded and signed by the referee, and the record shall be submitted to the Revenue-officer.

Procedure after division or appraisement.

(2) The Revenue-officer shall consider the record, and after such further inquiry (if any) as he may think necessary shall make an order either confirming or varying the division, estimate or appraisement.

(3) The rent shall be payable in accordance with that order.

(4) The Revenue-officer shall also make such order as to the costs of the reference as he thinks fit.

(5) The costs may include the remuneration of the referee and of the assessors (if any), and may be levied from the applicant before the appointment of the referee subject to adjustment at the close of the proceedings.

CHAPTER IV.

RELINQUISHMENT AND EJECTMENT.

Relinquishment.

[Act XXVIII, 1868, ss. 28, 30 & 31.]

23. (1) A tenant may relinquish his tenancy by giving verbally or in writing to his landlord or to his landlord's agent, on or before the fifteenth day of January in any year, notice of his intention to relinquish the tenancy.

Relinquishment by tenant.

(2) If the landlord or his agent refuses to receive the notice, or if he receives it but refuses to sign and deliver a receipt for it, the tenant may apply to the prescribed Revenue-officer on or before the date aforesaid to cause the notice to be served on the landlord; and the Revenue-officer, on receiving the cost of service from the tenant, shall cause the notice to be served as soon as may be.

(3) If the tenant does not give notice in the manner prescribed in this section, he shall be liable to pay the rent of his tenancy for any part of the ensuing agricultural year during which the tenancy is not let by the landlord to some other person or is not cultivated by the landlord himself.

Ejectment.

[New.]

24. (1) A tenant shall not be ejected otherwise than in execution of an order of the prescribed Revenue-officer.

Mode and time of ejectment.

[Cf. Act XXVIII, 1868, s. 21.]

(2) Save as otherwise expressly provided by this Act, an order of the Revenue-officer for the ejectment of a tenant shall not be executed at any other time than between the first day of May and the fifteenth day of June.

[Act XXVIII, 1868, s. 27.]

25. (1) Where at the time of the order for the ejectment of a tenant from any land his unripened crops are standing thereon, he shall not be ejected from the land until the crops have ripened and he has been allowed a reasonable time to harvest them.

Provision with respect to crops unripened at time of order for ejectment.

[Cf. Act XII, 1881, s. 42.]

(2) For the use of the land occupied by the crops he shall pay such rent as may be agreed on between him and the landlord, or as, in default of such agreement, may, on the application of either landlord or tenant, be determined by the prescribed Revenue-officer.

(3) Where the rent is determined by an order of the prescribed Revenue-officer, the order may be executed by him in the same manner as a decree for money may be executed by a Revenue Court.

[New.]

26. A Revenue-officer may make an order for the ejectment of a tenant from land in which he has a right of occupancy if—

Conditions on which order may be made for ejectment of an occupancy-tenant.

(*a*) a decree has been made for the ejectment of the tenant from the land either on the ground that he has used the land in a manner inconsistent with the conditions on which he holds it or on the ground that he has omitted to use the land in the manner required by those conditions; or

(*b*) a decree has been made against the tenant for an arrear of rent due in respect of the land, and the decree remains unsatisfied at the time when an application for his ejectment is made in manner hereinafter provided.

[See section 28 of this Bill.]

[New.]

27. (1) When a decree has been made for the ejectment of a tenant having a right of occupancy on either of the grounds mentioned in clause (*a*) of the last foregoing section, the decree-holder may apply to the prescribed Revenue-officer for an order for the ejectment of the tenant in execution of the decree.

Procedure for ejectment of an occupancy-tenant against whom decree has been made for misuse of land.

[Cf. Act XII, 1881, s. 149, and Act VIII, 1885, s. 155.]

(2) If it appears to the Revenue-officer that the injury caused by the act or omission in consequence of which the decree was made is capable of being remedied, or that an award of compensation will be sufficient satisfaction to the landlord therefor, he may, instead of making an order for the ejectment of the tenant, order him to remedy the injury within one month from the date of the order, or order him to pay to the Revenue-officer, within a time to be specified in the order, such compensation as the Revenue-officer thinks fit.

(3) If the injury is so remedied or the compensation so paid, an order for the ejectment of the tenant in execution of the decree shall not be made.

[Act XII, 1881, s. 35.]

28. (1) If a landlord desires to eject a tenant having a right of occupancy in land against whom a decree for an arrear of rent due in respect of the land has been made and remains unsatisfied, he may apply to the prescribed Revenue-officer for an order for the ejectment of the tenant.

Procedure for ejectment of an occupancy-tenant against whom decree has been made for arrear of rent.

(2) The Revenue-officer shall, on receiving the application, cause a notice to be served on the tenant, stating the date of the decree and the amount due thereunder, and informing him that if he does not pay that amount to the Revenue-officer within fifteen days from receipt of the notice he will be ejected from the land.

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(3) If the amount is so paid within that period of fifteen days, an order for the ejectment of the tenant shall not be made.

[Act VIII, 1885, s. 66.]

(4) The Revenue-officer may for special reasons extend the period of fifteen days mentioned in this section.

[Act XXVIII, 1868, ss. 22 *et seq.*]

29. (1) If a landlord desires to eject a tenant not having a right of occupancy, he may apply to the prescribed Revenue-officer on or before the fifteenth day of January to cause a notice of ejectment to be served on the tenant.

Procedure for ejectment of tenant not having right of occupancy.

(2) The landlord shall pay the cost of service, and the Revenue-officer shall cause the notice to be served as soon as may be.

(3) The notice shall specify the name of the landlord on whose application it is issued and the land to which it relates, and shall inform the tenant that if he means to contest his liability to ejectment he must institute a suit for that purpose within two months from the date of the service of the notice.

(4) If within two months from that date the tenant does not institute a suit to contest his liability to ejectment, or if, having instituted a suit for that purpose within that period, he fails in the suit, the prescribed Revenue-officer shall, on the application of the landlord, eject him from the land.

[Act XXVIII, 1868, s. 21.]

30. If a tenant not having a right of occupancy whose rent is payable in kind or whose rent is in arrear fails to cultivate the land which he holds in accordance with the conditions on which he holds it, he may, on the application of the landlord to the prescribed Revenue-officer, be ejected from the land by order of that officer at any time of the year.

Ejectment of tenant not having right of occupancy for failure to cultivate land.

Relief for wrongful dispossession.

[Act XXVIII, 1868, s. 21, and Act XII, 1881, s. 95, cls. (*m*) and (*n*)]

31. A tenant who has been dispossessed without his consent of his tenancy or any part thereof otherwise than in execution of an order of the prescribed Revenue-officer may, in a suit under section 9 of the Specific Relief Act, 1877, for recovery of possession of the tenancy or part, or in a separate suit, claim compensation for wrongful dispossession.

Relief for dispossession without consent and otherwise than in due course of law.

I of 1877.

32. A tenant who has been ejected in execution of an order of a Revenue-officer under section 30 of this Act may, if he denies his liability to be ejected on the ground of his having a right of occupancy, institute a suit for recovery of the occupancy of the land or for compensation for wrongful dispossession, or for both.

Relief for wrongful ejectment under section 30 of a tenant having a right of occupancy.

CHAPTER V.

ALIENATION OF, AND SUCCESSION TO, RIGHT OF OCCUPANCY.

Alienation.

[Act IX, 1883, s. 43 (3).]

33. A right of occupancy shall not be attached or sold in execution of a decree or order of any Court.

Right of occupancy not transferable in execution of decree.

[Act XXVIII, 1868, ss. 32 and 34, and Act IX, 1883, s. 38.]

34. (1) A tenant having a right of occupancy may transfer that right by sale, gift, mortgage or sub-lease, subject to the conditions contained in this section.

Right of transfer by sale, gift, mortgage or sub-lease.

(2) If he intends to transfer the right by sale, gift or mortgage, or by sub-letting it in consideration of a fine or premium exceeding seven times the annual rent of the land in which the right subsists, he shall give to his landlord a written notice of his intention, and shall defer proceeding with the transfer for a period of one month from the date on which the notice is given.

(3) Within the said period of one month the landlord may claim to purchase the right at such value as the prescribed Revenue-officer may, on application made to him in this behalf, fix.

(4) When the application to the Revenue-officer is to fix the value of a right of occupancy which is already mortgaged, he shall fix the value of the right as if it were not mortgaged.

(5) The landlord shall be deemed to have purchased the right if he pays the value to the Revenue-officer within such time as that officer may appoint.

(6) On the value being so paid, the Revenue-officer shall, on the application of the landlord, make an order for the ejectment of the tenant or other person in occupation of the land subject to the right.

(7) If the right of occupancy was already mortgaged, the mortgage-debt shall be a charge in exemption of the land on the value paid by the landlord.

(8) Any transfer made in contravention of this section shall be void.

[Act XXVIII, 1868, s. 32.]

35. (1) When a tenant has transferred a right of occupancy by sale or gift, or by mortgage with possession, to a person other than the landlord, that person shall, in respect of the land in which the right subsists, have the same rights, and be subject to the same liabilities, as the tenant who made the transfer had and was subject to.

Rights and liabilities of tenant's transferee.

[Act XXVIII, 1868, s. 33.]

(2) A person to whom land is sub-let by a tenant having a right of occupancy therein shall, in respect of that land, and so far as regards the landlord, be, jointly with the tenant, subject to all the liabilities of the tenant under this Act.

[New.]

36. (1) In a suit by a landlord to set aside a transfer by a tenant of a right of occupancy by sale, gift, mortgage or sub-lease, the tenant shall be joined as a defendant.

Cancellation of transfers.

(2) If the Court sets aside the transfer, it shall fix the value of the right of occupancy, and specify a time within which, by payment of that value into Court, the landlord may become purchaser of the right.

(3) If the right of occupancy is already mortgaged, the Court shall fix the value of it as if it were not mortgaged.

(4) If within the time specified the landlord pays into Court the value fixed by the Court, the prescribed Revenue-officer shall, on the application of the landlord, make an order for the ejectment of the tenant or other person in occupation of the land subject to the right.

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(5) If the right was already mortgaged, the mortgage-debt shall be a charge in exoneration of the land on the value paid by the landlord.

(6) If the landlord fails to pay the value into Court within the time specified, the rights and liabilities of the tenant shall continue, and the Court, if it thinks fit, may make a decree against the tenant in favour of the person to whom the transfer purported to be made for the sum paid by that person as consideration for the transfer.

Succession.

[Act XXVIII, 1868, s. 36.]

37. *(1)* When a tenant having a right of occupancy dies, the right shall devolve as if it were land.

Succession to right of occupancy.

(2) When the widow of a deceased tenant succeeds to a life-interest in a right of occupancy, she shall not transfer the right, or her interest therein, by sale, gift or mortgage, or by sub-lease for a term exceeding one year.

Saving of Personal Law and Local Custom.

[New.]

38. Nothing in this Chapter shall be construed to affect the provisions of sections 5 and 7 of the Punjab Laws Act, 1872, in any case in which the personal law or local custom applicable to a tenant having a right of occupancy confers on him a larger power of transfer than is conferred on him by this Chapter, or prescribes a course of succession different from that prescribed by the last foregoing section.

Saving of personal law and local custom of alienation and succession.

IV of 1872.

CHAPTER VI.

COMPENSATION.

Compensation for Improvements.

[Cf. Act IX, 1883, s. 29.]

39. *(1)* A tenant having a right of occupancy shall be entitled to make improvements on his tenancy.

Title of tenants having right of occupancy to make improvements.

(2) If a landlord desires to execute any work on the tenancy of a tenant having a right of occupancy, he may apply to the prescribed Revenue-officer for permission to execute it, and that officer, after hearing the objections, if any, of the tenant, shall grant or refuse the permission as he thinks fit.

[Cf. Act XXVIII, 1868, s. 37.]

40. *(1)* A tenant not having a right of occupancy may make an improvement on his tenancy with the assent of his landlord.

Title of tenants not having right of occupancy to make improvements.

(2) If at any time the question arises whether or not the landlord assented to the making of an improvement by a tenant not having a right of occupancy, the assent may be inferred from the circumstances attending the making of the improvement.

[Act IX, 1883, s. 30.]

41. *(1)* If a tenant is ejected from his tenancy he shall be entitled to compensation for improvements which he may have made in accordance with this Act within the twenty years immediately preceding his ejectment, and for which compensation has not already been made.

Liability to pay to tenant on ejectment compensation for improvements.

(2) Whenever a Revenue-officer makes an order for the ejectment of a tenant, he shall determine the amount of compensation (if any) due under this section to the tenant for improvements, and, notwithstanding anything contained in Chapter IV or Chapter V, shall stay the execution of the order until that amount, less any arrears of rent or costs due to the landlord from the tenant, has been paid to the Revenue-officer by the landlord.

(3) Compensation shall not be awarded under this section for an improvement made by a tenant in contravention of a written agreement between himself and the landlord, or after the institution of the suit, or the service of the notice, which resulted in the order for his ejectment.

(4) Improvements made by a tenant before this Act comes into force shall be deemed to have been made in accordance with this Act, unless, in the case of a tenant not having a right of occupancy, it is shown that the landlord forbade the tenant to make the improvement.

[New.]

42. In proceedings for the enhancement of the rent of a tenant having a right of occupancy, increase in the value of the produce of his tenancy, or in the productive powers thereof, resulting from any improvement made by him within the twenty years immediately preceding the institution of the proceedings, shall not be taken into consideration as a ground for enhancing the rent.

Improvements not to be a ground for enhancement of rent.

[Act IX, 1883 s. 31.]

43. In estimating the compensation to be awarded under section 41 for an improvement, the Revenue-officer shall have regard to—

Matters to be regarded in assessment of compensation for improvements.

(*a*) the amount by which the letting value of the tenancy is increased by the improvement;

(*b*) the labour and capital expended by the tenant in making the improvement and the return received by him therefrom; and [New.]

(*c*) any reduction or remission of rent or other advantage given to the tenant by the landlord in consideration of the improvement.

[Act XXVIII, 1868, s. 39.]

44. The compensation shall be made by payment in money, unless the parties agree that it be made in whole or in part by the grant of a beneficial lease of land or in some other way.

Form of compensation.

[Act XXVIII, 1868, s. 41.]

45. If a landlord tenders to a tenant not having a right of occupancy a lease of his tenancy for a term of not less than twenty years from the date of the tender, at the rent then paid by the tenant, or at such other rent as may be agreed upon, the tender, if accepted by the tenant, shall bar any claim by him in respect of improvements previously made by him on the tenancy.

Tender of lease for twenty years to tenant not having right of occupancy to be a bar to right to compensation.

[Act IX, 1883, s. 32.]

46. *(1)* An entry in the record-of-rights of any village providing—

Avoidance of provisions in records-of-rights barring right to make, or be compensated for, improvements.

(*a*) that a landlord may prevent a tenant from making, or eject him for making, such

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improvements on his tenancy as he is entitled to make under this Act, or

(*b*) that a tenant ejected from his tenancy shall not be entitled to compensation for improvements in any case in which he would under this Act be entitled to compensation for them,

shall be void.

(2) A Revenue-officer shall not record in a record-of-rights or elsewhere an agreement containing any such provision as is mentioned in sub-section *(1)*.

Compensation for Disturbance of reclaiming or clearing Tenants.

[New.]

47. *(1)* Any tenant, whether he has a right of occupancy or not, who has reclaimed, cleared or brought under cultivation waste land, shall, if ejected from that land, be entitled to receive from the landlord as compensation for disturbance, and in addition to any compensation for improvements, a sum calculated at the annual rent of the land from which the tenant is ejected for every year during which he has occupied that land, subject to a maximum limit of five years' rent:

Compensation for disturbance of reclaiming or clearing tenants.

Provided that if the tenant, being a tenant having a right of occupancy, is ejected on application under section 28, or, being a tenant not having a right of occupancy, is ejected on application under section 29 at a time when a decree against him for an arrear of rent due in respect of the land has remained unsatisfied for a longer period than three months, he shall not be entitled to compensation under this section.

(2) If rent has been paid for the land by a share of the produce, or if no rent, or no rent other than the land-revenue and rates and cesses, has been paid therefor, the compensation may be computed as if double the amount of the land-revenue of the land were the annual rent thereof.

[New.]

48. When an application is made for the ejectment of a tenant entitled to compensation under the last foregoing section, and the Revenue-officer to whom the application is made makes an order for the ejectment, he shall determine the amount of compensation payable to the tenant, and, notwithstanding anything contained in Chapter IV or Chapter V, shall stay the execution of the order until that amount, less any arrears of rent or costs due to the landlord from the tenant, has been paid to the Revenue-officer by the landlord.

Compensation payable to those tenants before ejectment.

Relief in case of ejectment before determination of Compensation.

49 *(1)* If the Revenue-officer omits to determine under this Chapter the amount of compensation payable to a tenant for improvements or disturbance, and the tenant is ejected, the ejectment shall not be invalidated by reason of the omission, but, notwithstanding anything in the Code of Civil Procedure or any other enactment, the prescribed Revenue-officer may, on application made by the tenant within one year from the date of the ejectment, revise the proceedings to the extent necessary to correct the omission, and make in favour of the tenant an order for the payment to him by the landlord of such compensation as he may determine the tenant to be entitled to.

Relief in case of ejectment before determination of compensation.

XIV of 1882.

(2) An order made under sub-section *(1)* may be executed by the prescribed Revenue-officer in the same manner as a decree for money may be executed by a Revenue Court.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

50. The Local Government may, for all or any of the territories under its administration, by order published in the official Gazette, fix for the purposes of sections 13, 23, 24 and 29, or of any of those sections, any other dates than those specified therein:

Power for Local Government to fix dates for certain purposes.

Provided that a notification under this section shall not have effect till after the expiration of six months from the date thereof.

51. The Financial Commissioner may, from time to time, with the previous sanction of the Local Government, make rules for determining for the purposes of this Act the amount of the land-revenue of any land.

Power for Financial Commissioner to make rules.

52. *(1)* All powers conferred by this Act on the Local Government may be exercised from time to time as occasion requires.

Provisions with respect to exercise of powers.

(2) The powers conferred by sections 50 and 51 on the Local Government and the Financial Commissioner, respectively, to issue orders and make rules, may be exercised at any time after the passing of this Act, but an order or rule so issued or made shall not take effect till the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

PROPOSALS for the amendment of the Punjab Tenancy Act, 1868, have been made on various occasions during the last ten years. The first proposals for the amendment of the Act were made in 1876 by the Financial Commissioner with the general concurrence of the Judges of the Chief Court. But the Lieutenant-Governor (Sir Henry Davies), thinking it inexpedient to re-open questions of principle which had been fully discussed and decided when the Act was passed, confined himself to advocating a few minor modifications in the law. The Government of India, however, was unwilling to resort to legislation until its necessity had been further demonstrated.

2. More recently, during the revision of the settlement of two of the districts of the Province, facts have come to light which strongly suggest certain alterations of the law. Moreover, the Famine Commissioners have made numerous proposals for the improvement of the relations of landlord and tenant in Northern India, and effect has already been given to several of those proposals in the revised Rent or Tenancy Acts of other Provinces.

3. In one district—that of Sirsa—the question which arose between landlord and tenant was mainly one of title. The district was colonised some eighty years ago by immigrants from the surrounding Native States, where, while there was no limit to rent, there was no practice of eviction. Up to the commencement of the first regular settlement of 1852 each individual colonist was allowed to break up as much waste as he chose on condition of paying the customary rent and dues on his cultivation, and in practice each cultivator held the land reclaimed by him undisturbed so long as he made these payments. At this settlement, however, the proprietorship of each estate was held to belong *exclusively* either to (*a*) the leaders of the body of colonists who had settled in it, or to (*b*) the representatives of the persons who had received permission to found a village; and it was further declared by the Government that the ordinary cultivators, to whom right of occupancy in the lands occupied by them was at the same time given, would thenceforth have no right to break up land without the permission of these to whom proprietary rights had been granted. The result of this settlement was that the whole area of the district was declared to belong to 5,000 persons, while the remaining 25,000 cultivators were recorded as holding under them as tenants having a right of occupancy in all but about one-tenth of the area cultivated by them.

When this settlement came to be revised twenty years later, it was found that the area under cultivation had been largely extended, and that some 265,000 acres had been reclaimed by the persons who under the orders referred to were mere tenants-at-will as regards this new cultivation. If the district had remained under the Government of the North-Western Provinces, occupancy-rights might have accrued in those lands under Act X of 1859, but under the Punjab Tenancy Act no such right could be acquired. The landlords, nevertheless, fearing that rights of occupancy might be *conferred* on the tenants of these lands, just as those rights had been granted to the tenants of the lands broken up before the first settlement, began to issue notices of ejectment in great numbers. On the other hand, the tenants, expecting to be protected in the occupation of their newly reclaimed lands, contested more than half these notices, and further instituted a large number of suits to establish a right of occupancy. Thus, during the six years ending in October, 1880, notices of ejectment were served on the tenants of 64,500 acres, or about a sixth of the area held by tenants without right of occupancy. The Courts, however, felt themselves bound by the declaration of Government above referred to, and the result generally was that the claims of the tenants were dismissed, and the tenants were compelled either to leave their lands or to acknowledge themselves as holding at the will of the proprietors.

4. This state of things attracted the attention of the Government of India, which called for a report on the working of the Punjab Tenancy Act in this district. The report was furnished in October, 1881, when the Lieutenant-Governor (Sir R. Egerton), though holding that a law to enable Settlement-officers at settlement to fix rents for cultivators with right of occupancy would be an undoubted benefit, did not consider that the need of special legislation for the Sirsa district had been established. The Government of India, however, was not disposed to accept the opinion that the evils brought to light did not afford a sufficient case for legislation, and observed that if under this view the amendment of the Punjab Tenancy Act of the whole Province should seem to the Lieutenant-Governor to be required the magnitude of the question should not deter him from entering upon it.

5. Meanwhile there had arisen in the Hoshiarpur district questions between landlord and tenant relating to enhancement of rent. In that district there are some 44,000 holdings of occupancy-tenants paying at revenue-rates with or without a cash addition in the shape of *málikána* at a rate usually not exceeding one or two annas per rupee of land-revenue. These tenants, in the majority of cases, are liable under section 11 of the present Act to have their rents raised up to the rate of rent usually paid in the neighbourhood by tenants *of the same class* not having a right of occupancy for land of a similar description with similar advantages, less only a deduction of fifteen per cent. from this rate in recognition of their superior interest. Who are tenants *of the same class* is a moot point which could only be settled, case by case, after prolonged and harassing litigation. On the one hand, the landlords claimed, and sometimes obtained, severe enhancements by taking as the standard of comparison the heavy cash-rents paid on land usually cultivated by the owner, but let to men having, as landlords or occupancy-tenants, other land of their own, and willing to pay specially high rents for one or two additional fields to be cultivated with spare stock and at spare times. On the other hand, landlords have as a body hitherto been unable to obtain the reasonable enhancement of rent which by the legislation of 1868 they were led to expect. The Financial Commissioner (Mr. J. B. Lyall) and the Settlement Commissioner (Lieutenant-Colonel Wace) were so strongly impressed with the desirability of averting the impending flood of ruinous litigation that they urged, in the case of this district alone, the immediate application of the revised rules for the enhancement of rent which had been framed in consequence of the disputes between landlords and tenants in the Sirsa district.

6. Sir Charles Aitchison was unable to advocate special legislation of this kind, and preferred to proceed with the revision of the Tenancy Act for the Punjab generally. For the time being the old easy rents have been in most cases maintained, because they are in accordance with agreements entered in the old settlement-record; and it has been held by the Chief Court that these agreements remain in force until the new record-of-rights is handed over to the Deputy Commissioner of the district under a direction by Government on the report of the Financial Commissioner that the operations of the settlement are complete. No direction of this kind has yet been given as regards the record and settlement of the Hoshiarpur district. In other districts now under settlement the same difficulties will arise.

7. Before this, in accordance with the instructions of the Government of India, the Financial Commissioner had been asked to prepare a Bill to amend the Tenancy Act. A draft was framed repealing and re-enacting the law with numerous, and in some respects important, alterations. This draft was submitted to the Local Government in April, 1883. The Lieutenant-Governor, however, for reasons which were fully explained at the time, preferred to limit legislation, if undertaken at all, to minor modifications involving no very important principle, and required mainly for the purpose of removing ambiguities and correcting obvious omissions or mistakes, and affording protection to tenants whose successors in interest would have enjoyed it or who had earned a right to special consideration by breaking up waste land.

8. After considerable discussion and correspondence with the Government of India it was decided that legislation should proceed on the basis abovementioned, and that, reverting to the law and practice with respect to the rents of occupancy-tenants before the Act of 1868 was passed, such rents should be fixed at the time of settlement with reference to the land-revenue instead of by reference to the rents of tenants-at-will. The Financial Commissioner was accordingly asked to submit, after consultation with Lieutenant-Colonel Wace and other officers, a revised draft Bill, together with a full exposition of his own views. A number of opinions were collected, and the replies considered by a Committee consisting of Colonel Davies, Lieutenant-Colonel Wace and the Hon'ble Mr. D. G. Barkley. It seemed to this Committee that, if the Tenancy Act were amended at all, advantage should be taken of the opportunity to place the law relating to the tenancy of land before the people, and the Courts and officers who would have to administer it, in the most simple and complete form possible. The Committee therefore revised and re-submitted the Financial Commissioner's draft of April, 1883.

9. During the course of the past summer the Lieutenant-Governor has given to the proposals of the Committee and the whole subject of the amendment of the Tenancy Act his frequent and earnest attention; and, in personal consultation with the Financial Commissioners, has caused the draft Bill to be further revised.

10. It is only necessary to add, before enumerating particularly the changes now proposed, that it is not the intention of the Government to depart, from the leading principles of the Punjab Tenancy Act, 1868—a measure which, whatever its defects, may justly be described as a judicious compromise between conflicting interests of great magnitude. The principal modifications are those which have been necessitated by the practical difficulties above explained. Briefly, the main features of the present Bill are six, namely:—

(*1*) the omission of the word "heretofore" from section 5, clause *(1)*, of the Act (section 4, sub-section *(1)*, clause *(a)*, of the Bill);

(*2*) original settlers are placed in as good a position with reference to occupancy-right as successors of original settlers;

(*3*) the present scale fixed for the enhancement and reduction of the rents of occupancy-tenants has been adjusted with reference to the land-revenue (sections 15 to 17);

(*4*) power has been restored to Settlement-officers to fix the rents of occupancy-tenants at the time of the assessment of land-revenue (section 10);

(*5*) the provisions for the payment of compensation for improvements have been made more liberal (Chapter VI); and

(*6*) provision has been made for the compensation of reclaiming and clearing tenants on their ejectment from the lands which they have brought under cultivation (section 47).

11. The other alterations proposed with regard to tenants having a right of occupancy are of minor importance. All important changes made in the provisions of the existing Act which have not been already noticed will be explained in the following paragraphs.

CHAPTER I.—PRELIMINARY.

12. Section 2 of the Act of 1868 has been omitted. The second paragraph of that section does not apply to Chapter II of the Act; and, by section 46 of the present Bill, all entries in the record-of-rights which prevent tenants from making improvements, or provide that they shall not be entitled to compensation for improvements on ejectment, are declared void as being contrary to public policy. It is therefore proposed to do away with the highly

artificial authority which the second paragraph of section 2 of the Act gave to entries in the records of regular settlements made before the 18th November, 1871. All the districts of which a regular settlement was made before that date will have been re-settled in the course of the next six years, and the paragraph, even if left on the statute-book, would then cease to operate. The first paragraph of the section, which provides that nothing in the Tenancy Act shall affect the operation of a decree of Court, or of an agreement in writing between a landlord and tenant, has also been removed on the ground that it is not needed. Decrees of Court cannot, of course, be affected by subsequent legislation which does not deal in express terms with their subject-matter; and agreements stand on their own merits, whether they are entered in a record-of-rights or not. The fact is, that the whole section was obviously enacted with reference to the subsided controversies of eighteen years ago. As the records framed by Mr. Prinsep in the Amritsar and other settlements were reversed by the legislation of 1868 in important matters relating to the status of tenants, it was thought convenient to explain, in express terms, to what extent they would be maintained. But the revision of records consequent on the passing of the Act of 1868 was carried out shortly afterwards, and the section under discussion has long ceased to be of any practical use.

13. The definitions contained in section 3 of the Bill are for the most part new. Several of them are based on the definitions contained in the Central Provinces Tenancy Act (IX of 1883), as will be seen from the marginal references on the Bill.

Clause (*d*) is of some importance, especially with regard to Chapters II and VI of the Bill.

Clause (*i*) is so drafted as to meet the case of the assessment of an owner's rate, water-advantage rate, or other similar rate upon canal-irrigated lands.

Clause (*k*) indicates that the procedure by which Revenue Courts and Revenue-officers acting under the Punjab Tenancy Act will be guided is that laid down for the guidance of Revenue Courts and Revenue-officers by the Land-revenue Bill which it is proposed to introduce at an early date with a view to its being passed simultaneously with this Bill. A clause in the Land-revenue Bill will remove the necessity of section 42 of the present Tenancy Act.

In clause (*m*) the definition of "improvement" contained in section 38 of the Act has been revised and extended.

The alteration of the wording of the Punjab Tenancy Act made in clause (*n*) is clearly required.

CHAPTER II.—RIGHT OF OCCUPANCY.

14. The first of the changes in this Chapter consists in the omission of the word "*heretofore*" from clause (*a*) of section 4, sub-section (*1*), of the Bill, corresponding with clause (*l*) of section 5 of the Act, and the addition of a sub-section by which on proof by the tenant of continuous occupation of his tenancy for thirty years, and payment of nothing in the shape of rent beyond land-revenue and rates and cesses, a presumption is raised in his favour that the conditions of clause (*a*) have been fulfilled. This alteration of the law was first proposed by the late Financial Commissioner, Mr. J. B. Lyall, in a memorandum on proposed amendments of the Act written in 1882.

Mr. Lyall wrote as follows :—

"I would certainly strike out the word 'heretofore' in clause (*l*) of section 5. It may be argued that this is a deviation from the great principle expressed in the first sentence of section 9. If it is so, I would allow an exception in this case. By a recent decision of the Chief Court, which is no doubt legally correct, no tenant can establish a right under clause (*l*) of section 5 unless the land had been held free of rent and service for three generations in 1868. Before that decision was published, many Courts had been decreeing in favour of tenants now holding in the third generation, though they did not so hold in 1868. Most Settlement-officers, I think, interpreted the law in that way. I do not think the law amended as I propose would give a tenant a right greater than he may be held to be equitably entitled to. On the other hand, very few tenants can possibly establish a right under the clause as interpreted by the Chief Court. Except in the districts of the old Delhi territory, it is almost certain that the grandfather of the tenant of 1868 must have died before annexation, perhaps long before. Few men now survive who can give evidence as to those times, and there are no records to refer to."

In forwarding to the Government of India a copy of this memorandum with a minute by the Lieutenant-Governor, the Punjab Government supported the proposed change in the following words :—

"Mr. Lyall suggests that this amendment may involve a deviation from the principle that no occupancy-right shall be acquired by mere lapse of time. It does not, however, appear that this is so; for the reasons for acknowledging the right depend not upon any particular duration of tenure (for obviously the time during which the land may pass through the hands of grandfather, father and son may vary enormously in different cases), but rather upon the custom of the country, and perhaps also on the circumstance that the proprietor stands by and sees two successions take place without interference."

The amendment, together with others proposed at the same time, was accepted by the Government of India, and when the Bill to give effect to them was drafted the sub-section already referred to was added. The object of this addition is to place a reasonable limit on the evidence to be required of a tenant claiming under this clause. It is contended that, if a tenant can show that he succeeded his father or uncle and that he and his father and uncle together have held on these favourable terms for thirty years, it is only reasonable to throw on the landowner the burden of proving that the grandfather's or grand-uncle's tenancy was of a different nature. It is not often that older evidence would be forthcoming, and, if it is obtainable, it should be for the owner to produce it.

Clauses (*2*), (*3*) and (*4*) of section 5 of the Act have been re-drafted in section 4 of the Bill, in order to remove difficulties which have occurred in construing them. In the matters of continuous occupation and original settlement with village-founders the burden of proof has been thrown upon the landlord when the tenant has established a *primâ facie* right of occupancy as far back as trustworthy evidence can be expected to go. Under clause (*b*) of sub-section *(1)* of section 4 of the Bill any landowner whose land is sold under decree of Court will retain a right of occupancy in that land. In section 5 of the Bill, which corresponds to section 6 of the Act, the date of the passing of the Act has been inserted so as to restrict the special weight given by clause (*b*) to admissions made before Settlement-officers to those admissions which were made previous to the passing of the Act. This is quite consistent with the history of the subject. As is well known, at the revised settlement begun in 1863 large numbers of cultivators in the Lahore and Amritsar divisions recorded as hereditary at first settlement were recorded as tenants-at-will. This proceeding was reversed by the legislature, and more than 63,000 tenants were restored by revision of the record to the occupancy-status of which the proceedings of Mr. Prinsep, then Settlement Commissioner, would have deprived them. At the same time it was thought right to give the landlords special opportunities of rebutting the presumptions raised in favour of the tenants by the revised or other records, particularly when the tenant before Mr. Prinsep or his subordinates had himself admitted that he was a tenant-at-will. Accordingly, between 1870 and 1874, the landlords brought some 3,000 suits with this object. The state of things, therefore, which the law was designed to meet has passed away; and entries relating to tenants made since the passing of the Act of 1868 may properly be left on the same footing as that of any other part of the settlement-record; that is to say, they will be presumed to be true till the contrary is established.

15. The second clause of section 9 of the Act, forbidding the acquisition of a right of occupancy in the common lands belonging to a *pattidári* village-community, has been repealed. It is only necessary to prevent co-sharers in an estate from asserting a right of occupancy as against each other, and this is now provided for by section 9 of the Bill.

CHAPTER III.—RENT.

16. Section 10 of the Bill provides that the rents of occupancy-tenants may be fixed when an assessment of the land-revenue is being made, and at other times on application of the landlord or tenant. It was at one time proposed to enact that rents so fixed should not be altered during the currency of the assessment of the district, but it has now been decided that this is not desirable. It is clearly expedient that tenants should get the benefit of the reductions allowed by sections 16 and 17 of the Bill whenever they are in a position to claim them. On the other hand, the enhancements, for which sections 14 and 15 provide, may well be awarded to landlords whether the relevant facts are proved at settlement or at any other time. As the land-revenue becomes the standard of the rent of occupancy-tenants, frequent and capricious enhancements will be impracticable.

17. Section 12 of the Bill provides that the prescribed Revenue-officer shall, on the application of either landlord or tenant, determine what portion of a lump sum rent is represented by the land-revenue and rates and cesses. The provision is necessary to enable a landlord to ascertain whether he is entitled to enhancement of rent, and a tenant with a right of occupancy to ascertain whether he is entitled to reduction of rent.

18. Section 13 corresponds with section 10 of the present Act. Power to vary dates for all purposes is taken under section 50 of the Bill.

19. Section 14 of the Bill is drafted to meet the case of rents taken by division of crop (*batái*) or cash produce-rates (*zabti*). Such rents cannot be subjected to the general law of enhancement and reduction, and accordingly special provision has been made regarding them in sections 14 and 16 of the Bill. Proviso (*b*) to section 14, and the corresponding portion of section 16, provide for cases in which rents are taken partly in kind and partly in cash, the payment in cash representing the amount of the land-revenue and rates and cesses, or a proportion of that amount.

20. Section 15 of the Bill corresponds with section 11 of the Act. The modifications made are important and constitute one of the chief features of the Bill. It has been found that it is practically impossible to work the provisions of the second and third grounds of enhancement under section 11 of the Act owing to the uncertainty inseparable from the use of such terms as "the same class of tenants," and the like; and the conclusions which have been

arrived at by the Courts in deciding cases on those grounds have been very various. It is most desirable that the principles on which the enhancement or reduction of rent can be claimed should be clearly known and capable of easy application. Accordingly, it has been provided in sections 15 to 17 of the Bill that the enhancement and reduction of the rent of tenants having a right of occupancy shall be fixed with reference to the land-revenue of the tenancy, and the maximum scale proposed with reference to each class of tenants having a right of occupancy has been so graduated as to correspond generally with the existing scale under the third ground of section 11 of the Act. The Revenue-officer, it will be observed, may grant enhancement up to the full amount allowed, but is not obliged to do so.

21. Sections 12 and 13 of the Act are omitted, as they are separately provided for in the Bill. Section 12 is incorporated in section 15 of the Bill; and section 13, which, except in the case of a re-settlement, protects a tenant against whom a decree for enhancement has been passed against any further suit for enhancement for a period of five years, seems unnecessary for the reasons given in paragraph 16 above.

22. Section 16 of the Bill is the correlative of section 14, and section 17 is the correlative of section 15. Of the two new clauses which have been added to section 14 of the Act by section 17 of the Bill, the first (relating to the third ground for reduction) is obviously needed, and the second (relating to the fourth ground) has been provided to meet cases in which rents have admittedly been severely enhanced of late years. A period of six years will, it is believed, cover most of the cases of this kind, and the clause will allow of the application of a remedy in them. It is proposed, in the case of reduction of rent in these cases, that the Revenue-officer shall not reduce the rent below the maximum allowed by section 15 of the Bill.

23. Section 19 of the Bill, which empowers Revenue-officers directing a suspension or remission of the land-revenue to direct a similar suspension or remission of rent, has been inserted with reference to principles laid down by the Government of India and approved by the Secretary of State.

24. Sections 20 to 22 of the Bill correspond with sections 17 and 18 of the Act, and provide for settlement of differences arising in cases in which rent is taken by division of the produce or by estimate or appraisement of the crop.

CHAPTER IV.—RELINQUISHMENT AND EJECTMENT.

25. Chapter IV has been re-drafted with a view of clearly distinguishing between ejectment in the case of occupancy-tenants and ejectment in the case of tenants not having a right of occupancy. The procedure in both cases has been made as simple and complete as possible.

26. Ejectments are only to be made in execution of an order of a Revenue-officer (section 24), who in the case of tenants having a right of occupancy may temper the severity of the law in cases in which it appears to him to be equitable to do so.

27. Clause (2) under section 19 of the present Act has been omitted from the Bill. The power of ejectment given by this clause will shortly cease to be effective, as the thirty years of continuous occupation which make it nugatory will, in most cases, have run out already or before very long. The power given is extremely arbitrary, has hardly ever been made use of, and is not, it is believed, supported in any way by provincial custom. It has therefore been determined to omit it from the Bill.

28. Sections 29 and 30 of the Bill reproduce respectively sections 22-25 of the Act of 1868 and what is believed to be the intendment of the latter portion of section 21 of that Act.

CHAPTER V.—ALIENATION OF, AND SUCCESSION TO, RIGHT OF OCCUPANCY.

29. Section 34 of the Bill has been so framed as to remove doubts as to the exact meaning of the term "alienation," and to make it clear that the landlord's right of pre-emption is to exist in the case not only of mortgages and gifts but of sub-leases for long periods in consideration of a fine or premium. It also provides means for settling disputes as to the value of the tenancy when the right of pre-emption is claimed. It has not been thought necessary to retain the provision of the present law which enables tenants of other classes to alienate the land in their occupation with the landlord's consent. If the landlord does not object to the alienation, no statutory permission seems requisite.

30. Section 36 of the Bill is drafted with a view to the protection of the interests of a tenant having a right of occupancy who makes an invalid alienation of his right. Inasmuch, however, as the landlord is put to trouble and expense in proving an alienation to be invalid, it is considered fair that he should be allowed to purchase the occupancy-right which was improperly alienated should he desire to do so.

31. In section 37 of the Bill it is proposed to substitute the ordinary law of succession to land for the somewhat artificial rule for the devolution of a right of occupancy laid down in section 36 of the present Act. It is believed that the change made will be found to be in consonance with the general views of tenants and landlords on the subject, at all events as far as the grant of a life-interest to the widow of a deceased tenant having a right of occupancy is

concerned. Whether the alteration is right in other respects is a point to which attention is specially invited. It may be that custom does not lay down the same rule for the devolution of both tenancies and lands, and evidence bearing on the matter will receive careful consideration. It will be observed that by section 38 of the Bill the provisions of the Punjab Laws Act regarding personal law and local custom are saved in this matter.

CHAPTER VI.—COMPENSATION.

32. The provisions of the Bill regarding compensation for improvements do not require any lengthy notice. They are modelled upon the provisions of the Tenancy Act of the Central Provinces and are in no way inconsistent with the spirit of the present Act. The provisions of section 46 have been inserted in accordance with the views advanced by the Famine Commissioners and approved by the Government of India and Secretary of State. As the Act is now drafted, a tenant will be entitled to compensation whether the improvement for which compensation is due to him on ejectment was made by himself or his predecessor (section 3 (*d*)).

33. Section 43 of the Bill is intended to afford some measure of protection to tenants-at-will who have cleared and broken up land. There is a strong feeling among tenants and landlords that cultivators of this class are entitled to special consideration.

34. Sections 41 and 48 provide that in cases in which compensation is due to a tenant for improvements or disturbance, it shall be paid to him before he is ejected, and that an omission on the part of the Revenue-officer to fix compensation before that event may be rectified at any time within one year (section 49). These provisions are very necessary in fairness to tenants.

CHAPTER VII.—SUPPLEMENTAL PROVISIONS.

35. This chapter gives the Local Government authority to alter the dates for the commencement of the agricultural year and for relinquishments and ejectments; and provides that the Financial Commissioner may make rules for determining for the purposes of the Bill the amount of the land-revenue of any land.

The 23rd June, 1886.

W. G. DAVIES.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

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