

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 27.] SIMLA, SATURDAY, JULY 3, 1886.

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

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SUPPLEMENT No. 27.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 2nd July, 1886.

No. 11.—Captain J. H. Sadler, Bengal Staff Corps, is appointed to officiate as Assistant Secretary to the Government of India in the Legislative Department, during the absence on leave of Lieutenant-Colonel H. S. Jarrett, or until further orders.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—EXAMINATIONS.

Simla, the 1st July, 1886.

No. 22.—Lieutenant-Colonel H. S. Jarrett, Secretary to the Board of Examiners and Assistant Secretary to the Government of India in the Legislative Department, is granted privilege leave for two months and twenty-nine days, with effect from the 5th instant.

No. 23.—Captain J. H. Sadler, Bengal Staff Corps, is appointed to officiate as Secretary to the Board of Examiners, during the absence on leave of Lieutenant-Colonel Jarrett, or until further orders.

JUDICIAL.

The 1st July, 1886.

No. 927.—*Erratum.*—In the Schedule attached to Home Department Notification No. 514, dated the 16th April, 1886, regarding Notaries Public in the Madras Presidency, *for* "Sub-Registrar, Manjeshwar," *read* "Sub-Registrar, Vittal."

PATENTS.

The 28th June, 1886.

No. 754.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring

the same on payment of the expense of copying.—

No. 157 *of* 1885.—John Ballin, of 10, College Road, Seebpore, Howrah, for improvements in the construction of the framework of Sugarcane Mills.

No. 98 *of* 1886.—Elizabeth Barnston Parnell, of Sydney, in the Colony of New South Wales, for an improved process of treating certain descriptions of auriferous and argentiferous material for the purpose of facilitating the separation of the metals contained therein.

A. P. MACDONNELL,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th June, 1886.

No. 1279 *G.*—Major F. A. Wilson, Political Agent of the 2nd Class, is appointed to officiate as an Additional Political Agent of the 2nd Class and as Political Agent, Bhartpur and Kerowlee, with effect from date of joining.

The 29th June, 1886.

No. 1297 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. J. Braesecke as Acting Consul for Denmark at Akyab, during the absence of Mr. R. Mühry.

The 30th June, 1886.

No. 1300 *G.*—The services of Captain J. H. Sadler, B.S.C., First Assistant to the Governor-General's Agent at Baroda, are placed temporarily at the disposal of the Home Department for employment as Secretary to the Board of Examiners, Calcutta, and Assistant Secretary in the Legislative Department, with effect from the date of joining, and during the absence on leave of Lieutenant-Colonel H. S. Jarrett.

No. 1306 *G.*—Surgeon-Major T. Ff. Mullen, M.D., Agency Surgeon, Ulwar, was granted privilege leave from the 26th April to the 1st June, 1886, inclusive.

No. 1308 *G.*—Lieutenant G. H. J. Moore, Wing Officer and Adjutant of the Merwara Battalion, performed the duties of Wing Commander and 2nd-in-Command, in addition to his own, from the 1st April to the 9th June, 1886, both days inclusive.

No. 1310 *G.*—With reference to Foreign Department Notification No. 1055 G, dated the 22nd May, 1884, Isri Singh is confirmed as Jemadar in the Bhopal Battalion, with effect from the 29th May, 1884.

No. 1317 *G.*—The following officiating promotions are made in the Graded List of the Political Department, with effect from the 20th June, 1886, consequent on the deputation to Burma of Lieutenant H. Daly, Political Assistant, 2nd Class, sub. *pro tem.*:—

Lieutenant L. S. Newmarch, officiating Political Assistant, 2nd Class, to be a Political Assistant, 2nd Class, sub. *pro tem.*

Lieutenant W. C. R. Stratton, Political Assistant, 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant, 2nd Class, *vice* Lieutenant L. S. Newmarch.

The 1st July, 1886.

No. 1331 *G.*—Daffadar Ghulam Muhammad Khan is appointed to be Jemadar in the 2nd Regiment, Central India Horse, with effect from the 1st June, 1886, *vice* Jemadar Abdul Rahman Khan, promoted to Rasaidar.

The 29th June, 1886.

No. 2223 *I.*—In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officers holding the appointments specified below and being European British subjects, to be Justices of the Peace in virtue of office within the Native States of Kolhapur and the Southern Maratha Country:—

(1) The Political Agent in Kolhapur and the Southern Maratha Country.

(2) The Assistant Political Agent in subordinate charge of the Southern Maratha Country.

No. 2236 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Narayan Appaji Wad, a Vakil of the town of Nasik, in the Bombay Presidency, the title of "Rao Bahadur," as a personal distinction.

No. 2238 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Dhunjishaw Edulji Mana, Head Assistant in the Commissariat Department, Suakim, the title of "Khan Sahib," as a personal distinction.

No. 2240 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon His Highness Maharaja Mahendra Sawai Pratap Singh Bahadur, of Oochha, the title of "Saramad-i-Rajaha-i-Bundelkhand," as a hereditary distinction.

No. 1149 *F.*—In Notification by the Government of India in the Foreign Department, No. 1085F., dated the 15th June, 1886, *for* "1872," *read* "1882."

H. M. DURAND,

Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 2nd July, 1886.

No. 1753.—Mr. T. H. S. Biddulph having returned from privilege leave, resumed charge of the office of Comptroller, Hyderabad, from Mr. H. G. H. Keene before noon on the 23rd June, 1886.

CODES.

The 2nd July, 1886.

No. 1712.

PAY AND ACTING ALLOWANCE CODE.

PAGE 269.

Section 50.

Proviso (1).

After "salary" in the fifth line of this proviso, add "and allowances other than travelling allowance."

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

EXEMPTIONS, &C.

The 29th June, 1886.

No. 1644.—Whereas under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, the Commissioners for making improvements in the Port of Calcutta have paid into the Government Treasury the sum of Rs. 3,085 as composition for the stamp duty chargeable on a sum of Rs. 6,17,000, which the said Commissioners were authorized to borrow, and which has been raised by the issue of the undermentioned debentures, namely—

Statement of 5½ per cent. Debentures taken by Sundry parties.

Nos. of Debentures.		Each valued at Rs. 1,000. — Prices.	Amount.	Nos. of Debentures.		Each valued at Rs. 5,000. — Prices.	Amount.
	Dated 15th February, 1886.		Rs.		Dated 15th February, 1886.		Rs.
2945 to 2963	Brought forward ...	19	1,900	2861 to 2872	Brought forward ...	12	15,500
2972 to 3006	2373 to 2878	35	3,500	2923 & 2926	2879 & 2880	2	6,000
3025 to 3029	2881 to 2896	5	500	2969 to 2971	2897 to 2908	12	1,000
3117 to 3121	2909 to 2924	5	500	3011 & 3012	2933 to 3052	2	1,500
3177	2927 to 2944	1	100	3016 & 3017	3122 to 3124	3	1,000
3200 to 3239	2964 to 2963	40	4,000	3019, 3021 to 3024	3147 to 3149	2	1,000
3254 to 3303	3008 to 3010	50	5,000	3030 to 3032	3150 to 3152	5	2,500
	3015, 3018, 3020			3125 to 3146		3	1,500
	3053 to 3116			3153, 3170 to 3176		22	11,000
	3150 & 3151			3178 to 3182		8	4,000
	3154 to 3158			3193 to 3198		5	2,500
	3160 to 3169			3240 to 3253		6	3,000
	3183 to 3189			3304 to 3393		14	7,000
	3199					90	45,000
	3394 to 3518						
	Carried over ...	155	15,500		Carried over ...	174	1,02,500

Nos. of Debentures.		Each valued at Rs. 1,000. — Prices.	Amount.	Nos. of Debentures.		Each valued at Rs. 5,000. — Prices.	Amount.
	Dated 15th February, 1886.		Rs.		Dated 15th February, 1886.		Rs.
	Brought forward ...		1,02,500		Brought forward ...		3,83,500
2373 to 2878		6	6,000	2879 & 2880		2	10,000
2881 to 2896		16	16,000	2897 to 2908		12	60,000
2909 to 2924		16	16,000	2933 to 3052		20	1,00,000
2927 to 2944		18	18,000	3122 to 3124		3	15,000
2964 to 2963		5	5,000	3147 to 3149		3	15,000
3008 to 3010		3	3,000	3150 to 3152		3	15,000
3015, 3018, 3020		3	3,000			43	
3053 to 3116		64	64,000				3,98,500
3150 & 3151		2	2,000	3007, 3013 & 3014	3 prices of 2,000 £		6,000
3154 to 3158		5	5,000	3152	1 price of 2,500		2,500
3160 to 3169		10	10,000	3159	1 „ 10,000		10,000
3183 to 3189		7	7,000				
3199		1	1,000				
3394 to 3518		125	1,25,000				
		281					
	Carried over ...		3,83,500		Total Rs. ...		6,17,000

therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, subdivision, or consolidation.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 2nd July, 1886.

APPOINTMENTS.

MEDICAL DEPARTMENT.

No. 425.—Brigade-Surgeon H. F. Paterson, M.D., Medical Staff, to officiate on the Administrative Medical Staff of the Army, with the temporary rank of Deputy Surgeon-General, *vice* Deputy Surgeon-General T. N. Hoysted, who has been transferred to the Home Establishment, and during the absence of Deputy Surgeon-General R. Webb on leave. Dated 29th May, 1886.

No. 426.—It is notified that the appointment of Garrison Surgeon at Fort William will be abolished from the 1st August, 1886.

No. 427.—NATIVE ARMY—

9th Bengal Lancers.

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

Muhammad Amán Khan to be Jemadar, on probation, *vice* Jemadar Júma Khan, promoted.

No. 428.—PERSONAL STAFF—

The Viceroy and Governor-General has been pleased to make the following appointments on His Excellency's personal staff, with effect from the 1st June, 1886 :—

Ressaldar-Major Gopál Sing, Bahadur, 2nd Regiment, Central India Horse, to be Aide-de-Camp, *vice* Subadar-Major Balbhadar Negi, Bahadur, whose term of service has expired.

Subadar-Major Balbhadar Negi, Bahadur, 5th Goorkha Regiment, to be Honorary Aide-de-Camp.

No. 429.—PUNJAB FRONTIER FORCE—

3rd. Sikh Infantry.

Lieutenant C. V. F. Townshend, Royal Marine Light Infantry, Wing Officer, on probation, 7th Madras Infantry, to be officiating Wing Officer, on probation. Dated 15th June, 1886.

No. 430.—STAFF CORPS—

Lieutenant Alexander Donald Charters Pond, Leinster Regiment, Wing Officer, 5th Bengal Infantry, having completed eighteen months from date of appointment on probation, is admitted to the Bengal Staff Corps from the 25th November, 1884, subject to the confirmation of the Secretary of State for India, and to his passing the examination in Hindustani by the Higher Standard and the professional examination required under regulation.

VOLUNTEER CORPS.

1st Punjab Volunteer Rifle Corps.

No. 431.—Mr. Richard Augustus Ballard to be Lieutenant, to complete the establishment.

2nd Punjab (Simla) Volunteer Rifle Corps.

No. 432.—Mr. William Hodder to be Lieutenant, *vice* Lieutenant R. J. Taylor, who has resigned the appointment.

FURLOUGH AND LEAVE.

No. 433.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Captain E. C. Wace, R.A., Commandant, No. 4 (Hazara) Mountain Battery, (m. c.) for 182 days,—5 days under rules IX and XV and the remaining period under rule XIV, clause (2), of the regulations of 1868.

No. 434.—The undermentioned officers are granted leave out of India under the Leave Rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Colonel H. M. Evans, Bengal S. C., Deputy-Assistant Adjutant-General, on the establishment, (p. a.) for 273 days.

Major A. J. Garrett, Bengal S. C., Assistant Adjutant-General, Hyderabad Contingent, (p. a.) for one year.

Captain F. P. L. White, Bengal S. C., Squadron Officer, 5th Bengal Cavalry, (m. c.) for 175 days.

Lieutenant W. J. Newell, Bengal S. C., Commissariat Department, (m. c.) for 182 days.

No. 435.—Surgeon-Major A. B. Seaman, 2nd Bengal Infantry, is granted leave out of India, (m. c.) for one year, under the rules published in clause 52, India Army Circulars, 1886, which will be hereafter quoted as "Leave Rules for the Staff Corps," with effect from the date of being struck off duty.

No. 436.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant N. A. K. Burne, Bengal S. C., (m. c.) for three months.

Surgeon-Major E. A. Birch, M.D., (m. c.) for six months.

LONDON GAZETTE.

No. 437.—The following extracts are published for general information :—

"*London Gazette*," *dated the 29th May*, 1886.

WAR OFFICE;
Pall Mall, 29th May, 1886.

The Queen has been graciously pleased, on the occasion of the celebration of Her Majesty's Birthday, to give orders for the following promotions in, and appointments to, the Most Honorable Order of the Bath :—

To be Ordinary Members of the Military Division of the First Class, or Knights Grand Cross of the said Most Honorable Order, *viz.*,—

* * * *

General Sir Charles Reid, K.C.B., Bengal Staff Corps.

General Sir George Malcolm, K.C.B., Bombay Staff Corps.

* * * *

To be Ordinary Members of the Military Division of the Second Class, or Knights Commanders of the said Most Honorable Order, *viz.*,—

* * * *

Major-General John Watson, C.B., V.C., Bombay Staff Corps.

To be Ordinary Members of the Military Division of the Third Class, or Companions of the said Most Honorable Order, *viz.*,—

* * * *

Colonel Adam George Forbes Hogg, Bombay Staff Corps.

* * * *

Colonel Alfred Robert Davidson Mackenzie, Bengal Cavalry.

* * * *

Lieutenant-Colonel Wardlaw Cortlandt Anderson, Bengal Staff Corps.

Brigade-Surgeon George Farrell, Bengal Medical Establishment.

INDIA OFFICE;
29th May, 1886.

The Queen has been graciously pleased to nominate and appoint—

Surgeon-General Michael Cudmore Furnell, M.D., Indian Medical Department, Madras, Surgeon-General with the Government of Madras;

* * * *

Deputy Surgeon-General Alexander Morison Dallas, Indian Medical Department, Bengal, Inspector-General of Civil Hospitals, Punjab;

* * * *

to be Companions of the Order of the Indian Empire.

PROMOTIONS.

No. 438.—The following promotions are made, subject to Her Majesty's approval :—

To be Colonels in the Army.

Lieutenant-Colonel Theophilus Higginson, Madras S. C.,—26th June, 1886.

Lieutenant-Colonel Henry Alexander Shakespear, Bengal Cavalry,—1st July, 1886.

BENGAL STAFF CORPS.

To be Captain.

Lieutenant Edward Charles Mortimer Lushington,—27th June, 1886.

INDIAN ARMY.

To be Lieutenant-Colonel.

Major Henry John Peet, General List, Infantry,—26th June, 1886.

No. 439.—NATIVE ARMY—

11th Bengal Lancers.

Kot-Duffadar Chattar Singh to be Jemadar, *vice* Jemadar Wazir Singh, invalided, with effect from the 1st May, 1886.

7th Bengal Infantry.

Color-Havildar Paltú Rám to be Jemadar, *vice* Jemadar Anant Upadhya, invalided, with effect from the 1st May, 1886.

9th Bengal Infantry.

Jemadar Bisesar Singh to be Subadar, and Havildar Báj Singh to be Jemadar, *vice* Subadar Achlú Singh, invalided, with effect from the 1st May, 1886.

16th Bengal Infantry.

Jemadar Gobind Pershád Misr to be Subadar, *vice* Subadar Lachhman Singh, deceased, with effect from the 20th April, 1886.

Jemadar Alah Yár Khan to be Subadar, *vice* Subadar Debidin Misr, invalided, with effect from the 1st May, 1886.

Havildar Bishnáth Singh to be Jemadar, *vice* Gobind Pershád Misr, promoted, with effect from the 20th April, 1886.

Havildar Rámsaran Singh to be Jemadar, *vice* Jemadar Udit Singh, invalided, with effect from the 1st May, 1886.

20th Bengal Infantry.

Jemadar Phúla to be Subadar, and Havildar Arbela to be Jemadar, *vice* Subadar Brij Lál, invalided, with effect from the 1st May, 1886.

31st Bengal Infantry.

Jemadar Kishan Singh to be Subadar, and Havildar Partáb Singh to be Jemadar, *vice* Subadar Prem Singh, invalided, with effect from the 1st June, 1886.

2nd Battalion, 1st Goorkha Regiment.

Havildar Jwála Kanait, from 1st Battalion, to be Jemadar;

Havildar Kamál Singh Thápa, from 1st Battalion, to be Jemadar;

Havildar Jangú Khanka, from 1st Battalion, to be Jemadar;

Havildar Jái Singh Newár, from 1st Battalion, to be Jemadar;

Havildar Dalbahádur Gurung, from 1st Battalion, to be Jemadar;

Havildar Bálwant Singh Mahut, from 1st Battalion, to be Jemadar;

Havildar Hanbir Thápa, from 1st Battalion, to be Jemadar,—

with effect from the 19th February, 1886, on the formation of the Battalion.

1st Battalion, 2nd Goorkha Regiment.

Jemadar Máimand Sáhi to be Subadar, *vice* Subadar Sarapjit Gurung, transferred to the 2nd Battalion;

Havildar Naráin Thápa to be Subadar, *vice* Subadar Sher Singh Karki, transferred to the 2nd Battalion;

Havildar Débi Sing Khattri to be Jemadar, *vice* Jemadar Máimand Sáhi, promoted.

Havildar Harkiyáh Khawás to be Jemadar, *vice* Jemadar Raghúbir Gurung, transferred to the 2nd Battalion;

Havildar Nathú Gharti to be Jemadar, *vice* Jemadar Harkishan Khattri, transferred to the 2nd Battalion;

Havildar Máhábir Khawás to be Jemadar, *vice* Jemadar Badri Rána, transferred to the 2nd Battalion;

Havildar Dalbir Gurung to be Jemadar, *vice* Jemadar Chámú Thápa, transferred to the 2nd Battalion,—

with effect from the 11th February, 1886.

Havildar Déb Singh Newár to be Jemadar, *vice* Jemadar Dasrath Thápa, invalided, with effect from the 1st March, 1886.

No. 440.—ORDNANCE DEPARTMENT—

The undermentioned Sub-Conductors, on probation, are confirmed in their present grade, with effect from the dates specified :—

Robert William Dyer,—27th May, 1885.

Charles Arnold,—10th June, 1885.

Robert Dungey,—27th June, 1885.

No. 441.—PUNJAB FRONTIER FORCE—

5th Punjab Infantry.

Subadar Búdh Singh to be Subadar-Major, *vice* Subadar-Major Pir Shah, Sirdar Bahadur, invalided;

Jemadar Háshim to be Subadar, *vice* Subadar-Major Pir Shah, Sirdar Bahadur, invalided;

Jemadar Shám Singh to be Subadar, *vice* Subadar Uttam Singh, invalided;

Havildar Vir Singh to be Jemadar, *vice* Jemadar Wariám Singh, invalided;

Havildar Chet Singh to be Jemadar, *vice* Jemadar Shám Singh, promoted;

Havildar Passand Khan to be Jemadar, *vice* Jemadar Háshim, promoted,—

with effect from the 3rd June, 1886.

RESIGNATIONS.

No. 442.—Lieutenant Frederick Simpson St. Quintin, Bengal S. C., has been permitted to resign the service, with effect from the 7th May, 1886, subject to Her Majesty's approval.

REWARDS.

No. 443.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified.

From the 5th October, 1885, in room of Major-General Walter D'Oyly Kerrich, Royal (late Madras) Artillery, succeeded to the Colonel's allowance.

COLONEL JOHN PHILIP PEDLER, MADRAS S. C.

Dates of Commissions.

Ensign	...	...	8th December, 1848.
Lieutenant	...	...	5th January, 1853.
Captain	...	...	14th May, 1862.
Major	...	...	8th December, 1868.
Lieutenant-Colonel		...	8th December, 1874.
Colonel	...	...	8th December, 1879.

Appointments.

Adjutant, 4th Infantry, Hyderabad Contingent,—26th March, 1858.

2nd-in-Command, 2nd Infantry, Hyderabad Contingent,—24th July, 1860.

2nd-in-Command, 3rd Infantry, Hyderabad Contingent,—28th November, 1866.

Officiating Commandant, 5th Infantry, Hyderabad Contingent,—23rd April, 1869.

Officiating Commandant, 2nd Infantry, Hyderabad Contingent,—31st December, 1874.

Officiating Commandant, 4th Infantry, Hyderabad Contingent,—31st March, 1876.

Commandant, 4th Infantry, Hyderabad Contingent,—30th January, 1877.

War Services.

Indian Mutiny, 1858. Assault and capture of Copal (medal). Bheel Campaign, 1859,—in command.

From the 10th December, 1885, in room of Colonel Clement John Smith, Madras S. C., succeeded to the Colonel's allowance.

COLONEL BEAUCHAMP HENRY WHITTINGHAM MAGRATH, MADRAS S. C.

Dates of Commissions.

Ensign	...	...	20th December, 1848.
Lieutenant	...	...	1st March, 1858.
Captain	...	...	18th February, 1861.
Major	...	...	20th December, 1868.
Lieutenant-Colonel		...	20th December, 1874.
Colonel	...	...	20th December, 1879.

Appointments.

Employed under the Superintendent of Roads, Vizagapatam District,—15th April, 1853.

Sub-Assistant Commissary-General,—18th April, 1854.

Acting Deputy-Assistant Commissary-General,—9th August, 1861.

Deputy-Assistant Commissary-General, 2nd Class,—4th February, 1863.

Acting Deputy-Assistant Commissary-General, 1st Class,—2nd February, 1864.

Deputy-Assistant Commissary-General, 1st Class,—7th April, 1864.

Acting Assistant Commissary-General, 2nd Class,—22nd March, 1867.

Acting Assistant Commissary-General, 1st Class,—23rd March, 1869.

Assistant Commissary-General, 2nd Class,—18th February, 1873.

Deputy Assistant Commissary-General, 1st Class,—24th December, 1878.

Assistant Commissary-General, 1st Class,—30th March, 1879.

Acting Deputy Commissary-General,—16th November, 1882.

Commissary-General, 18th January, 1883.

War Services.

Nil.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 2nd July, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 19th June and the 2nd July, 1886:

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Indian Medical Service ...	Surgeon-Major E. B. Gardner	17th June, 1886	Bareilly ...	...	

E. H. H. COLLEN, *Lieut.-Colonel*,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th June, 1886.

No. 167.—The Governor-General in Council is pleased to order the following promotions of Executive and Assistant Engineers attached to the several Local Administrations, with effect from the dates specified:

Names.	From	To	Date.	Nature of promotion.
Foy, W. R. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	29th Jan., 1886.	Temporary.
Lackersteen, M. R. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	1st Feb., 1886.	Permanent.
Winckler, G. W. ...	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	1st Feb., 1886.	Permanent.
Dhondoo Shakaram Sathye	Assistant Engineer, 2nd Grade.	Assistant Engineer, 1st Grade.	28th Feb., 1886.	Permanent.
Triloknath Mukhopadyah...	Assistant Engineer, 2nd Grade.	Assistant Engineer, 1st Grade.	28th Feb., 1886.	Permanent.
Scobie, D. M. ...	Assistant Engineer, 2nd Grade.	Assistant Engineer, 1st Grade.	28th Feb., 1886.	Permanent.
Kench, H. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	3rd Mar., 1886.	Temporary.
Wyatt, J. C. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	6th Mar., 1886.	Temporary.
Campbell, W. B. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	20th Mar., 1886.	Temporary.
Jewett, T. H. ...	Executive Engineer, 4th Grade, sub. *pro tem.*	Executive Engineer, 4th Grade.	9th April, 1886.	Permanent.
Gilbert, C. F. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	9th April, 1886.	Sub. *pro tem.*
Concannon, T. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	16th April, 1886.	Temporary.
Harriott, G. M. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	26th April, 1886.	Temporary.

No. 168.—With reference to Public Works Department Notification No. 157, dated 18th June, 1886, Major C. W. I. Harrison, R.E., will, whilst officiating as Chief Engineer and Joint Secretary to the Government of Bengal in the Public Works Department, hold the temporary rank of Chief Engineer, 3rd Class.

The 1st July, 1886.

No. 169.—Mr. D. F. Hogarth, Executive Engineer, 1st Grade, State Railways, is transferred from the Establishment under the Government of Bengal to that under the Director-General of Railways.

No. 170.—The Governor-General in Council is pleased to order the following promotions and reversions of Executive and Assistant Engineers, attached to State Railways, with effect from the dates specified:

Names.	From	To	With effect from	Nature of promotion.
Bickerton, C. H. C. ...	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	15th Feb., 1886.	Sub. *pro tem.*
Oddie, H. J. ...	Executive Engineer, 4th Grade, temporary rank.	Executive Engineer, 4th Grade.	15th Feb., 1886.	Sub. *pro tem.*
de Broe, V. E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	15th Feb., 1886.	Temporary.
Upcott, F. R. ...	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	24th Feb., 1886.	Sub. *pro tem.*
Keelan, E. J. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	24th Feb., 1886.	Sub. *pro tem.*
Knox, H. C. ...	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	24th Feb., 1886.	Sub. *pro tem.*
Cowper, G. ...	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	24th Feb., 1886.	Sub. *pro tem.*
Haddon, H. E. ...	Executive Engineer, 4th Grade, temporary rank.	Executive Engineer, 4th Grade.	24th Feb., 1886.	Sub. *pro tem.*
Morse, A. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	24th Feb., 1886.	Temporary.
Gabbet, J. E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	1st Mar., 1886.	Temporary.
Babu Mal ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	21st Mar., 1886.	Temporary.
Chadwick, W. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	26th Mar., 1886.	Temporary.
Pricket, L. G. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	1st April, 1886.	Temporary.
Parry, J. W. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	3rd April, 1886.	Temporary.
Knox, H. C. ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 4th Grade.	6th April, 1886.	
Cowper, G. ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 4th Grade.	6th April, 1886.	
Haddon, H. E. ...	Executive Engineer, 4th Grade, sub. *pro tem.*	Executive Engineer, 4th Grade, temporary rank.	6th April, 1886.	
Burt, H. P. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	9th April, 1886.	Temporary.
Fowler, F. D. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	11th April, 1886.	Temporary.
Pope, F. J. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	25th April, 1886.	Temporary.

The 2nd July, 1886.

No. 171.—Lieutenant C. N. Beevor, R.E., Assistant Engineer, 2nd Grade, Military Works Department, is transferred to British Burmah.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 28.] SIMLA, SATURDAY, JULY 10, 1886.

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

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

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

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

Nothing for publication.

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

The Punjab Tenancy Bill.
The Indian Ports Act, 1875, Amendment Bill.

SUPPLEMENT No. 28.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 9th July, 1886.

No. 297.—The services of Surgeon C. L. Swaine, M.B., officiating Civil Surgeon, Bilaspur, Central Provinces, are replaced at the disposal of the Military Department.

JUDICIAL.

The 7th July, 1886.

No. 950.—The services of Major W. F. Dodsworth, General List, Infantry, are placed temporarily at the disposal of the Government of Bengal for employment as an officiating Cantonment Magistrate.

PATENTS.

The 5th July, 1886.

No. 774.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 18 *of* 1886.—Percy Tarbult, of No. 75, Lombard Street, in the City of London, England, for apparatus for combustion of liquid hydrocarbons.

No. 65 *of* 1886.—Kenneth MacIver, and Joseph Poole, Electrician, both of 34, Faulkner Street, in the City of Manchester and County of Lancaster, in the Kingdom of Great Britain, for improvements in telephonic call apparatus.

No. 68 *of* 1886.—Charles Almy Dearborn, of New York, United States of America, Mechanical Engineer, for improvements in sewing machines.

No. 69 *of* 1886.—Edward Charles Healey, of 3 Inner Court Temple, in the City of London, England, Barrister-at-Law, Member of Parliament, for improvements in apparatus for amalgamating gold and other precious metals.

No. 102 *of* 1886.—Henry Wellington, of Brooklyn, Kings County, in the State of New York, United States of America, Manufacturer, for improvements in lamps.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 6th July, 1886.

No. 1354 *G.*—Lieutenant J. Ramsay, S. C., officiating Wing Officer, 29th Regiment (Punjab) Bengal Infantry, is appointed to officiate as a Political Assistant of the 3rd Class, and is posted as an Assistant to the Governor-General's Agent in Rajputana, with effect from the date of joining.

No. 1357 *G.*—Lieutenant W. H. Cornish, officiating Political Assistant of the 1st Class, and Second Assistant to the Resident at Hyderabad and Assistant Secretary for Berar, is granted privilege leave for three months, with effect from the 10th July, 1886, or the subsequent date on which he may avail himself of the leave.

No. 1358 *G.*—Lieutenant P. J. Melvill, Political Assistant of the 1st Class, sub. *pro tem.*, and Assistant to the General Superintendent, Thagi and Dakaiti, Hyderabad, is appointed to hold charge of the current duties of the office of Second Assistant to the Resident at Hyderabad and Assistant Secretary for Berar, in addition to his own, during the absence on privilege leave of Lieutenant W. H. Cornish.

The 7th July, 1886.

No. 1362 *G.*—Mr. R. I. Bruce, C.I.E., Political Agent of the 1st Class, and Political Agent, Thal Chotiali, is granted three months' privilege leave, with effect from the 15th July, 1886, or the subsequent date on which he may avail himself of it.

No. 1363 *G.*—Captain G. Gaisford, Assistant Superintendent of Levies in Baluchistan, and *ex-officio* Assistant Political Agent at Thal Chotiali, is appointed to officiate as a Political Agent of the 3rd Class, with effect from the date on which he may assume charge of the office of Political Agent, Thal Chotiali, during the absence on privilege leave of Mr. R. I. Bruce, C.I.E.

No. 1365 *G.*—The following promotions are made in the Infantry Branch of the Deoli Irregular Force, with effect from the 15th June, 1886:—

Jemadar Dewa to be Subadar, *vice* Bundhoo Ram, invalided.

Havildar Rutna to be Jemadar, *vice* Dewa, promoted.

The 8th July, 1886.

No. 1372 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. John Braesecke as Consul for Germany at Akyab.

No. 1378 *G.*—Lieutenant H. L. Goodenough, of the Border Regiment, is appointed to officiate as Wing Officer, on probation, in the Bhopal Battalion, *vice* Lieutenant P. A. Watson, with effect from the 6th June, 1886.

H. M. DURAND,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 9th July, 1886.

APPOINTMENTS.

No. 444.—MILITARY ACCOUNT DEPARTMENT—

Captain W. St. J. Richardson, Bombay S. C., Assistant Military Accountant, on probation, is confirmed in his appointment, with effect from the 23rd June, 1885.

No. 445.—ORDNANCE DEPARTMENT—

With reference to G. G. O. No. 192 of 1886, Lieutenant-Colonel R. F. Lowis, R.A., Director-General of Ordnance in India, to have the local rank of Colonel whilst so employed. Dated 15th March, 1886.

[This cancels G. G. O. No. 257 of 1886.]

No. 446.—PERSONAL STAFF—

The following appointment has been made on the Personal Staff of the Hon'ble the Lieutenant-Governor and Chief Commissioner, North-Western Provinces and Oudh:—

Lieutenant G. T. Robertson, Northumberland Fusiliers, to be officiating Aide-de-Camp. Dated 4th June, 1886.

No. 447.—PUNJAB FRONTIER FORCE—

(Queen's Own) Corps of Guides.

Major A. G. Hammond, V.C., Squadron Commander, to be Commandant of Cavalry, *vice* Lieutenant-Colonel R. C. Hutchinson, died of wounds received in action;

Captain F. D. Battye, Wing Commander, to be Squadron Commander, *vice* Major Hammond;

Captain M. C. Cooke-Collis, Squadron Officer, to be Wing Commander, *vice* Captain Battye,—

with effect from the 9th January, 1886.

No. 1 (Kohat) Mountain Battery.

Captain F. H. J. Birch, R.A., to officiate as Commandant, *vice* Captain J. C. Shirres, on furlough. Dated 30th June, 1886.

No. 3 (Peshâwar) Mountain Battery.

Lieutenant F. T. Cole, R.A., 2nd Subaltern, to be 1st Subaltern, *vice* Captain Birch, who has vacated the appointment on promotion;

Lieutenant P. W. D. Brockman, R.A., 3rd Subaltern, to be 2nd Subaltern, *vice* Lieutenant Cole;

Lieutenant C. E. Baynes, R.A., to be 3rd Subaltern, *vice* Lieutenant Brockman,—

with effect from the 20th May, 1886.

1st Punjab Infantry.

Lieutenant C. Chamier, Madras S. C., Wing Officer, 6th Madras Infantry, to be officiating Wing Officer. Dated 23rd June, 1886.

No. 448.—STAFF CORPS—

Lieutenant Daniel Edward Mocatta, Leinster Regiment, officiating Wing Officer, 1st Battalion, 4th Goorkha Regiment, is admitted to the Bengal Staff Corps, from the 16th January, 1885, subject to the confirmation of the Secretary of State for India.

VOLUNTEER CORPS—

3rd Administrative Battalion, North-Western Provinces Volunteers.

No. 449.—Lieutenant-Colonel Alexander John Lawrence to be Commandant.

Captain C. T. Becker, King's Own Borderers, to be Adjutant, *vice* Captain A. R. Porter, 28th Bengal Infantry, who rejoins his regiment. Dated 21st June, 1886.

Allahabad Volunteer Rifle Corps.

No. 450.—Lieutenant-Colonel Alexander John Lawrence to be Commandant, *vice* Lieutenant-Colonel C. A. Dodd, who has resigned that appointment.

FURLOUGH AND LEAVE.

No. 451.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Colonel E. P. Gurdon, Bengal S. C., Divisional and Sessions Judge, 1st Grade, Punjab, (p. a.) for one year and 97 days, under rule IX of the regulations of 1868.

Captain C. M. Fitzgerald, Bengal S. C., Assistant Commissary-General, 4th Class, (m. c.) for one year, under rule I of the regulations of 1875.

Surgeon-Major W. H. Gregg, M.B., (m. c.) for one year, under rules IX and XV of the regulations of 1868.

No. 452.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Lieutenant-Colonel H. W. J. Senior, Bengal S. C., Wing Commander and 2nd-in-Command, 1st Bengal Infantry, (p. a.) for one year. This cancels the furlough granted to him in G. G. O. No. 127 of 1886.

Lieutenant G. S. Goldsmid, Bengal S. C., Wing Officer, 40th Bengal Infantry, (p. a.) for one year.

Lieutenant C. B. Judge, Bengal S. C., Wing Officer, 1st Battalion, 2nd (Prince of Wales' Own) Goorkha Regiment, (p. a.) for one year.

Lieutenant W. H. Simpson, Bengal S. C., Wing Officer and Quartermaster, 43rd Bengal Infantry, (m. c.) for 182 days.

No. 453.—Lieutenant T. D. Leslie, probationer, Bengal S. C., 3rd Infantry, Hyderabad Contingent, is granted leave in India, (m. c.) for 123 days under the leave rules for the Staff Corps, with effect from the 15th May, 1886.

No. 454.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel W. W. Boddam, Bengal S. C., (p. a.) for 183 days.

Lieutenant-Colonel G. R. J. Shakespear, Bengal S. C., (m. c.) for four months.

Conductor H. Macartney, Public Works Department, (m. c.) for six months.

LONDON GAZETTE.

No. 455.—The following extract is published for general information:—

"*London Gazette,*" *dated the 8th June,* 1886, *page* 2744.

WAR OFFICE;
Pall Mall, 8th June, 1886.

MEMORANDA.

The honorary rank of Lieutenant, conferred on Deputy Assistant-Commissaries Robert George Davies and John Modget, Bengal Establishment, in the Gazette of 25th February, 1876, is antedated from 28th April, 1875, to 12th August, 1873.

Deputy Assistant-Commissary Samuel Smith, Bengal Establishment, has been granted the honorary rank of Lieutenant. Dated 19th February, 1886.

PENSIONS.

No. 456.—Conductor Robert Orr, Ordnance Department, has been transferred to the pension establishment, with effect from the 18th May, 1886.

PROMOTIONS.

No. 457.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Thomas Renny Cowie,—4th July, 1886.

INDIAN ARMY.

To be Lieutenant-Colonel.

Major and Colonel Sullivan Edward Becher, General List, Infantry,—7th July, 1886.

No. 458.—NATIVE ARMY—

3rd Bengal Infantry.

Jemadar Janok Awasthi to be Subadar, *vice* Subadar Sheikh Shamshér Ali, invalided; Jemadar Sheikh Iláhi Baksh to be Subadar, *vice* Subadar Báijnáth Dúbé, invalided; Havildar Rám Ishwár Tiwárí to be Jemadar, *vice* Jemadar Janok Awasthi, promoted; Havildar Sheikh Alláh Baksh to be Jemadar, *vice* Jemadar Sheikh Iláhi Baksh, promoted,—

with effect from the 1st May, 1886.

16th Bengal Infantry.

Drum-Major Robert A. Letts to be Jemadar, *vice* Jemadar Alah Yár Khan, promoted, with effect from the 1st May, 1886.

40th Bengal Infantry.

Jemadar Atar Singh to be Subadar, and Havildar Húbdar Singh to be Jemadar, *vice* Subadar Rám Singh, deceased, with effect from the 16th May, 1886.

No. 459.—PUNJAB FRONTIER FORCE—

4th Punjab Infantry.

Jemadar Umar to be Subadar, and Havildar Sákhi to be Jemadar, *vice* Subadar Abdúl Rahim, invalided, with effect from the 5th March, 1886.

No. 460.—VOLUNTEER CORPS—

Nagpore Volunteer Rifle Corps.

Captain J. Bailey, having completed twenty years' service as a Commissioned officer in the Volunteer Forces, is granted the honorary rank of Major in accordance with Clause 30, India Army Circulars, 1886.

RETIREMENTS.

No. 461.—The undermentioned officers are permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval:—

Colonel Henry McDonell DeWendt Douglas, Bengal S. C.,—10th July, 1886.
Colonel James Nicholas Brutton Hewett, Bengal S. C.,—1st July, 1886.
Colonel Reginald Colvil William Mitford, Bengal S. C.,—25th July, 1886.

No. 462.—VOLUNTEER CORPS—

Allahabad Volunteer Rifle Corps.

Lieutenant-Colonel Charles Albert Dodd is permitted to retain his rank and wear the uniform of his corps on retirement.

MILITARY WORKS DEPARTMENT.

APPOINTMENTS.

No. 463.—The undermentioned officers are appointed to the Military Works Department, as Assistant Engineers, 2nd Grade:—

Lieutenant W. G. R. Cordue, R.E.
Lieutenant R. B. Ward, R.E.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 32.—In G. G. O. No. 31 of 1886, *for* "Mr. John James Walmsley," *read* "Mr. Joseph James Walmsley."

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 9th July, 1886.

Statement of Deposits on account of Estates between the 26th June and the 9th July, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Frederick Augustus Samuel D'Acosta-de St. Laurent.	Major ...	Bengal Staff Corps.	27th March, 1886.	No will in India.	Rs. A. P. 15 10 5		

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th July, 1886.

No. 172.—Mr. Alfred Peyton is appointed, on probation, to Class IV of the Superior Revenue Establishment of State Railways, Locomotive Department.

Mr. Peyton's services are placed at the disposal of the Director General of Railways.

No. 173.—Babu Annoda Prosad Sarkar, Apprentice Engineer, Bengal, is promoted to Assistant Engineer, 3rd Grade, with effect from the 7th June, 1886.

The 6th July, 1886.

No. 174.—The Governor-General in Council is pleased to make the following promotions to and in the classes of Superintending Engineers, with effect from the dates specified:

Names.	From	To	Date.	Nature of promotion.
Major W. G. Nicholson, R.E.	Superintending Engineer, 3rd Class, special.	Superintending Engineer, 2nd Class.	4th April, 1886.	Temporary.
Colonel B. Lovett, C.S.I., R.E.	Superintending Engineer, 3rd Class, special.	Superintending Engineer, 2nd Class.	8th April, 1886.	Temporary.
Rigg, H. ...	Executive Engineer, 1st Grade	Superintending Engineer, 3rd Class.	8th April, 1886.	Temporary.
White, H. F. ...	Superintending Engineer, 3rd Class, temporary rank.	Superintending Engineer, 2nd Class.	9th April, 1886.	Temporary.
Johnson, H. ...	Executive Engineer, 1st Grade	Superintending Engineer, 3rd Class.	9th April, 1886.	Temporary.

The 7th July, 1886.

No. 175.—Mr. T. Lobb, Executive Engineer, 2nd Grade, Hyderabad, temporarily employed in Madras, is retransferred to Hyderabad.

No. 176.—Mr. G. J. R. Leeson, Executive Engineer, 3rd Grade, and Babu Bidhu Bhusan Biswas, Assistant Engineer, 1st Grade, temporarily employed in Beluchistan, are retransferred,—the former to Bengal, and the latter to the North-Western Provinces and Oudh.

No. 177.—Mr. A. C. Newcombe, Deputy Examiner, 1st Grade, temporary rank, is transferred permanently to the Accounts Branch, and confirmed in that grade.

No. 178.—Mr. D. W. McPherson, Examiner, 4th Class, 3rd Grade, temporary rank, is promoted to Examiner, 4th Class, 3rd Grade, sub. *pro tempore*, with effect from 11th January, 1886.

No. 179.—The following promotions are made in the Superior Accounts Establishment, with effect from the 7th May, 1886:

Names.	From	To
Mr. R. G. Macdonald ...	Examiner, 2nd Class, temporary rank	Examiner, 2nd Class, sub. *pro tem.*
Lieutenant-Colonel J. Grierson, B.S.C.	Examiner, 2nd Class, temporary rank	Examiner, 2nd Class, sub. *pro tem.*
Mr. F. Morrison ...	Examiner, 3rd Class, temporary rank	Examiner, 3rd Class, sub. *pro tem.*
Mr. J. W. Fordham ...	Examiner, 3rd Class, temporary rank, supernumerary.	Examiner, 3rd Class, sub. *pro tem.*, supernumerary.
Major C. H. P. Christie, R.E. ...	Examiner, 4th Class, 1st Grade ...	Examiner, 3rd Class, sub. *pro tem.*
Mr. J. Douglas ...	Examiner, 4th Class, 2nd Grade ...	Examiner, 4th Class, 1st Grade, sub. *pro tem.*
Mr. W. H. Brand ...	Examiner, 4th Class, 3rd Grade ...	Examiner, 4th Class, 2nd Grade, sub. *pro tem.*
Mr. D. W. McPherson ...	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*	Examiner, 4th Class, 3rd Grade, permanent.
Captain E. A. Waller, R.E. ...	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*	Examiner, 4th Class, 3rd Grade, permanent.
Mr. A. C. Newcombe ...	Deputy Examiner, 1st Grade ...	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*

The 8th July, 1886.

No. 180.—Captain R. Gardiner, R.E., Class II, Superior Revenue Establishment of State Railways, is appointed to act as Manager of the Eastern Bengal State Railway during the absence of Major G. F. O. Boughey, R.E., on privilege leave, or until further orders.

The 9th July, 1886.

No. 181.—Captain H. Clarke, R.E., Deputy Examiner, 1st Grade, *supernumerary*, is appointed permanently to the Accounts Branch in that grade.

No. 182.—Captain A. Hildebrand, R.E., Executive Engineer, 2nd Grade, Military Works Branch, is temporarily transferred to the Superior Accounts Establishment, with the rank of Examiner, 4th Class, 2nd Grade.

Major L. F. Brown, R.E., Executive Engineer, 3rd Grade, State Railways, is temporarily transferred to the Military Works Branch.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 29.] SIMLA, SATURDAY, JULY 17, 1886.

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

The Lower Burma Gaols Delivery Act, 1886.

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

The Indian Ports Act, 1875, Amendment Bill.
The Companies Act, 1882, Amendment Bill.
The Punjab Land-revenue Bill.

SUPPLEMENT No. 29.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 14th July, 1886.

No. 220.—The services of Lieutenant E. Inglis, of the Bombay Staff Corps, are placed at the disposal of the Government of the Punjab for employment in the Punjab Commission.

The 15th July, 1886.

No. 240.—*Appointment.*—Lieutenant N. C. Perkins, 39th Bengal Infantry, to be an Assistant Commissioner of the 4th Grade in Burma.

MEDICAL.

The 10th July, 1886.

No. 301.—With reference to Home Department Notification No. 362, dated the 3rd October, 1883, the services of Surgeon R. R. H. Whitwell are placed permanently at the disposal of the Chief Commissioner of Assam.

The 15th July, 1886.

No. 323.—The services of the undermentioned officers are placed at the disposal of the Military Department for employment in Burma:—

Surgeon-Major G. C. Roy, M.D.
Surgeon R. D. Murray, M.B.
Surgeon G. M. Nixon.
Surgeon W. Deane,

POLICE.

The 15th July, 1886.

No. 330.—Home Department Notification No. 230, dated the 18th ultimo, placing the services of Mr. J. C. Stack, officiating District Superintendent of Police, at the disposal of the Chief Commissioner of Assam, is hereby cancelled.

PATENTS.

The 12th July, 1886.

No. 806.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 9 of 1886.—Sandford James Kilby, Superintendent of the Customs Preventive Service and Salt Department, Calcutta, for facilitating the hoisting, weighing and discharging of salt, coal, metals, grain or any other material.

No. 12 *of* 1886.—Charles Arthur Marchant, Overseer in charge of Dredging Operations, Cossye Division, Howrah District, in Bengal, for improvements in dredgers.

No. 35 *of* 1886.—William Bellew Ewin, of Calcutta, in the East Indies, a member of the Bengal Pilot Service, for an indelible marking ink for rubber stamps and other purposes.

No. 45 *of* 1886.—James Richard Bell, Member of the Institution of Civil Engineers, residing at, and Executive Engineer of, the Sutlej Bridge Works near Ferozepore in the Punjab, for further improvements in Single Chain Dredgers.

No. 88 *of* 1886.—David E. Gostling, Architect, of 47 Apollo Street, Bombay, for improvements in swimming baths and similar reservoirs erected in or near the sea shore by filling same to a considerable height above a varying high tide by means of a wave collector, and also by filling them with clean water free from sand or mud by means of an arrangement of two sluice valves fixed in a horizontal pipe with an upright inlet pipe between them.

No. 102 *of* 1886.—Henry Wellington, of Brooklyn, Kings County in the State of New York, United States of America, Manufacturer, for improvements in lamps.

No. 114 *of* 1886.—Charles Toppan, of the City of Salem and State of Massachusetts, United States of America, Chemist, for improvement in bleaching compounds.

FORESTS.

The 12th July, 1886.

No. 585 *F.*—Mr. J. N. Pickard, Deputy Conservator of Forests of the 4th Grade in British Burma, is permitted to retire from the service, with effect from the 22nd May, 1886.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Simla, the 16th July, 1886.

No. 617—83-12 *S.*—Mr. R. Bruce Foote, Superintendent, Geological Survey of India, is granted privilege leave for three months under Section 72, Chapter V, of the Civil Leave Code, with effect from the 15th July, 1886, or any subsequent date on which he may avail himself of it.

C. J. LYALL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th July, 1886.

No. 1399 *G.*—Consequent on the grant of three months' privilege leave to Mr. L. S. Saunders, Commissioner of the Hyderabad Assigned Districts, the following promotions are made in the Berar Commission:—

Colonel J. G. Bell, Judicial Commissioner, to officiate as Commissioner, *vice* Mr. L. S. Saunders.

Lieutenant-Colonel K. J. L. Mackenzie, officiating Deputy Commissioner, 1st Class, to officiate as Judicial Commissioner, *vice* Colonel J. G. Bell.

No. 1403 *G.*—The following extract from Force Orders issued on the 20th June, 1886, by Lieutenant-Colonel G. L. K. Hewett, Commandant, Erinpura Irregular Force, is confirmed:—

Lieutenant C. H. Dawson, late officiating Adjutant, to remain attached to the Force, until further orders.

No. 1405 *G.*—Lieutenant G. G. J. S. Jones, officiating Wing Officer and Adjutant of the Deoli Irregular Force, to be Station Staff Officer at Deoli, in addition to his own duties, with effect from the 10th June, 1886, *vice* Lieutenant J. A. Bell.

No. 1407 *G.*—Lieutenant R. A. Cole, Wing Officer and Adjutant of the Erinpura Irregular Force, to be Station Staff Officer at Erinpura, in addition to his own duties, with effect from the 19th June, 1886, *vice* Lieutenant C. H. Dawson.

No. 1409 *G.*—The following promotions are made in the Berar Commission, with effect from the 10th May, 1886, consequent on the retirement from the service of Colonel D. W. Laughton, M. S. C., a Deputy Commissioner of the 3rd Class:—

Mr. H. B. Knowlys, Assistant Commissioner of the 1st Class and Deputy Commissioner of the 3rd Class, sub. *pro tem.*, to be a Deputy Commissioner of the 3rd Class.

Mr. H. S. Nicholetts, Assistant Commissioner of the 1st Class, and officiating Deputy Commissioner of the 3rd Class, to be Deputy Commissioner of the 3rd Class, sub. *pro tem.*

Lieutenant-Colonel H. DeP. Rennick, Assistant Commissioner of the 2nd Class, and officiating Deputy Commissioner of the 3rd Class, to be Assistant Commissioner of the 1st Class, but to continue to officiate as a Deputy Commissioner of the 3rd Class.

Mr. A. J. Dunlop, Assistant Commissioner of the 3rd Class, to be Assistant Commissioner of the 2nd Class, and is seconded while employed in Foreign service.

Mr. R. D. Hare, Assistant Commissioner of the 3rd Class, and officiating Assistant Commissioner of the 1st Class, to be an Assistant Commissioner of the 2nd Class, *vice* Mr. A. J. Dunlop, seconded, under the operation of Rule 4, Section 4, of the Pay and Acting Allowance Code, but to continue to officiate as an Assistant Commissioner of the 1st Class.

Dastar Edalji Bahmanji, a Supernumerary Assistant Commissioner of the 3rd Class, is confirmed in that appointment, and is appointed to officiate as an Assistant Commissioner of the 2nd Class.

The 14th July, 1886.

No. 1412 *G.*—The Governor-General in Council is pleased to recognize the appointment of Mr. D. H. Glade, as Acting Consul for Germany at Bombay, during the absence of Mr. G. K. Heinrichs.

The 16th July, 1886.

No. 1588*E.*—The following Order of Her Majesty the Queen in Council is published for general information:—

AT THE COURT AT BUCKINGHAM PALACE,

The 6th day of May, 1886.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT — LORD STEWARD
MARQUESS OF RIPON — EARL OF ROSEBERY

WHEREAS Her Majesty the Queen has power and jurisdiction within the dominions of the Kings of Siam:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, and the Act of the 20th and 21st of Her Majesty, cap. 75, and otherwise in her vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered as follows:—

I.—Preliminary.

1. This Order may be cited as the "Siam Order in Council, 1886," and is included in the expression "the Siam Orders in Council."

2. Words in this Order have the same meanings (unless the subject or context otherwise requires) as in the Siam (Foreign Jurisdiction) Order in Council, 1856, and the Siam Order in Council, 1884.

The expression "month" means a calendar month. Words importing the plural or the singular may be construed as referring to one person or thing, and words importing the masculine as referring to females (as the case may require).

II.—General Provisions respecting Her Majesty's Jurisdiction.

3. All Her Majesty's jurisdiction in Siam for the judicial hearing and determination of matters in difference between British subjects or between foreigners (including subjects of the Kings of Siam) and British subjects, or for the administration or control of the property or persons of British subjects, or for the repression or punishment of crimes or offences committed by British subjects, or for the maintenance of order among British subjects, shall be exercised under and according to the provisions of this Order, and the provisions of the Siam Orders in Council, so far as they do not conflict with this Order, and not otherwise.

4. Subject to the provisions of the aforesaid Orders, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of and in conformity with the Common Law, the Rules of Equity, the Statute Law, and other law for the time being in force in and for England, and with the powers vested in and according to the principles of procedure and practice observed by and before the Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

III.—Juries.

5. Every criminal case tried in Siam before a Judge of the Supreme Courts of the Straits Settlements, acting under clause 14 of the Siam Order in Council of 1884, shall, if the defendant so requires, in manner prescribed by any Rules to be made under this Order, be tried before a jury.

6. Every male British subject resident in Siam being of the age of 21 years or upwards, being able to speak and read English, having or earning a gross income at the rate of not less than 250 dollars a year, not having been attainted of treason or felony, or convicted of any crime that is infamous (unless he has obtained a free pardon), shall be qualified to serve on a jury.

7. All persons so qualified shall be liable so to serve except the following:—

(*a*) Persons in Her Majesty's Diplomatic, Consular, or other Civil service in actual employment;

(*b*) Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of any of Her Majesty's Courts;

(*c*) Officers and others on full pay in Her Majesty's army or navy, or in actual employment in the service of any Department connected therewith;

(*d*) Clergymen and ministers of religion in the actual discharge of professional duties;

(*e*) Physicians, surgeons, and apothecaries in actual practice; and

(*f*) Persons disabled by mental or bodily infirmity.

8. (1) On or before the 14th day of January in the year 1887, and in every subsequent year, Her Majesty's Consular Court at Bangkok shall make out a list of the persons so qualified and liable resident within its district;

(2) The list shall, on or before the 21st day of the same month, be affixed in some conspicuous place in the Court, and shall be there exhibited until the end of that month, with a notice annexed that on a day specified, not being sooner than the 7th or later than the 14th day of the following month, the Court will hold a special sitting for the revision of the list.

(3) The Court shall hold such special sitting accordingly, and at such sitting, or at some adjournment thereof (of which public notice shall be given), shall revise the list by striking out the name of any person appearing to be not qualified or not liable to serve, and by inserting the name of any person omitted and appearing to be so qualified and liable, either on the application of the person omitted, or such notice to him as the Court thinks fit.

(4) The list shall be finally revised and settled not later than the 21st day of February in the year 1887, and in every subsequent year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

9. Such list, as settled, shall be brought into use on the 1st day of March in the year 1887,

and in every subsequent year, and in every case shall be used as the Jury List of the Court until the 1st day of March next after the time of its being brought into use.

10. (1) When, in pursuance of this Order, a jury is required, the Court shall summon so many of the persons comprised in the Jury List as seems requisite.

(2) Any persons failing to attend according to such summons shall be liable to such fine, not exceeding 50 dollars, as the Court thinks fit to impose, but such fine shall not be levied until after the expiration of fourteen days.

(3) The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him, within six days after receipt of the notice, to pay the fine or to file an affidavit excusing his non-attendance (if he desires to do so). The Court shall consider the affidavit, and may, if it thinks fit, remit the fine.

11. A jury shall consist of five jurors.

12. (1) No challenges shall be allowed—

(2) Except for cause shown to the satisfaction of the Court.

(3) No Grand Jury shall be summoned.

A jury shall be required to give an unanimous verdict.

IV.—Coroners' Inquests.

13. Every Consular Court shall have and may exercise for and within its own district all the powers, rights, and duties appertaining to the office of Coroner in England, but it shall not be necessary to summon a jury in holding any inquest.

V.—Admiralty Jurisdiction.

14. The Consular Court at Bangkok shall be a Vice-Admiralty Court, and as such shall, for and within Siam, and for vessels and persons coming to and within Siam, have all such jurisdiction as for the time being ordinarily belongs to Vice-Admiralty Courts in Her Majesty's possessions abroad.

The Consular Court shall have all powers and jurisdiction which can be exercised by Justices or a Vice-Admiralty Court under or for the purposes of the Acts relating to merchant shipping or the Passenger Acts, or relating to quarantine.

VI.—Lunacy.

15. The Consular Court at Bangkok shall, as far as circumstances admit, have in itself exclusively, for and within Siam, with respect to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind as for the time being belongs to the Lord Chancellor or other person or persons in England intrusted, by virtue of Her Majesty's Signmanual, with the care and commitment of the custody of the persons and estates of persons found, by inquisition in England, idiot, lunatic, or of unsound mind.

VII.—Probate and Administration.

16. The Consular Court at Bangkok shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within Siam, with respect to the property of British subjects having at the time of death their fixed places of abode in Siam, all such jurisdiction as for the time being belongs to the Probate Division of Her Majesty's High Court of Justice in England.

17. A District Court shall also have power to grant probate or administration where there is no contention respecting the right to the grant, and it is proved on oath that the deceased had at the time of his death his fixed place of abode within the jurisdiction of the District Court.

18. Probate or administration granted by a District Court in Siam shall have effect over all the property of the deceased within Siam, and shall effectually discharge persons dealing with an executor or administrator thereunder, and that notwithstanding any defect afterwards appears in the grant.

19. Such a grant shall not be impeachable by reason only that the deceased had not at the time of his death his fixed place of abode within the particular jurisdiction.

20. (1) Every person having in his possession or under his control any paper or writing of a deceased British subject being or purporting to be testamentary shall forthwith bring the original to the Court within the district whereof such person is at the time of his first knowledge of the death of the deceased, and deposit it there.

(2) Any person neglecting to do so for fourteen days after having knowledge of the death of the deceased shall be liable to such penalty, not exceeding 250 dollars, as the Court thinks fit to impose.

21. From the death intestate of a British subject having at the time of death his fixed place of abode in Siam until administration is granted, his personal property within Siam shall be vested in the Consul-General in Siam.

22. If any person other than one of Her Majesty's Consular officers takes possession of, and in any manner administers any part of the personal property of any person deceased, without obtaining probate or administration within three months after the death of the deceased, or within one month after the termination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased), he shall be liable to such penalty, not exceeding 250 dollars, as the Court having jurisdiction in the matter of the property of the deceased thinks fit to impose; and in every such case the same fees shall be payable by the person so administering as would have been payable by him if he had obtained probate or administration.

23. Where a British subject not having at the time of death his fixed place of abode in Siam dies there, the Court within whose district he dies shall, where the circumstances of the case appear to the Court so to require, forthwith on the death of the deceased, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the Seal of the Court, in either case, if the nature of the property or other circumstances so require, making an inventory, and so keep the property until it can be dealt with according to law.

VIII.—Punishments.

24. Every Court and authority in imposing punishments shall, as far as circumstances admit, and subject to the provisions of the Siam Orders in Council, have regard to the punishments imposed by the laws of England in like cases, and to the mode in which the same are inflicted in England.

25. (1) Where any person is sentenced in Siam to suffer the punishment of death, the Judge pronouncing the sentence shall forthwith send a Report of the sentence, with a copy of the Minutes of the proceedings and notes of the evidence in the case, and with any observation the Judge thinks fit to make to the Governor in Council of the Straits Settlements.

(2) The sentence shall not be carried into execution without the order of the Governor of the Straits Settlements in Council.

(3) In any such case, if the said Governor in Council does not order that the sentence of death be carried into execution, he shall direct what punishment in lieu of the punishment of death is to be inflicted on the person convicted, and the person convicted shall be punished accordingly.

26. (1) Where any offender convicted before a Court in Siam is sentenced to suffer imprisonment in respect of the crime or offence of which he is convicted, and it is expedient that the sentence be carried into effect within Her Majesty's dominions, the offender may, in accordance with the 5th section of "The Foreign Jurisdiction Act, 1843," be sent for execution of his sentence as follows:—

(*a*) In the case of a prisoner who is, or who appears to the person signing the warrant under the said 5th section to be, a native of Burmah or of any other part of British India, and not of European descent,—to Her Majesty's possession of Burmah, or some other part of British India.

(*b*) In the case of any other prisoner,—to the Colony of the Straits Settlements.

And the person for the time being acting as Her Majesty's Consul-General or Consul in Siam shall have authority for the purposes of the said section.

IX.—Offences against Religion.

27. If any British subject is guilty of publicly deriding, mocking, or insulting any religion established or observed in Siam, or publicly offering any insult to any religious service, feast, or ceremony established or kept in any part of Siam, or to any place for worship, tomb, or sanctuary belonging to any such religion, or to the ministers or professors thereof, or of wilfully committing any act tending to bring any such religion or its ceremonies, mode of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace, he shall be liable (in the discretion of the Court before which he is convicted) to imprisonment for any term not exceeding three months, with or without hard labour, and with or without a fine not exceeding 500 dollars, or to a fine not exceeding 500 dollars without imprisonment.

28. Notwithstanding anything in the Siam Orders in Council, every charge against a British subject of having committed any such offence shall be heard and determined in a summary way, and a District Court shall have power to impose the punishment aforesaid.

X.—Foreign Tribunals.

29. Where it is shown to any of Her Majesty's Courts that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a Siamese Court or before a judicial officer in Siam of any State in amity with Her Majesty, the Court may, in cases and under circumstances which would require the attendance of that British subject before one of Her Majesty's Courts in Siam, and if it seems to the Court just and expedient so to do, make an order for the attendance of the British subject in such Court or before such judicial officer, and for such purpose as aforesaid, but so that a District Court shall not have power to make an order for such attendance of a British subject at any place beyond the particular jurisdiction of the Court.

30. Any British subject duly served with such an order, and with reasonable notice of the time and place at which his attendance is required, and having had the reasonable expenses of attendance paid or tendered to him, failing to attend accordingly, and not excusing his failure to the satisfaction of the Court making the order, shall be liable to a fine not exceeding 500 dollars, or to imprisonment for any term not exceeding one month, in the discretion of the Court.

XI.—General Provisions.

31. Any Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of or preliminary to his trial, and of his imprisonment or other punishment.

32. Where it appears to any Court that any charge made before it is malicious or is frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the person making the charge.

33. In either of the two last mentioned cases the amount ordered to be paid shall be deemed a debt due to the Crown, and may, by virtue of the order, without further proceedings, be levied on the property of the person convicted or making the charge, as the same may be.

34. (1) Where the crime or offence with which any person is charged before any Consular Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to Her Majesty's dominions, the Courts may reserve the case to be heard and determined before a Judge of the Supreme Court of the Straits Settlements acting under the provisions of clause 14 of the Siam Order in Council, 1884.

(2) Where any case is reserved under this section, the Consular Court shall take the depositions, and commit the prisoner for trial before such Judge of the Supreme Court of the Straits Settlements as shall next exercise criminal jurisdiction in Siam, under the powers given in clause 14 of the Siam Order in Council, 1884.

35. (1) If any British subject—

(*a*) wilfully obstructs by act or threat an officer of the Court in the performance of his duty; or

(*b*) within or close to the room or place where a Court is sitting, wilfully behaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court or the terror of the suitors or others resorting thereto; or

(*c*) wilfully insults the Judge or any Consular officer, or any juror or assessor, or any clerk or officer of a Court during his sitting or attendance in Court, or in going to or returning from Court,

he shall be liable to be immediately apprehended by order of the Court, and to be detained until the rising of the Court, and further, on due inquiry and consideration, to be punished with a fine not exceeding 25 dollars, or imprisonment for any term not exceeding seven days, at the discretion of the Court, according to the nature and circumstances of the case.

(2) A Minute shall be made and kept of every such case of punishment, recording the fact of the offence, and the extent of the punishment, and in the case of a District Court a copy of such Minute shall be forthwith sent to the Consular Court at Bangkok.

36. (1) Whenever, under the Siam Orders in Council, any person is to be taken, in custody or otherwise, for trial or imprisonment, or by way of deportation, or for any other purpose, to Singapore or elsewhere in the Straits Settlements, or to England or elsewhere, the Court or other authority by the Siam Orders in Council authorised to cause him to be so taken may for that purpose, if necessary, cause him to be embarked on board one of Her Majesty's vessels of war, or if there is no such vessel available, then on board any British or other fit vessel, at any port or place, whether within or beyond the particular jurisdiction of that Court in authority, and in order to such embarkation may, if necessary, cause him to be taken, in custody or otherwise, by land or by water, from any place to the port or place of embarkation.

(2) The writ, order, or warrant of any Consular Court, or of the Consul-General, as the case may be, by virtue whereof any person is to be so taken, shall be sufficient authority to every constable, officer, or person acting thereunder; and the commander or master of any vessel of war or other vessel (whether the constable, officer, or other person, or the vessel or the commander or master thereof, is named therein or not) to receive, detain, take, and deliver up such person, according to the writ, order, or warrant.

(3) Where the writ, order, or warrant is executed under the immediate direction of the Court or authority issuing it, the writ, order, or warrant shall be delivered to the constable, officer, or other person acting thereunder, and a duplicate thereof shall be delivered to the commander or master of any vessel in which the person to whom the writ, order, or warrant relates is embarked.

37. Subject to the other provisions of the Siam Orders in Council, all expenses of removal of prisoners and others from or to any place in Siam, the expenses of deportation, and of the sending of any person to England or to India, shall be defrayed as the expenses as to distressed British subjects are defrayed, or in such other manner as one of Her Majesty's Principal Secretaries of State from time to time may direct, provided that such expenses shall not be charged on Imperial funds otherwise than subject to the sanction of the Commissioners of Her Majesty's Treasury.

38. The provisions of the 3rd section of the Siam Order in Council, 1884 (relating to the publication and commencement of the said Order), shall apply to this Order.

And the Right Honourable the Earl of Rosebery and the Right Honourable the Earl of Kimberley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

The 16th July, 1886.

No. 2422*I.*—The Governor-General in Council is pleased to extend Act X of 1886 (*An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts*), with the exception of sections 3, 4 and 20, and so much of section 12 as enacts the new section 475-A of the Code of Criminal Procedure, 1882, to the Hyderabad Assigned Districts, subject to the following modifications, namely,—

(1) *For* "the Local Government," "that Government," and "a Local Government," wherever those words occur, *read* "the Resident at Hyderabad."

(2) In section 23, *for* "British India," wherever these words occur, *read* "the Hyderabad Assigned Districts."

(3) In section 25, *for* "within the territories subject to the same Local Government," wherever those words occur, *read* "in the Hyderabad Assigned Districts."

(4) In the last clause of section 25, *omit* the word "other."

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

Simla, the 14th July, 1886.

No. 1934.—In continuation of Notifications No. 1470 of the 26th March and No. 1409 of the 10th June 1886, His Excellency the Governor-General in Council is pleased to declare that sub-section (1) of Section 7 of the Indian Securities Act, 1886, applies to the Office of the Chairman of the Town Council and the Municipal Commissioner of Bombay.

LEAVE AND APPOINTMENTS.

The 15th July, 1886.

No. 1982.—The following reversions and promotions among officers of the Account Department are notified:—

With effect from the 23rd June, 1886, in consequence of the return of Mr. T. H. S. Biddulph from privilege leave,—

Mr. C. J. Rivett-Carnac to cease to officiate as Enrolled Officer, Class II, and to officiate as Enrolled Officer, Class III.

Mr. H. S. Groves to cease to officiate as Enrolled Officer, Class III, and to officiate as Enrolled Officer, Class IV.

Mr. A. H. Anthony and Mr. C. G. Vansittart to cease to officiate as Enrolled Officers, Class IV, and to officiate as Enrolled Officers, Class V.

With effect from the 21st May, 1886,—

Mr. L. E. Pritchard to officiate as Enrolled Officer, Class V.

With effect from the 19th May, 1886,—

Mr. J. A. Robertson and Mr. Krishnaji Bulwant Wagle to officiate as Enrolled Officers, Class V.

The 16th July, 1886.

No. 2014.—Mr. H. F. Clogstoun, Accountant-General and Commissioner of Paper Currency, Madras, having returned from privilege leave, resumed charge of his duties from Mr. W. Donald, and Mr. W. Donald resumed charge of the duties of Deputy Accountant-General, Madras, from Mr. H. S. Groves before noon on the 7th July, 1886.

CODES.

The 13th July, 1886.

No. 1898.

CIVIL PENSION CODE.

PAGE 228.

Section 40.

Add the following to this Section:—

"and a Chaplain who has completed fifteen years' residence is entitled to a retiring pension of £292 a year, without regard to the total length of service."

PAPER CURRENCY.

The 15th July, 1886.

No. 1993.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 30th June, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,38,78,065	1,61,94,329	5,82,276	1,67,76,605
Allahabad	99,60,735	59,60,505	...	59,60,505
Lahore	75,25,665	59,67,430	...	59,67,430
Bombay	4,28,03,095	1,91,41,547	5,60,143	1,97,01,690
Kurrachee	51,79,730	85,83,610	16,100	85,99,710
Madras	1,45,35,430	1,40,77,275	2,80,000	1,43,07,275
Calicut	12,08,050	21,10,010	7,500	21,24,110
Rangoon	27,14,775	38,73,220	...	38,73,220
Total	13,78,05,545	7,58,64,526	14,46,019	7,73,10,545
Add Draft Account				5,00,000
TOTAL				7,78,10,545
Price paid for Government Securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act				5,99,95,000
GRAND TOTAL				13,78,05,545

SEPARATE REVENUE.

OPIUM.

The 17th July, 1886.

No. 1951.—It is hereby notified—

(1) that in the calendar year 1887, 57,000 chests of Bengal Opium will be offered for sale, 4,750 chests in each month of the year:

(2) that of the 4,750 chests to be offered for sale each month, 2,375 chests will consist of Patna and 2,375 chests of Benares Opium.

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

The 16th July, 1886.

No. 1983.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor-General in Council is pleased to direct that the fee payable under that Act on an application to a Collector or to any officer or person exercising all or any of the functions of a Collector, with respect either to liability to assessment, or to the amount of an assessment, under Act II of 1886, shall be limited to one anna.

No. 2003.—In exercise of the power conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under the said Act the whole of the income of persons residing in the Hill Tracts of Chittagong and not in the service of the Government.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 16th July, 1886.

APPOINTMENTS.

No. 464.—With reference to G. G. O. No. 188 of 1886, Brigade-Surgeon G. Farrell, C.B., Indian Medical Service, Bengal Establishment, Honorary Surgeon to the Viceroy, is appointed Principal Medical Officer of the Field Force in Upper Burma, with the temporary rank of Deputy Surgeon-General, with effect from such date as he may take over charge of the duties from Surgeon-Major H. W. Mackinnon.

No. 465.—ARMY CLOTHING DEPARTMENT—

Colonel W. H. Mackesy, Bengal S. C., officiating Superintendent and Agent for Army Clothing, Bengal, is confirmed in that appointment, *vice* Colonel B. Walton, C.I.E., who has vacated the appointment on succeeding to the Colonel's allowance. Dated 16th June, 1886.

No. 466.—COMMISSARIAT DEPARTMENT—

Lieutenant A. L. Phillips, Bengal S. C., Sub-Assistant Commissary-General, 2nd Class, on probation, is confirmed in that appointment, with effect from the 16th May, 1885.

Lieutenant G. F. D. Hamilton, Bengal S. C., Sub-Assistant Commissary-General, on probation, is confirmed in that appointment, with effect from the 26th June, 1885.

No. 467.—HYDERABAD CONTINGENT—

No. 3 Field Battery.

Lieutenant A. F. Montanaro, R.A., Supernumerary Subaltern, to be Subaltern, *vice* Captain W. H. S. Earle, R.A., who vacates the appointment on promotion. Dated 19th May, 1886.

3rd Infantry.

Lieutenant S. M. Mason, Wing Officer, to be Adjutant, *vice* Captain C. J. Orr, who vacates the appointment on promotion. Dated 23rd June, 1886.

STAFF CORPS—

No. 468.—Lieutenant Arthur Henry McMahon, Liverpool Regiment, Wing Officer, 1st Sikh Infantry, Punjab Frontier Force, is admitted to the Bengal Staff Corps from the 14th July, 1885, subject to the confirmation of the Secretary of State for India.

No. 469.—With reference to G. G. O. No. 305 of 1886, Lieutenant Ivor Phillips, Manchester Regiment, officiating Wing Officer, 2nd Sikh Infantry, Punjab Frontier Force, having passed the professional examination, is admitted to the Bengal Staff Corps from the 8th October, 1884, subject to the confirmation of the Secretary of State for India.

No. 470.—Lieutenant H. L. Goodenough, Border Regiment, has been appointed to the Bengal Staff Corps, on probation, with effect from the 6th June, 1886, and has been posted to a corps under the Government of India.

VOLUNTEER CORPS—

Eastern Bengal State Railway Volunteer Rifle Corps.

No. 471.—Major George Fletcher Ottley Boughey, R.E., to be Commandant, *vice* Major W. Innes, who vacates the appointment on transfer.

Ghazipur Volunteer Rifle Corps.

No. 472.—Mr. William Thomas Clifford Beckett to be Lieutenant, to complete the establishment.

Northern Bengal Volunteer Rifle Corps.

No. 473.—Mr. William Lloyd to be Lieutenant-Colonel.

FURLOUGH AND LEAVE.

No. 474. The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major-General E. F. Chapman, C.B., R.A., Aide-de-Camp to the Queen, Quartermaster General in India, (m. c.) for 182 days, under Article 824, Army Regulations, India, Volume I, Part I.

Colonel F. E. A. Chamier, Bengal S. C., District Judge, 1st Grade, North-Western Provinces and Oudh, (p. a.) for one year and 279 days, under rule IX of the regulations of 1868.

Lieutenant B. R. Ward, R.E., Military Works Department, (m. c.) for one year, under rule IX, note 2, of the regulations of 1868.

Surgeon-Major J. McConaghey, M.D., (m. c.) for one year, under rules IX and XV of the regulations of 1868.

No. 475.—Major A. E. Ward, Bengal S. C., Executive Engineer, 1st Grade, Military Works Department, is granted furlough in and out of India, (p. a.) for one year and fifty-seven days, under rule IX of the regulations of 1868.

No. 476.—Captain F. N. Maude, R.E., Assistant Engineer, 1st Grade, Military Works Department, is granted furlough in and out of India, (m. c.) for 276 days, under rule IX, note 2, of the regulations of 1868, with effect from the 5th October, 1885. This cancels the furlough granted to him in G. G. O. No. 156 of 1886.

No. 477.—Lieutenant-Colonel C. J. Durand, Bengal S. C., Military Accountant, 1st Class, 1st Grade, is granted leave in India, (p. a.) from the 10th August, 1886, under the Leave Rules for the Staff Corps.

HONORARY DISTINCTIONS.

No. 478.—His Excellency the Governor-General in Council announces that Her Majesty the Queen, Empress of India, has been graciously pleased to approve of the undermentioned corps being permitted to bear the words specified below upon their colors or appointments, in commemoration of the operations in the Eastern Soudan, in the vicinity of Suakin, during the year 1885 :—

"Queen's Own" Madras Sappers and Miners.	"Suakin, 1885," "Tofrek."
9th Bengal Lancers	"Suakin, 1885."
15th Bengal Infantry (The Loodiana Sikhs).	"Suakin, 1885," "Tofrek."
17th Bengal Infantry (The Loyal Poorbeah Regiment).	"Suakin, 1885," "Tofrek."
28th Bombay Infantry	"Suakin, 1885," "Tofrek."

LONDON GAZETTE.

No. 479.—The following extracts are published for general information :—

"London Gazette," dated the 11th June, 1886, pages 2800 and 2801.

INDIA OFFICE ;

11th June, 1886.

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

BENGAL STAFF CORPS.

To be Majors.

Captain Arthur Coombe Gordon Lydiard. Dated 3rd April, 1886.

Captain Henry Opie Woodhouse. Dated 10th April, 1886.

BENGAL INFANTRY.

To be Lieutenant-Colonel.

Major Hatley Frere Woodcock. Dated 27th March, 1886.

BENGAL MEDICAL ESTABLISHMENT.

Surgeons to be Surgeons-Major. Dated 31st March, 1886 :—

John Lane Corbett, M.D.
Samuel Haslett Browne, M.D.

Edward Mair.
James Armstrong.
Louis Richard Dawson, M.D.
Horace Parr Yeld.
John Campbell Fullerton.
Charles James Hislop Warden.

* * * *

INDIAN ARMY.

To be Colonel.

Lieutenant-Colonel Reginald William Sartorius, C.M.G., V.C., Bengal Infantry. Dated 27th February, 1886.

* * * *

PROMOTIONS.

No. 480.—The following promotion is made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Elliot Alexander Money. Dated 16th July, 1886.

RETIREMENTS.

No. 481.—Colonel Alfred FitzHugh, C.B., Bengal S. C., has been permitted to retire from the service, with effect from the 14th June, 1886, subject to Her Majesty's approval.

No. 482.—Lieutenant-Colonel Charles James Durand, Bengal S. C., is permitted to retire from the service, with effect from the 17th August, 1886, subject to Her Majesty's approval.

No. 483.—The undermentioned officers have been transferred to the half-pay list, with effect from the dates specified, subject to Her Majesty's approval :—

Major A. J. T. Welchman, General List, Infantry,—9th June, 1886.

Captain T. S. M. Woolley, Bengal S. C.,—4th June, 1886.

REWARDS.

No. 484.—ORDER OF BRITISH INDIA—

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

BOMBAY.

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

Subadar Habíb Khan, 27th Bombay Infantry, *vice* pensioned Subadar-Major Down Singh, Bahadur, deceased,—12th April, 1886.

The following adjustment of rank is made :—

Ressaldar Mirza Jamal-ud-din Beg, 1st Bombay Lancers, to rank as Bahadur, with effect from the 7th November, 1885, *vice* pensioned Subadar-Major Háji Khan, Bahadur, deceased.

Subadar-Major Ráma Karilkar, 28th Bombay Infantry, to rank as Bahadur, with effect from the 15th February, 1886, *vice* Subadar Harnám Porie, Bahadur, promoted.

Ressaldar Khúshál Misr, 2nd Bombay Lancers, to rank as Bahadur, with effect from the 15th March, 1886, *vice* Subadar-Major Dost Muhammad, Bahadur, promoted.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 33.—In G. G. O. No. 30 of 1886, *for* "leave on medical certificate under Section 128, Civil Leave Code," *read* "furlough under Section 132, Civil Leave Code."

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 16th July, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 3rd and the 16th July, 1886 :

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Royal Engineers ...	Major T. J. Wilkins ...	4th July, 1886.	Shillong ...	...	

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 10th July, 1886.

No. 183.—Mr. T. E. Owen, Executive Engineer, 1st Grade, State Railways, is appointed to officiate as Engineer-in-Chief of the Benares-Cuttack-Puri Railway Surveys.

The 12th July, 1886.

No. 184.—Major A. D. McArthur, R.E., Executive Engineer, 1st Grade, is appointed to officiate as a Superintending Engineer in Bengal, with temporary rank in the 3rd Class, with effect from the date on which he assumes charge of the Orissa Circle.

No. 185.—Mr. H. Humfress, Assistant Engineer, 3rd Grade, Central Provinces, is promoted

to Assistant Engineer, 2nd Grade, with effect from the 5th November, 1885.

The 14th July, 1886.

No. 186.—Captain M. Laugharne, R.E., Executive Engineer, 3rd Grade, temporarily employed in Bengal, is retransferred to Burmah.

No. 187.—Her Majesty's Secretary of State for India has sanctioned, in Railway Despatch No. 45, dated 20th May, 1886, the revised estimate, amounting to Rs. 44,00,953, of the cost of constructing the Katni-Umaria Section of the Belaspur-Etawah State Railway.

No. 188.—Mr. W. C. Rennie, Executive Engineer, 1st Grade, State Railways, whose services have been lent to the Indian Midland Railway Company, is granted furlough on private affairs for three months and fifteen days under Section 50 *b* of the Civil Leave Code, with effect from the 1st April, 1886.

No. 189.—Mr. S. M. Johnson, Examiner of Accounts, Provincial Railways, North-Western Provinces and Oudh, is permitted to resign his appointment in the Public Works Department, at his own request, with effect from such date as he may be relieved of his duties by Mr. J. B. Braddon, Examiner of Accounts.

Mr. F. Rawson, Deputy Examiner of Accounts, in the Office of the Examiner of Accounts, Provincial Railways, North-Western Provinces and Oudh, is transferred to the Office of the Examiner of Accounts, North-Western Railway.

Mr. J. B. Braddon, Examiner of Accounts, attached to the Office of the Examiner of Accounts, North-Western Railway, is appointed Examiner of Accounts, Provincial Railways, North-Western Provinces and Oudh.

No. 190.—The following promotions are made in the Superior Accounts Establishment:

Names.	From	To	With effect from
Major E. A. Trevor, R.E.	Examiner, 2nd Class ...	Examiner, 1st Class, temporary rank.	7th May, 1886.
Mr. R. G. Macdonald ...	Examiner, 2nd Class, sub. *pro tem.*	Examiner, 1st Class, temporary rank.	3rd June, 1886.
Major F. G. Oldham, R.E.	Examiner, 3rd Class ...	Examiner, 2nd Class, temporary rank.	7th May, 1886.
Mr. R. K. Williams ...	Examiner, 3rd Class ...	Examiner, 2nd Class, temporary rank.	7th May, 1886.
Mr. F. Morrison ...	Examiner, 3rd Class, sub. *pro tem.*	Examiner, 2nd Class, temporary rank.	7th May, 1886.
Mr. F. P. Quinlan ...	Examiner, 3rd Class, temporary rank.	Examiner, 2nd Class, temporary rank.	3rd June, 1886.
Mr. A. R. Becher ...	Examiner, 4th Class, 1st Grade	Examiner, 3rd Class, temporary rank.	7th May, 1886.
Major J. S. Biscoe, S.C. ...	Examiner, 4th Class, 1st Grade	Examiner, 3rd Class, temporary rank.	7th May, 1886.
Mr. F. L. Brown ...	Examiner, 4th Class, 1st Grade	Examiner, 3rd Class, temporary rank.	7th May, 1886.
Mr. C. C. Harold ...	Examiner, 4th Class, 1st Grade	Examiner, 3rd Class, temporary rank.	3rd June, 1886.
Captain H. Clarke, R.E.	Deputy Examiner, 1st Grade ...	Examiner, 4th Class, 3rd Grade, temporary rank.	3rd June, 1886.

No. 191.—Mr. R. A. English, Examiner of Public Works Accounts, is appointed to officiate as Examiner of Accounts, Sind-Sagar State Railway, during the absence of Mr. Goodfellow on privilege leave, or until further orders.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 1886.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

No. 257.

Simla, the 24th July, 1886.

A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India by the death of the Hon'ble Major-General Thomas Elliott Hughes, C.I.E., R.A., Her Majesty the Queen, Empress of India, has been graciously pleased to appoint MAJOR-GENERAL GEORGE TOMKYNS CHESNEY, C.S.I., R.E., to be an Ordinary Member of the said Council.

MAJOR-GENERAL CHESNEY has this day, forenoon, under the usual salute, taken his seat as an Ordinary Member of the Governor-General's Council.

By order of the Governor-General in Council,

A. P. MACDONNELL,
Offg. Secy. to the Government of India.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 30. } SIMLA, SATURDAY, JULY 24, 1886.

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

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

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

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SUPPLEMENT No. 30.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 21st July, 1886.

No. 250.—Mr. H. B. Webster is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 7th May, 1886.

The 23rd July, 1886.

No. 255.—*Appointment.*—Colonel A. Bloomfield, Deputy Commissioner, 2nd Class, in the Central Provinces, to be Deputy Commissioner of the 1st Class, substantively *pro tempore, vice* Colonel H. C. E. Ward.

PATENTS.

The 19th July, 1886.

No. 848.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 165 *of* 1885.—Alexander William Gillman and Samuel Spencer, both of the Castle Brewery, St. George's Road, Southwark, in the County of Surrey, England, Consulting Practical Brewers and Analytical Chemists, for improvements in the treatment of grain to be used in brewing, distilling, and vinegar-making.

No. 23 *of* 1886.—James Roots, of Bishopsgate Street Without, London, England, Medical Assistant, for improvements in the construction of oil lamps.

No. 24 *of* 1886.—William Bull, Civil Engineer, at present residing in Bombay, for an improved tile for roofing purposes.

No. 64 *of* 1886.—William Charles Hughes, of the Superior Revenue Establishment of State Railways, at present Deputy Traffic Superintendent, Eastern Bengal State Railway, Goalundo, in Bengal, for an improved method and apparatus for applying a covering to railway trucks, cargo boats, and the like, whereby the contents are kept safe and wind and water proof, and the covering itself is preserved and guarded against loss.

No. 113 *of* 1886.—Thomas Alexander, Samuel Alexander, and Robert Paterson, of Kirkintilloch, in the County of Dumbarton, Scotland, Gasfitters, for improvements in apparatus for making oil gas.

No. 119 *of* 1886.—Howard Devenish Pearsall, of London, England, Civil Engineer, for improvements in hydraulic apparatus for raising or forcing water and other liquids or for forcing or exhausting air and other gases.

FORESTS.

The 23rd July, 1886.

No. 604 *F.*—Consequent on the grant of furlough to Captain E. S. Wood, Conservator of Forests of the 2nd (officiating 1st) Grade, in charge of the Oudh Circle in the North-Western Provinces and Oudh, the following temporary promotions are made, with effect from the 12th August, 1886, or the subsequent date on which Captain Wood may avail himself of the leave in question :—

Lieutenant-Colonel G. J. van Someren, M.G.L.I., Conservator of Forests of the 3rd (officiating 2nd) Grade in Berar, to officiate in the 1st Grade of Conservators.

Mr. H. C. Hill, Deputy Conservator of Forests of the 2nd Grade in British Burma and officiating Conservator of Forests of the 3rd Grade in the Punjab, to officiate in the 2nd Grade of Conservators.

Mr. R. H. C. Whittall, Deputy Conservator of Forests of the 3rd Grade in the Central Provinces, and Assistant Inspector General of Forests and Superintendent of Working-Plans, to officiate in the 3rd Grade of Conservators and to have charge of the Oudh Circle in the North-Western Provinces and Oudh.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.

MUSEUMS AND EXHIBITIONS.

Simla, the 23rd July, 1886.

No. 1826—1-39 *Ex.*—The following telegram, dated the 16th July, 1886, received from Sir Philip Cunliffe Owen, Secretary to the Royal Commissioners for the Colonial and Indian Exhibition, 1886, is published for general information :—

"Telegram, 16th July, 1886.

From—SIR PHILIP CUNLIFFE OWEN, K.C.B., K.C.M.G., C.I.E., London,

To—VICEROY, Simla.

I am requested by the Prince of Wales to inform your Excellency that the Queen-Empress visited the Indian Section of the Exhibition this morning, through which she was conducted by Mr. Buck, Commissioner for India. Her Majesty carefully inspected the collections from Hyderabad, Coorg, Mysore, Madras, Burma, Assam, the Central Provinces, Cashmere, Punjab, North-West Provinces and Oudh, Bengal and Nepal, Bombay and Baroda, Central India States and the Rajputana States. The Queen also inspected in detail the Economic Section, with the value of which Her Majesty was deeply impressed, the Silk Culture Court, and the Indian Palace. Her Majesty expressed her deep satisfaction in the splendid collections which have been brought together from the many portions of Her Indian Empire, and is desirous that your Excellency should make known to the Government of India and to their Highnesses the Princes her appreciation of their generous co-operation. The following gentlemen were presented to Her Majesty :—Major Nevill, Commissioner for the Nizam of Hyderabad, Colonel LeMesurier, Commissioner for the Maharajah of Mysore, Mr. Bhownuggree, Commissioner for the Thakur Sahib of Bhownugger, Mr. Royle, Drs. Watt and Tyler, and Messrs. Wardle and H. S. King."

C. J. LYALL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 17th July, 1886.

No. 1436 *G.*—The Governor-General in Council is pleased to recognise the appointment of Mr. John Fortune as in temporary charge of the Belgian Consulate at Madras, during the absence of Mr. Ernest Donner.

No. 1439 *G.*—The following promotion is made in the Infantry Branch of the Deoli Irregular Force, with effect from the 15th June, 1886 :—

Subadar Mangla to be Subadar-Major, *vice* Bundhoo Ram, invalided.

The 22nd July, 1886.

No. 1462 *G.*—Surgeon D. ffrench Mullen, M.D., Indian Medical Service (Bengal), officiating Residency Surgeon in Meywar, is granted furlough to Europe for one year, on medical certificate, with effect from the 29th June, 1886, under Chapter V, Section 50, of the Civil Leave Code.

No. 1464 *G.*—Surgeon W. W. Webb, M.B., officiating Medical Officer, Meywar Bhil Corps, is appointed to officiate as Residency Surgeon, Meywar, during the absence on furlough of Surgeon D. ffrench Mullen, M.D., or until further orders.

No. 1468 *G.*—Keshco Rao Jayakrishna, officiating Extra Assistant Commissioner of the 5th Class, is appointed an Extra Assistant Commissioner of the 5th Class in the Berar Commission, with effect from the 10th May, 1886, *vice* Edalji Bahmanji, Supernumerary Assistant Commissioner of the 3rd Class, absorbed.

No. 1470 *G.*—Consequent on the reorganization of Berar Commission raising one Deputy Commissionership of the 3rd Class to the 2nd Class, the following appointments are made, with effect from the 3rd June, 1886:—

Lieutenant-Colonel J. FitzGerald, Deputy Commissioner of the 3rd Class, and officiating in the 2nd Class, to be a Deputy Commissioner of the 2nd Class.

Colonel H. C. Menzies, Deputy Commissioner of the 3rd Class, to officiate as a Deputy Commissioner of the 2nd Class, *vice* Lieutenant-Colonel FitzGerald.

No. 1472 *G.*—The services of Surgeon-Major C. E. McVittie, Medical Officer, 3rd Cavalry, Hyderabad Contingent, and officiating Residency Surgeon at Hyderabad, are replaced at the disposal of the Military Department, with effect from the 7th July, 1886.

The 23rd July, 1886.

No. 2490 *I.*—With reference to the Notifications of the Government of India in the Foreign Department, Nos. 286 I. and 287 I., dated the 23rd January, 1884, and No. 1380 G., dated the 17th July, 1884, the Governor-General in Council is pleased to appoint Lieutenant A. F. Pinhey, Assistant Political Agent for Banswara and Pertabgarh, to be the Magistrate of Abu, *vice* Captain C. Herbert, in addition to his own duties, and with effect from the 22nd June, 1886.

No. 2492 *I.*—Lieutenant A. F. Pinhey, officiating Political Assistant of the 3rd Class and Assistant Political Agent for Banswara and Pertabgarh, is posted as Assistant to the General Superintendent of Operations for the Suppression of Thuggee and Dacoity in Lower Rajputana, in addition to his own duties, and with effect from the 22nd June, 1886.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

Simla, the 23rd July, 1886.

No. 2151.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

June 1886. **(Lakhs of Rupees.)**

[For the explanation of these heads, see *Gazette of India*, dated 22nd December, 1883, Part I, page 497.]	In June		To end of June		Whole year.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals, Preliminary 1885-86.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	2,47	2,42	6,16	6,56	23,32	23,15
Opium	68	70	2,17	2,08	9,23	8,94
Salt	52	55	1,74	1,71	6,39	6,34
Stamps	34	35	97	99	3,09	3,06
Excise	36	36	1,05	1,02	4,14	4,15
Provincial Rates	36	33	88	90	2,01	2,98
Customs	9	8	32	30	1,17	1,20
Assessed Taxes	10	11	18	30	1,34	50
Forest (Madras and Bombay only)	2	2	6	6	42	43
Registration	3	3	8	9	31	31
Tributes from Native States	2	3	11	11	71	79
Other Civil Revenue	18	22	65	71	3,20	3,13
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	5,17	5,20	14,37	14,83	56,83	55,49
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 12	— 14	— 88	— 1,02	— 3,82	— 3,81
Opium	— 16	— 16	— 1,72	— 1,98	— 2,65	— 3,05
Other Civil Expenditure	— 1,54	— 1,84	— 4,80	— 5,22	— 22,45	— 20,99
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 1,82	— 2,14	— 7,40	— 8,22	— 28,92	— 27,85
Extraordinary Receipts	...	...	...	...	...	+ 2,17
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues)	+ 41	+ 4	+ 1,01	+ 2	+ 49	+ 91
Forest, Telegraph, Marine (Net as above)	— 3	— 2	— 7	— 19	— 1	— 38
Guaranteed and Subsidized Railways (Net as above)	+ 37	+ 44	+ 1,48	+ 1,60	+ 4,07	+ 4,99
Do. Repayment of surplus profits, &c.	...	...	...	...	— 42	— 47
Military Receipts	+ 5	+ 7	+ 18	+ 20	+ 83	+ 1,13
Military Issues	— 1,08	— 1,27	— 3,30	— 4,25	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts	+ 43	+ 31	+ 1,34	+ 97	— 2,35	+ 4,28
" " Issues	— 69	— 51	— 2,07	— 1,62		— 5,97
East Indian Railway Receipts	+ 40	+ 34	+ 1,23	+ 1,15	+ 2,80	+ 4,18
" " " Issues	— 10	— 11	— 36	— 33		— 1,35
Ordinary Branches Receipts	+ 15	+ 17	+ 47	+ 35	— 5,44	+ 1,70
" " Issues	— 50	— 61	— 1,61	— 1,97		— 7,58
TOTAL NON-CIVIL DEPARTMENTS	— 50	— 1,15	— 1,70	— 4,07	— 13,02	— 13,29
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, — Receipts less than payments)	...	— 3	...	— 6	— 2	— 18
Bills, Remittance and Bullion Advances (Net as above)	— 43	— 19	— 30	+ 18	...	— 67
Exchange on Remittance Account	— 10	— 9	— 62	— 44	— 4,55	— 3,34
Council Bills paid (including Telegraphic) at Rs. 10 per £	— 34	— 27	— 2,08	— 2,64	— 13,33	— 11,16
Other Debt heads (Net as above)	— 31	+ 35	— 74	+ 53	+ 1,23	— 1,50
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 1,26	— 23	— 3,94	— 2,43	— 16,67	— 16,31
GRAND TOTAL RECEIPTS AND ISSUES	+ 1,50	+ 1,68	+ 1,33	+ 11	— 1,78	+ 21
Opening Cash Balance in Treasuries and Presidency Banks	12,58	10,97	12,75	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks	14,08	12,65	14,08	12,65	10,62	12,75

LEAVE AND APPOINTMENTS.

The 19th July, 1886.

No. 2042.—Mr. J. Dillon, Comptroller, Post Office, having been granted privilege leave for three months, and Mr. W. Alpin having been appointed to officiate for him, Mr. Dillon made over, and Mr. Alpin received, charge of the duties of that office before noon on the 6th July, 1886.

No. 2051.—Mr. H. G. H. Keene having been appointed Assistant Accountant General, Bengal, and Mr. W. T. Piercy having been transferred to the office of the Comptroller of India Treasuries as Assistant Comptroller General, Mr. Keene received charge of the duties of Assistant Accountant General, Bengal, from Mr. Piercy before noon on the 5th July, 1886.

CODES.

The 19th July, 1886.

No. 2044.

CIVIL PENSION CODE.

CHAPTER III.

PAGE 10.

Section 11 (*b*).

Substitute the following for the first six lines of this Section:—

"(*b*) Medical Officers lent to charitable dispensaries or hospitals in British India, the Deputy Superintendent of Vaccination, Calcutta, the Superintendent of Vaccination in Karachi, the Assistant Superintendent of Vaccination in Bombay, the head, second, third and fourth clerks in the Presidency Vaccination Office, Bombay, and the clerk in the office of the Superintendent of Vaccination at Karachi, who are all Enrolled Officers of Government."

The 20th July, 1886.

No. 2072.

CIVIL LEAVE CODE.

PAGE 212.

Section 161 (*b*).

Rule 3.

Substitute the following for the sentence beginning with "Except" *in this Rule:—*

"Except in the case (*a*) of Covenanted Engine Drivers and (*b*) of Covenanted Mechanics, Boilermakers, &c., when the recovery should be made in such a manner as will ensure their receiving in any one month not less than (*a*) Rs. 25, exclusive of overtime or other allowances, and (*b*) Rs. 50."

The 21st July, 1886.

No. 2075.

CIVIL LEAVE CODE.

PAGE 188.

Section 122.

Insert the following "Note" *under this Section:—*

["NOTE.—Time spent by a Chaplain in Kashmir, under Foreign Department order No. 84, dated 13th March, 1863, counts as time spent on duty, except for the purposes of this Section."]

The 22nd July, 1886.

No. 2097.

CIVIL LEAVE CODE.

PAGE 153.

Section 26.

Strike out the words "other than a Native Judge" *in this Section.*

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

The 22nd July, 1886.

No. 2100.—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to rule that the Madras Widows' and Orphans' Fund shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No. 593, dated the 5th February, 1886.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

EXEMPTIONS, &C.

The 21st July, 1886.

No. 2087.—Whereas under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November, 1880, the Municipality of Madras has paid into the Government Treasury the sum of Rs. 1,500 as composition for the stamp duty chargeable on a sum of Rs. 3,00,000, which the said Municipality was authorized to borrow, and which has been raised by the issue of the undermentioned debentures, dated the 15th May, 1883—

No.		Rs.
$\frac{01}{001}$ to $\frac{10}{010}$ at	...	... 10,000 each.
$\frac{01}{011}$ to $\frac{05}{035}$ at	...	... 5,000 each.
$\frac{01}{036}$ to $\frac{07}{103}$ at	...	... 1,000 each.
$\frac{01}{104}$ to $\frac{06}{109}$ at	...	... 500 each.

In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, subdivision, or consolidation.

No. 2089.—Whereas the Municipality of Madras raised in the year 1879 a debenture loan to the amount of Rupees 20,000, and issued the bonds on properly stamped papers of the aggregate value of Rupees 100, and has now requested that the terms of the Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, may be extended to those debenture bonds.

In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council is pleased to exempt the debenture bonds, dated 8th December, 1879, from any stamp duty with which they might otherwise be chargeable, whether on renewal, subdivision, or consolidation.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 23rd July, 1886.

SPECIAL.

No. 485.—With the sanction of Her Majesty's Government, the Right Hon'ble the Viceroy and Governor-General of India in Council is pleased to notify the transfer of the Punjab Frontier Force, the administration of which has hitherto been vested in the Government of the Punjab, to the command of His Excellency the Commander-in-Chief in India.

In doing so, His Excellency in Council is authorized to express the high sense entertained by Her Majesty the Queen-Empress of the loyal and brilliant services which, under the Government of the province, the Punjab Frontier Force has invariably rendered to the State from the earliest period of its creation. The Governor-General in Council takes this opportunity to place on record his appreciation of the admirable manner in which the Force has for so many years been administered by the Punjab Government, and of the wise and well-directed measures taken by that Government from time to time to promote and maintain its efficiency.

In arranging the details of this change of control, the political exigencies of the frontier have been kept prominently in view, and every effort has been, and will be, made to interfere as little as possible with the present system of frontier administration. The Force will therefore continue as a separate unit for frontier duties, and, as far as may be found practicable, its local and distinctive character will be preserved, its institutions maintained, and its existing privileges continued.

The transfer will take place from the 1st August, 1886, and His Excellency the Viceroy and Governor-General in Council is confident that all ranks of the Force, British and Native, under the command of His Excellency the Commander-in-Chief in India, will spare no efforts to worthily uphold the traditions of loyalty, discipline, and bravery, which have been handed down to them, and to maintain unimpaired the *esprit de corps*, efficiency, and soldierly qualities, which have gained for the Punjab Frontier Force honor and distinction, both in cantonments and in the field, and have raised this fine body of troops to the distinguished position of a fighting force second to none in the Army.

APPOINTMENTS.

No. 486.—ADJUTANT-GENERAL'S DEPARTMENT—

Captain H. T. Faithfull, Bengal S. C., Wing Officer, 19th Bengal Infantry, to be a Deputy-Assistant Adjutant-General for Musketry, *vice* Major W. F. Nuthall, whose tour of service in that appointment has expired. Dated 1st July, 1886.

COMMISSARIAT DEPARTMENT,—TRANSPORT BRANCH.

No. 487.—Colonel R. C. R. Clifford, Assistant Commissary-General for Transport, 2nd Class, to be Commissary-General for Transport;

Brevet Lieutenant-Colonel G. R. J. Shakespear, Assistant Commissary-General for Transport, 3rd Class, to be Assistant Commissary-General for Transport, 2nd Class;

Major H. H. Kelly, Assistant Commissary-General for Transport, 4th Class, to be Assistant Commissary-General for Transport, 3rd Class;

Captain E. A. E. Wylly, Sub-Assistant Commissary-General for Transport, 1st Class, to be Assistant Commissary-General for Transport, 4th Class;

Lieutenant W. J. R. Wickham, Sub-Assistant Commissary-General for Transport, 2nd Class, to be Sub-Assistant Commissary-General for Transport, 1st Class,—

with effect from the 4th July, 1886, *vice* Colonel R. C. Low, C.B., Commissary-General for Transport, appointed to the command of a brigade in Upper Burma.

No. 488.—In G. G. O. No. 466 of 1886, confirming Lieutenant Hamilton in the Commissariat Department, *after* the words "Sub-Assistant Commissary-General," *insert* the words "2nd Class."

No. 489.—NATIVE ARMY—

17th Bengal Cavalry.

The following direct appointment is made, with effect from the 15th February, 1886:—

Háiát Khan to be Jemadar.

No. 490.—ORDNANCE DEPARTMENT—

Lieutenant S. V. Thornton, R.A., to officiate as Commissary of Ordnance, 4th Class, *vice* Lieutenant F. A. L. Powell, R.A., officiating as Commissary of Ordnance, 3rd Class. Dated 12th July, 1886.

VOLUNTEER CORPS.

Calcutta Volunteer Rifle Corps.

No. 491.—Mr. Daniel Alexander Campbell to be Lieutenant, *vice* Lieutenant H. E. Girard, become supernumerary.

Cawnpore Volunteer Rifle Corps.

No. 492.—In G. G. O. No. 382 of 1886, for "Mr. William Blennerhasset to be Lieutenant," *read* "Mr. William Blennerhasset to be Captain."

FURLOUGH AND LEAVE.

No. 493.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant W. A. J. O'Meara, R.E., Company Officer, Bengal Sappers and Miners, (m. c.) for 180 days, under rule IX, note 2, of the regulations of 1868.

No. 494.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel H. W. Webster, Bengal S. C., (m. c.) for three months.

Lieutenant H. H. Dobbie, Bengal S. C., (m. c.) for four months.

JUDICIAL.

No. 495.—The Governor-General in Council is pleased to specially extend Article 166 of the Indian Articles of War (Act V of 1869) to the following frontier posts at which troops are stationed, namely,—

The Fort of Pishin.
Sibi.
Thal-Chotiali.

LONDON GAZETTE.

No. 496.—The following extracts are published for general information:—

"London Gazette," dated the 18th June, 1886, pages 2910 and 2911.

"INDIA OFFICE;
18th June, 1886.

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

Colonel Robert Cotton Money, Bengal Staff Corps. Dated 20th March, 1886.
Colonel George Fergus Graham, Bengal Staff Corps. Dated 10th April, 1886.
Colonel Hardress Edmond Waller, Bengal Staff Corps. Dated 3rd June, 1886.
Colonel John Charles Hay, Madras Staff Corps. Dated 1st April, 1886.
Colonel Woulfe Hay, Madras Staff Corps. Dated 4th April, 1886.
Colonel Daniel Wilson Laughton, Madras Staff Corps. Dated 10th May, 1886.
Colonel Alexander Henry Edward Campbell, Madras Cavalry. Dated 1st May, 1886.
Colonel George Lodwick Warden, Bombay Staff Corps. Dated 8th April, 1886.
Lieutenant-Colonel Arthur William Capel, Bengal Cavalry. Dated 15th April, 1886.
Lieutenant-Colonel Stephen Edward Rice Butler, Madras Staff Corps. Dated 21st April, 1886.
Major the Honourable George Thomas Maitland, Bengal Staff Corps. Dated 12th April, 1886.
Major Francis Montgomery Onslow, Madras Cavalry. Dated 7th May, 1886.
Deputy-Surgeon-General William Henry Rean, M.D., Madras Medical Establishment. Dated 28th March, 1886.
Brigade-Surgeon Christopher Joynt, M.D., Bombay Medical Establishment. Dated 25th April, 1886.
Surgeon-Major Richard Thomas Lyons, M.D., Bengal Medical Establishment. Dated 9th February, 1886.
Surgeon-Major John Charles Whishaw, M.D., Bengal Medical Establishment. Dated 15th February, 1886.
Surgeon-Major Theophilus Bolton Wright Plunkett Johnston, half-pay, Bombay Medical Establishment. Dated 16th April, 1886.

The undermentioned Officer has been permitted to resign the Service:—

Lieutenant Frederick Simpson St. Quintin, Bengal Staff Corps. Dated 7th May, 1886.

The undermentioned Officers have been granted a step of Honorary Rank on retirement:—

To be Major-Generals.

Colonel Robert Cotton Money, Bengal Staff Corps. Dated 20th March, 1886.
Colonel George Fergus Graham, Bengal Staff Corps. Dated 10th April, 1886.
Colonel Hardress Edmond Waller, Bengal Staff Corps. Dated 3rd June, 1886.
Colonel John Charles Hay, Madras Staff Gorps. Dated 1st April, 1886.
Colonel Woulfe Hay, Madras Staff Corps. Dated 4th April, 1886.
Colonel Daniel Wilson Laughton, Madras Staff Corps. Dated 10th May, 1886.
Colonel Alexander Henry Edward Campbell, Madras Cavalry. Dated 1st May, 1886.
Colonel George Lodwick Warden, Bombay Staff Corps. Dated 8th April, 1886.

To be Colonels.

Lieutenant-Colonel Arthur William Capel, Bengal Cavalry. Dated 15th April, 1886.
Lieutenant-Colonel Stephen Edward Rice Butler, Madras Staff Corps. Dated 21st April, 1886.

To be Lieutenant-Colonels.

Major the Honourable George Thomas Maitland, Bengal Staff Corps. Dated 12th April, 1886.
Major Francis Montgomery Onslow, Madras Cavalry. Dated 7th May, 1886.

To be Deputy Surgeons-General.

Brigade-Surgeon John Houston, M.D., Madras Medical Establishment. Dated 26th March, 1886.
Brigade-Surgeon Christopher Joynt, M.D., Bombay Medical Establishment. Dated 25th April, 1886.

To be Brigade-Surgeons.

Surgeon-Major Richard Thomas Lyons, M.D., Bengal Medical Establishment. Dated 9th February, 1886.
Surgeon-Major John Charles Whishaw, M.D., Bengal Medical Establishment. Dated 15th February, 1886."

"London Gazette," dated the 22nd June, 1886, page 2978.

"WAR OFFICE;
Pall Mall, 22nd June, 1886.

MEMORANDA.

* * * *

Lieutenant-Colonel Alexander Tulloch Rolland, Madras Staff Corps, to be Colonel. Dated 4th April, 1886.

* * * *

Deputy-Commissary and Honorary-Lieutenant William Adolphus Armstrong, Bengal Establishment, to have the honorary rank of Captain. Dated 20th November, 1885.

Deputy-Assistant Commissary Joseph Tyler, Bengal Establishment, to have the honorary

rank of Lieutenant. Dated 20th November, 1885.

INDIAN STAFF CORPS.

The undermentioned Officers have been transferred to the Unemployed Supernumerary List :—

Colonel Charles Edward Bates, Madras. Dated 12th December, 1885.

Colonel Richard Barter, C.B., Bengal. Dated 10th May, 1886.

Major-General Sir Campbell Claye Grant Ross, K.C.B., Bengal. Dated 18th May, 1886.

The undermentioned Colonels to be Major-Generals :—

Robert Murray, C.S.I., Bengal. Dated 18th May, 1886.

Reginald Quintin Mainwaring, Madras, Dated 18th May, 1886.

To be transferred to the Unemployed Supernumerary List :—

Major-General Robert Murray, C.S.I., Bengal. Dated 18th May, 1886.

The undermentioned Colonels to be Major-Generals on the Unemployed Supernumerary List. Dated 18th May, 1886 :—

Charles Henry Hall, Bengal.
Edward Owen Leggatt, Madras.
Richard Alexander Moore, Madras.
Charles Edward Bates, Madras.
John Miles, Bombay.
William Charles Robert Mylne, Bengal.
Charles Nedham, Bengal.
John Wood Rideout, Madras.
Walter Theodore Chitty, Bombay.
Thomas Mowbray Baumgartner, Bombay.
James Kempt Couper, Bengal.
William James Pratt Barlow, Bengal.

INDIAN LOCAL SERVICE.

The promotion of Major-General Robert Sale Hill, C.B., Bengal Infantry, is antedated from 2nd January, 1886, to 20th December, 1885.

Colonel Charles Batchelor, Bengal Cavalry, to be Major-General. Dated 18th May, 1886.

Major-General William Charles Gott, Bengal Infantry, to be Lieutenant-General on the Unemployed Supernumerary List. Dated 18th May, 1886.

To be transferred to the Unemployed Supernumerary List :—

Major-General Charles Batchelor, Bengal Cavalry. Dated 18th May, 1886."

PENSIONS.

No. 497.—Conductor James Kirk, Ordnance Department, is transferred to the pension establishment.

No. 498.—Honorary Surgeon-Major Joseph Alexander Cooper, of the Subordinate Medical Department, is transferred to the pension establishment, with effect from the 25th July, 1886.

PROMOTIONS.

No. 499.—Under the provisions of the Royal Warrant of the 10th November, 1881, the names of the following officers are moved up on the Indian Gradation List :—

Colonel A. K. Comber, Bengal S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Colonel J. Michael, C.S.I., Madras S. C., (whose name is borne on the list of Major-Generals of the Indian Army), on the 2nd January, 1886.

Colonel J. Burn, Bengal S. C., is placed on the list of Major-Generals, in consequence of Major-General L. W. Buck having become supernumerary on the effective list of the Indian Army, from the 14th January, 1886.

Colonel E. Dandridge, Bengal S. C., is placed on the list of Major-Generals, in consequence of the promotion of Major-General G. R. S. Burrows, Bombay Infantry, to the rank of Lieutenant-General, on the 3rd February, 1886.

Colonel T. E. Gordon, C.B., C.S.I., Bengal S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General J. N. Young, Bengal S. C., on the 4th February, 1886.

Colonel W. Bannerman, Bombay S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General C. Lyons-Montgomery, Bengal S. C., on the 6th February, 1886.

Colonel T. S. Hawks, Madras S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General W. Gordon, C.I.E., Bengal S. C., on the 10th February, 1886.

Colonel J. J. H. Gordon, C.B., Bengal S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General H. H. O'Connell, Madras S. C., on the 16th February, 1886.

Colonel W. M. Lees, Bengal S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General J. Marquis, Bengal S. C., on the 17th February, 1886.

Major-General J. I. Murray, C.B., Bengal S. C., is placed on the list of Lieutenant-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General Sir C. C. G. Ross, Bengal S. C., (whose name is borne on the list of Lieutenant-Generals of the Indian Army), on the 18th May, 1886.

Colonel G. J. Melliss, Bombay S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General R. Murray, C.S.I., on the 18th May, 1886.

Colonel T. C. Georges, Madras S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General C. Batchelor, Bengal Cavalry, on the 18th May, 1886.

(This cancels G. G. O. Nos. 181, 248 and 263 of 1886.)

No. 500.—The following promotion is made, subject to Her Majesty's approval ;—

BENGAL STAFF CORPS.

To be Major.

Captain Francis Richard Begbie,—20th July, 1886.

No. 501.—NATIVE ARMY—

12th Bengal Cavalry.

Kot-Duffadar Ahmed Ali Ján to be Jemadar, *vice* Jemadar Zamán Ali Khán, deceased,—with effect from the 11th May, 1886.

15th Bengal Cavalry.

Kot-Duffadar Muhammad Naváz Khan to be Jemadar, *vice* Jemadar Mústafa Shah, invalided,—with effect from the 1st May, 1886.

33rd Bengal Infantry.

Havildar Káli Singh to be Jemadar, *vice* Jemadar Chét Singh, invalided,—with effect from the 1st April, 1886.

1st Battalion, 1st Goorkha Regiment.

Jemadar Partáb Bisht to be Subadar, *vice* Subadar Dal Sing Thápa, transferred to 2nd Battalion ;

Jemadar Harkmani Thápa to be Subadar, *vice* Subadar Rúdarbír Bogti, transferred to 2nd Battalion ;

Havildar Kálú Gurung to be Jemadar, *vice* Jemadar Partáb Bisht, promoted ;

Havildar Narsing Nagarkoti to be Jemadar, *vice* Jemadar Harkmani Thápa, promoted ;

Havildar Padam Sing Rána to be Jemadar, *vice* Jemadar Mán Sing Bhandári, transferred to 2nd Battalion ;

Havildar Gangádhar Thápa to be Jemadar, *vice* Jemadar Dévi Sing Kharki, transferred to 2nd Battalion ;

Havildar Túláram Pún to be Jemadar, *vice* Jemadar Bhim Sing Rána, transferred to 2nd Battalion,—

with effect from the 19th February, 1886.

2nd Battalion, 4th Goorkha Regiment.

Subadar Kúlpattí Gurung, from the 1st Battalion, to be Subadar-Major ;

Subadar Bahádur Singh, from the 38th Bengal Infantry, to be Subadar ;

Subadar Púran Singh, from the 38th Bengal Infantry, to be Subadar ;

Jemadar Chandarbír Gurung, from the 1st Battalion, to be Subadar ;

Jemadar Jangbir Bhandári, from the 38th Bengal Infantry, to be Subadar ;

Jemadar Jagbír Rána, from the 1st Battalion, to be Subadar ;

Jemadar Chandarbír Thápa, from the 1st Battalion, to be Subadar ;

Jemadar Indarbír Kawar, from the 1st Battalion, to be Subadar ;

Jemadar Santbír Nagarkotí, from the 38th Bengal Infantry, to be Jemadar ;

Havildar Náin Sing Gurung, from the 1st Battalion, to be Jemadar ;

Havildar Hark Sing Mahat, from the 1st Battalion, to be Jemadar.

Havildar Umar Sing Bhandári, from the 1st Battalion, to be Jemadar ;

Havildar Hark Sing Bisht, from the 1st Battalion, to be Jemadar ;

Havildar Padam Sing Rána, from the 1st Battalion, to be Jemadar ;

Havildar Baktáwar Thápa, from the 38th Bengal Infantry, to be Jemadar,—

with effect from the 22nd April, 1886, on the formation of the Battalion.

No. 502.—ORDNANCE DEPARTMENT—

Sub-Conductor Arthur Frederick Wickham to be Conductor ;

Store-Sergeant Frederick Clarke, Assistant Overseer, Small Arms Ammunition Factory, Kirkee, to be Sub-Conductor, on probation, *seconded ;*

Store-Sergeant William Smith to be Sub-Conductor, on probation,—

with effect from the 1st January, 1886, *vice* Conductor W. H. Steele, seconded.

Store-Sergeant Joseph Ratcliffe to be Sub-Conductor, on probation, with effect from the 22nd January, 1886, *vice* Sub-Conductor G. B. Allen, pensioned ;

Sub-Conductor Ebenezer Johnson, Storekeeper, Gunpowder Factory, Kirkee, to be Conductor, *seconded ;*

Sub-Conductor Alexander Sandilands to be Conductor ;

Store-Sergeant Thomas Martin to be Sub-Conductor, on probation,—

with effect from the 9th February, 1886, *vice* Conductor J. Allen, pensioned.

Sub-Conductor Thomas John Scott to be Conductor ;

Store-Sergeant Augustus William Fiegehen to be Sub-Conductor, on probation,—

with effect from the 15th May, 1886, *vice* Conductor J. Neill, pensioned.

Sub-Conductor Patrick Halpin to be Conductor ;

Store-Sergeant Thomas Davey to be Sub-Conductor, on probation,—

with effect from the 21st May, 1886, *vice* Conductor W. Clews, pensioned.

RETIREMENTS.

No. 503.—Major Francis Henry Hinde, General List, Infantry, is permitted to retire from the service, subject to Her Majesty's approval.

No. 504.—VOLUNTEER CORPS—

3rd or Sind, Punjab and Indus Valley Railways Volunteer Rifle Corps.

Lieutenant-Colonel Boyle T. Hill is permitted to retain his rank and to wear the uniform of his corps on retirement.

MILITARY WORKS DEPARTMENT.

APPOINTMENTS.

No. 505.—The following appointment is made, with effect from the 4th March, 1886 :—

Captain A. Porcelli, R.E., as an Executive Engineer, 4th Grade, Supernumerary.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 23rd July, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 17th and the 23rd July, 1886:

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Bengal Staff Corps ...	Captain W. G. Dunsford ...	12th June, 1886	Selen, Upper Burma.	...	

Statement of Deposits on account of Estates between the 10th and the 23rd July, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Edward Augustus Murphy	Conductor ...	Commissariat Department, Transport Branch.	12th August, 1885.	Intestate	1,850 1 6	...	22nd September, 1886.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th July, 1886.

No. 194.—Mr. W. F. Barrow, Examiner of Accounts, Imperial State Railways, North-Western Provinces and Central India, is appointed Government Examiner of Accounts of the Indian Midland Railway Company, with effect from the 26th May, 1886.

No. 195.—Mr. W. H. James is appointed to Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, with effect from the 1st January, 1886.

No. 196.—The following is published for general information:—

No. 724R.T., dated 17th July, 1886.

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

General Rules for working the Morvi State Railway.

Read again—

Section 8 of Act IV (The Indian Railway Act) of 1879.

Public Works Department Notification, No. 299, dated 13th September, 1880, publishing the General Rules for all Railways in India with Public Works Department Circular No. 17 Ry., dated 21st August, 1880.

Letter from the Government of Bombay, No. 298, dated 4th February, 1886, and enclosure.

Public Works Department letter No. 270R.T., dated 16th March, 1886.

Letter from the Government of Bombay, No. 989, dated 26th April, 1886.

Public Works Department letter No. 463R.T., dated 7th May, 1886.

Read also—

Letter from the Government of Bombay, No. 1527, dated 6th July, 1886.

OBSERVATIONS.—In accordance with the provisions of Section 8 of the Indian Railway Act, IV of 1879, the Government of Bombay submits an application from His Highness the Thakur Saheb of Morvi for sanction to the adoption, on the Morvi State Railway, of the General Rules for all Railways in India published in the *Gazette of India*, dated 18th September, 1880.

RESOLUTION.—In compliance with the above-mentioned application, His Excellency the Governor-General in Council is pleased to sanction, with immediate effect, the adoption of the General Rules referred to, with the exception of Section XVII.

ORDER.—Ordered, that this Resolution be communicated to the Government of Bombay for information and guidance.

Ordered also, that the Rules, which have already been published in the *Gazette of India*, be further notified to the Railway servants and the public by a copy thereof and of this Resolution being kept open to inspection, without any payment, in the Office of the Station Master of every Station on the Morvi State Railway.

Ordered also, that this Resolution be published in the *Gazette of India*.

The 21st July, 1886.

No. 197.—Mr. E. Lund, Accountant, 1st Grade, and Honorary Assistant Examiner, is promoted to Deputy Examiner, 2nd Grade, temporary rank, and appointed to officiate as Deputy Examiner of State Railway Stores.

No. 198.—The services of Dr. H. Warth, on special duty in connection with coal explorations in the Salt Range, are replaced at the disposal of the Home Department, with effect from the 16th July, 1886.

TELEGRAPH.

The 17th July, 1886.

No. 192.—Consequent on the return to duty from privilege leave of Mr. J. H. Lane, Director of Traffic, Indian Telegraph Department, on the forenoon of the 1st July, 1886, Mr. J. Burke, officiating Director, reverted to his substantive rank of Superintendent, 2nd Grade, from that date.

No. 193.—Mr. G. A. Gosselin, Superintendent, 2nd Grade, Indian Telegraph Department, is permitted to retire from the service, with effect from the afternoon of the 30th June, 1886.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 31.] SIMLA, SATURDAY, JULY 31, 1886.

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

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

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

The Lower Burma Gaols Delivery Act, 1886.

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The Companies Act, 1882, Amendment Bill.

The Punjab Land-revenue Bill.

SUPPLEMENT No. 31.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 24th July, 1886.

No. 257.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India by the death of the Hon'ble Major-General Thomas Elliott Hughes, C.I.E., R.A., Her Majesty the Queen, Empress of India, has been graciously pleased to appoint MAJOR-GENERAL GEORGE TOMKYNS CHESNEY, C.S.I., R.E., to be an Ordinary Member of the said Council.

MAJOR-GENERAL CHESNEY has this day, forenoon, under the usual salute, taken his seat as an Ordinary Member of the Governor-General's Council.

MEDICAL.

The 30th July, 1886.

No. 361.—In continuation of G. G. O. No. 13, dated 2nd January 1880, and in modification of the orders marginally noted, the Governor-General in Council is pleased, with the sanction of Her Majesty's Secretary of State, to issue the following orders regarding the administrative staff of the Indian Medical Service in the several Provinces of India.

Home Department Notification No. 150, dated 15th March 1880.
Home Department Resolution Nos. F. 386-42, dated 30th July 1880.

2. The administrative appointments are the following :—

	Monthly salary. Rs.
1 Surgeon-General and Sanitary Commissioner with the Government of India ...	2,700
1 Secretary to the Surgeon-General and Special Assistant to the Sanitary Commissioner with the Government of India.	1,200 rising to 1,400.
1 Deputy Surgeon-General with title of Inspector-General of Civil Hospitals for civil medical administration in Bengal ...	2,250
1 Ditto ditto for North-Western Provinces and Oudh	2,250
1 Ditto ditto for Punjab ...	2,000
1 Deputy Surgeon-General for civil medical administration in the Central Provinces ...	1,800
1 Surgeon-General with the Government of Madras ...	2,500
1 Secretary to Surgeon-General with the Government of Madras	800 consolidated.
1 Surgeon-General with the Government of Bombay ...	2,500
1 Secretary to Surgeon-General with the Government of Bombay	800 consolidated.

3. The Surgeons-General with the Government of India and with the Governments of Madras and Bombay will, in addition to performing civil administrative duties, be Heads of the Indian Medical Departments in their respective Presidencies. It will be their duty, among other matters, to propose transfers between the Military and Civil Departments, to recommend for promotion to the administrative grades, and to advise the Government on all questions relating to the admission of officers and subordinates to the Indian Medical Service, to the conduct and services of Indian Medical officers of all grades, and to the supply of medicines and hospital stores. The Surgeon-General with the Government of India will be entitled to receive any information he desires from the Deputy Surgeons-General attached to the Local Governments and Administrations, and to communicate with these officers in regard to the operation of departmental rules and orders; but he will exercise no direct authority over these officers, who will be solely under the orders of the Local Government or Administration to which each belongs.

4. Officers will be selected for the above-named administrative offices by the Government of India for the Bengal Presidency, and by the Governments of Madras and Bombay for those Presidencies respectively. Selections will be made in each Presidency from the whole Indian Medical Service of that Presidency; and the principles of selection hitherto followed in all other respects in making such appointments will be observed.

5. The Deputy Surgeon-General for the Central Provinces will also be Sanitary Commissioner for those Provinces. As already notified in the Military Department order of the 2nd January 1880 above quoted, the Deputy Surgeon-General of the Eastern Frontier District will, in addition to his military duties, carry on the civil medical administration of Assam, and will also perform the duties of Sanitary Commissioner in that Province. The Deputy Surgeon-General of the Punjab Frontier Force will also exercise the civil medical administration of that circle; and in respect of these civil duties, he will be subject to the orders of the Provincial Deputy Surgeon-General, styled Inspector-General of Civil Hospitals.

6. In Central India, the Presidency Surgeon at Indore will perform the duties of an administrative medical officer as regards all civil medical officers and subordinates employed under the orders of the Agent to the Governor-General for Central India. He will exercise a general supervision over these officers, and advise the Agent to the Governor-General on all civil medical arrangements.

7. In Berar, the Sanitary Commissioner will be entrusted with the medical administrative duties of the Province, instead of the Deputy Surgeon-General at Hyderabad, who is now a purely military officer.

8. The administrative medical and sanitary duties, including vaccination, will, for the Province of Burma, be performed by the Inspector-General of Jails, in addition to his other duties.

9. In the Andamans, the Senior Medical Officer will be entrusted with the medical administrative duties of the Settlement, including the Nicobars.

10. In Rajputana, the Superintendent-General of Dispensaries and Vaccination will exercise the functions of an administrative medical officer in respect of all civil medical duties.

11. In Biluchistan, the Residency Surgeon, Quetta, will exercise the functions of an administrative medical officer in respect of the civil medical duties in Biluchistan, at Sibi, and on the Bolan and Sind-Peshin State Railways.

12. In minor matters, such as the submission of periodical returns and furnishing information, the officers above-named, *viz.*, the Residency Surgeon, Indore, the Sanitary Commissioner, Berar, the Inspector-General of Jails, Burma, the Senior Medical Officer of the Andamans, and the Superintendent-General of Dispensaries, Rajputana, and the Residency Surgeon, Quetta, will communicate direct with the Surgeon-General with the Government of India; but all matters of importance should be submitted to the Government of India by the Agent to the Governor-General for Central India, the Resident at Hyderabad, the Chief Commissioner of Burma, the Superintendent of Port Blair, or the Agent to the Governor-General for Rajputana or Biluchistan, as the case may be.

13. In all Provinces for which a separate Sanitary Commissioner is sanctioned, the Sanitary Department will, except in regard to leave, pensions, and such questions, remain distinct from, and not subordinate to, the Medical Department; and in selection for such posts, knowledge and experience as a sanitary officer will be specially considered. The Sanitary Commissioners of such Provinces shall no longer, in virtue of their appointments as such, have the rank and privileges of a Deputy Surgeon-General. This rule will apply to all officers appointed as Sanitary Commissioners after the 19th March 1886, the date of receipt of the Secretary of State's Despatch No. 37 (Military), dated London, 25th February 1886. As a compensation for the withdrawal from Sanitary Commissioners of the rank and privileges of a Deputy Surgeon-General, Her Majesty's Government have sanctioned the annual grant of four extra pensions of £100 each to senior officers of the Indian Medical Department in the proportion of two for the Bengal and one each for the Madras and Bombay Medical Services. The conditions attaching to the grant of these pensions are embodied in India Army Circulars of 1886, clause 91, issued by the Military Department.

14. The supervision of the Vaccination Department will form an important part of the duties of the Sanitary Commissioner in each Province. The Superintendents of Vaccination are Deputy Sanitary Commissioners, under the orders of the Sanitary Commissioner, who will utilise not only them, but also the whole vaccination staff, on sanitary work. Civil Surgeons will also assist the Sanitary Department as far as practicable in this important duty.

15. Although the administration of the Indian Medical Service is divided into two branches, Civil and Military, Indian Medical officers will remain, as now, military officers, those in civil employment being only lent to the Civil Department, and being liable to be called on for military duty in the event of their services being required.

JUDICIAL.

The 30th July, 1886.

No. 1048.—As some misapprehension appears to exist regarding the proceedings to be taken under the Fugitive Offenders Act, 1881 (Statute 44 and 45 Vic., Cap. 69), it is deemed expedient to republish the Statute, in continuation of Home Department Notification No. 215, dated the 12th February 1886, which published for general information an Order of Her Majesty in Council,

wherein it is directed that, on and after the 1st day of July 1886, Part II of the above Statute shall apply to the group of British Possessions mentioned in the margin.

Her Majesty's East Indian Territories.
Ceylon.
The Straits Settlements.

2. In thus republishing the Statute, the Governor-General in Council considers it desirable to invite the attention of all officers concerned to those of its provisions which relate to the issue and endorsement of warrants for the arrest of fugitive offenders. Thus it will be noticed that when a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive offender from that part, a Judge of a Superior Court in another part of Her Majesty's dominions in, or on the way to, which the fugitive is or is suspected to be, is, for the purposes of Part I of the Statute, empowered by section 3 to endorse the warrant, and it is necessary that the proper endorsement should be effected before an arrest can legally be made thereunder. By section 4 of the Statute a Magistrate of any part of Her Majesty's dominions is empowered, under circumstances therein described, to issue a provisional warrant for the apprehension of a fugitive. The corresponding provisions of Part II of the Statute are contained in sections 13 and 16 respectively, under which the necessary power in both classes of cases is vested in Magistrates. A summons requiring the attendance of a witness, issued by a Judge or Magistrate having lawful authority in this behalf in a British possession of a group to which Part II of the Statute applies, may, under section 15, be endorsed by a Magistrate in any other British possession concerned of the same group, and, when so endorsed, may be legally enforced. Section 26 of the Act further empowers the authority endorsing a warrant to name in the endorsement certain persons, who shall, in addition to the persons to whom the warrant was originally addressed, be authorised to execute the same.

3. The Governor-General in Council trusts that, when it is necessary to take action under the Statute in question, the provisions above referred to, as also all other provisions thereof, will be carefully observed.

Fugitive Offenders Act, 1881.

[44 & 45 VIC., CHAP. 69.]

ARRANGEMENT OF SECTIONS.

Section.

1. Short title.

PART I.

RETURN OF FUGITIVES.

2. Liability of fugitive to be apprehended and returned.
3. Endorsing of warrant for apprehension of fugitive.
4. Provisional warrant for apprehension of fugitive.
5. Dealing with fugitive when apprehended.
6. Return of fugitive by warrant.
7. Discharge of person apprehended if not returned within one month.
8. Sending back of persons apprehended if not prosecuted within six months or acquitted.
9. Offences to which this part of this Act applies.
10. Powers of superior court to discharge fugitive when case frivolous or return unjust.
11. Power of Lord Lieutenant in Ireland.

PART II.

INTER-COLONIAL BACKING OF WARRANTS AND OFFENCES.

Application of part of Act.

12. Application of part of Act to group of British possessions.

Backing of Warrants.

Section.

13. Backing in one British possession of warrant issued in another of same group.
14. Return of prisoner apprehended under back warrant.
15. Backing in one British possession of summons, &c., of witness issued in another possession of same group.
16. Provisional warrant in group of British possessions.
17. Discharge of prisoner not returned within one month to British possession of same group.
18. Sending back of prisoner not prosecuted or acquitted to British possession of same group.
19. Refusal to return prisoner where offence too trivial.

PART III.

Trial, &c., of Offences.

20. Offences committed on boundary of two adjoining British possessions.
21. Offences committed on journey between two British possessions.
22. Trial of offence of false swearing or giving false evidence.
23. Supplemental provision as to trial of person in any place.
24. Issue of search warrant.
25. Removal of prisoner by sea from one place to another.

PART IV.

SUPPLEMENTAL.

Warrants and Escape.

26. Endorsement of warrant.
27. Conveyance of fugitives and witnesses.
28. Escape of prisoner from custody.

Evidence.

29. Depositions to be evidence, and authentication of depositions and warrants.

Miscellaneous.

30. Provision as to exercise of jurisdiction by magistrates.
31. Power as to making and revocation of Orders in Council.
32. Power of legislature of British possession to pass laws for carrying into effect this Act.

Application of Act.

33. Application of Act to offences at sea or triable in several parts of Her Majesty's dominions.
34. Application of Act to convicts.
35. Application of Act to removal of person triable in more than one part of Her Majesty's dominions.
36. Application of Act to foreign jurisdiction.
37. Application of Act to, and execution of warrant in United Kingdom, Channel Islands, and Isle of Man.
38. Application of Act to past offences.

Definitions and Repeal.

39. Definition of terms.
40. Commencement of Act.
41. Repeal of Act in Schedule.

SCHEDULE.

CHAPTER 69.

An Act to amend the Law with respect to Fugitive Offenders in Her Majesty's Dominions, and for other Purposes connected with the Trial of Offenders. [*27th August, 1881.*]

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 (that is to say)—

Short title.

1. This Act may be cited as the Fugitive Offenders Act, 1881.

PART I.

RETURN OF FUGITIVES.

Liability of fugitive to be apprehended and returned.

2. Where a person accused of having committed an offence (to which this part of this Act applies) in one part of Her Majesty's dominions has left that part, such person (in this Act referred to as a fugitive from that part) if found in another part of Her Majesty's dominions shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

A fugitive may be so apprehended under an endorsed warrant or a provisional warrant.

Endorsing of warrant for apprehension of fugitive.

3. Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the following authorities in another part of Her Majesty's dominions in or on the way to which the fugitive is or is suspected to be (that is to say)—

(1) a judge of a superior court in such part; and

(2) in the United Kingdom, a Secretary of State and one of the magistrates of the metropolitan police court in Bow Street; and

(3) in a British possession, the governor of that possession,

if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is endorsed, and bring him before a magistrate.

Provisional warrant for apprehension of fugitive.

4. A magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive, who is or is suspected of being in or on his way to that part on such information, and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom, to a Secretary of State, and, if he is in a British possession, to the governor of that possession, and the Secretary of State or governor may, if he think fit, discharge the person apprehended under such warrant.

Dealing with fugitive when apprehended.

5. A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act), according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this part of this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, if in the United Kingdom, to a Secretary of State, and, if in a British possession, to the governor of that possession.

Where the magistrate commits the fugitive to prison, he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.

Return of fugitive by warrant.

6. Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of *habeas corpus* or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case,—

(1) if the fugitive is so committed in the United Kingdom, a Secretary of State; and

(2) if the fugitive is so committed in a British possession, the governor of that possession,

may, if he thinks it just, by warrant under his hand order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.

The governor or other chief officer of any prison, on request of any person having the custody of a fugitive under any such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

Discharge of person apprehended if not returned within one month.

7. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a superior court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom, to a Secretary of State, and, if the said part is a British possession, to the governor of the possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.

Sending back of persons apprehended if not prosecuted within six months or acquitted.

8. Where a person accused of an offence and returned in pursuance of this part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after his arrival in that part, or is acquitted of the said offence, then, if that part is the United Kingdom, a Secretary of State, and, if that part is a British possession, the governor of that possession, may, if he think fit, on the request of such person, cause him to be sent back free of cost, and with as little delay as possible, to the part of Her Majesty's dominions in or on his way to which he was apprehended.

Offences to which this part of this Act applies.

9. This part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

This part of this Act shall apply to an offence notwithstanding that by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being it is not an offence or not an offence to which this part of this Act applies; and all the provision of this part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in such last-mentioned part of Her Majesty's dominions an offence to which this part of this Act applies.

Powers of superior court to discharge fugitive when case frivolous or return unjust.

10. Where it is made to appear to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Power of Lord Lieutenant in Ireland.

11. In Ireland the Lord Lieutenant or Lords Justices or other chief governor or governors of Ireland, also the chief secretary of such Lord Lieutenant, may, as well as a Secretary of State, execute any portion of the powers by this part of this Act vested in a Secretary of State.

PART II.

INTER-COLONIAL BACKING OF WARRANTS AND OFFENCES.

Application of part of Act.

Application of part of Act to group of British possessions.

12. This part of this Act shall apply only to those groups of British possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same.

It shall be lawful for Her Majesty from time to time, by Order in Council, to direct that this part of this Act shall apply to the group of British possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this part of this Act, and to limit the application of this part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

Backing of Warrants.

Backing in one British possession of warrant issued in another of same group.

13. Where in a British possession of a group to which this part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that possession, and such person is or is suspected of being in or on the way to another British possession of the same group, a magistrate in the last-mentioned possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall

be a sufficient authority to apprehend, within the jurisdiction of the endorsing magistrate, the person named in the warrant, and bring him before the endorsing magistrate or some other magistrate in the same British possession.

Return of prisoner apprehended under backed warrant.

14. The magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act and was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British possession in which the warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British possession in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended. Such order for return may be made by warrant under the hand of the magistrate making it, and may be executed according to the tenor thereof.

A magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

A. D. 1881.

Backing in one British possession of summons, &c., of witness issued in another possession of same group.

15. Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British possession of a group to which this part of this Act applies is or is suspected of being in or on his way to any other British possession of the same group, a judge, magistrate, or other officer who would have lawful authority to issue a summons, requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a magistrate in any other British possession of the same group, if satisfied that the summons was issued by some judge, magistrate, or officer having lawful authority as aforesaid, may endorse the summons with his name; and the witness, on service in that possession of the summons so endorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be tried and punished either in the possession in which he is served or in the possession in which the summons was issued, and shall be liable to the punishment imposed by the law of the possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpœna or other process for requiring the attendance of a witness.

Provisional warrant in group of British possessions.

16. A magistrate in a British possession of a group to which this part of this Act applies, before the endorsement in pursuance of this part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said possession and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly: provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may under the circumstances seem requisite.

Discharge of prisoner not returned within one month to British possession of same group.

17. If a prisoner in a British possession whose return is authorized in pursuance of this part of this Act is not conveyed out of that possession within one month after the date of the warrant ordering his return, a magistrate or a superior court, upon application by or on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant, and to the chief officer of the police of such possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Any order of refusal to make an order of discharge by a magistrate under this section shall be subject to appeal to a superior court.

Sending back of prisoner not prosecuted or acquitted to British possession of same group.

18. Where a prisoner accused of an offence is returned in pursuance of this part of this Act to a British possession, and either is not prosecuted for the said offence within six months after his arrival in that possession or is acquitted of the said offence, the governor of that possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back free of cost, and with as little delay as possible, to the British possession in or on his way to which he was apprehended.

Refusal to return prisoner where offence too trivial.

19. Where the return of a prisoner is sought or ordered under this part of this Act, and it is made to appear to a magistrate or to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the court or magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the magistrate or court seems just.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to an appeal to a superior court.

PART III.

Trial, &c., of Offences.

Offences committed on boundary of two adjoining British possessions.

20. Where two British possessions adjoin, a person accused of an offence committed on or within the distance of five hundred yards from the common boundary of such possessions may be apprehended, tried, and punished in either of such possessions.

Offences committed on journey between two British possessions.

21. Where an offence is committed on any person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British possession, a person may be tried for such offence in any British possession of which it is the boundary:

Provided that nothing in this section shall authorize the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British possession.

Trial of offence of false swearing or giving false evidence.

22. A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was shown, made, given, or fabricated, as the justice of the case may require.

Supplemental provision as to trial of person in any place.

23. Where any part of this Act provides for the place of trial of a person accused of an offence, that offence shall for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction

of any court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with the Courts (Colonial) Jurisdiction Act, 1874.

37 and 38 Vic., c. 27.

Issue of search warrant.

24. Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of any part of this Act in any part of Her Majesty's dominions, or where any part of the Act provides for the place of trial of a person accused of an offence, every court and magistrate of the part in which the warrant is endorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that court or magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such court or magistrate.

Removal of prisoner by sea from one place to another.

25. Where a person is in legal custody in a British possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody, until he reaches the place to which he is required to be removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant endorsed in pursuance of this Act.

PART IV.

SUPPLEMENTAL.

Warrants and Escape.

Endorsement of warrant.

26. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such endorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some magistrate in the said part or place, whether the magistrate named in the endorsement or some other.

For the purposes of this Act, every warrant, summons, subpœna, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

Conveyance of fugitives and witnesses.

27. Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's dominions in pursuance of Part One or Part Two of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of her subjects.

For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witness, so that such master be not

required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage.

The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding fifty pounds, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under the Merchant Shipping Act, 1854, and the Acts amending the same.

17 & 18 Vic., c. 104.

28. If a prisoner escape, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

Escape of prisoner from custody.

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or endorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes, and the part in which the offender is found.

Evidence.

29. A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Depositions to be evidence, and authentication of depositions and warrants.

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act:

Provided that nothing in this Act shall authorize the reception of any such depositions, copies, certificates, or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

Miscellaneous.

30. The jurisdiction under Part One of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised,—

Provision as to exercise of jurisdiction by magistrates.

(1) In England, by a chief magistrate of the metropolitan police courts or one of the other magistrates of the metropolitan police court at Bow Street; and

(2) In Scotland, by the sheriff or sheriff substitute of the country of Edinburgh; and

(3) In Ireland, by one of the police magistrates of the Dublin metropolitan police district; and

(4) In a British possession, by any judge, justice of the peace, or other officer having the like jurisdiction as one of the magistrates of the metropolitan police court in Bow Street, or by such other court, judge, or magistrate as may be from time to time provided by an Act or Ordinance passed by the legislature of that possession.

If a fugitive is apprehended and brought before a magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that magistrate shall order the fugitive to be brought before some magistrate having that jurisdiction, and such order shall be obeyed.

31. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall, while it is in force, have the same effect as if it were enacted in this Act.

Power as to making and revocation of Orders in Council.

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or, if not, as soon as may be after the commencement of the then next sessions of Parliament.

32. If the legislature of a British possession pass any Act or Ordinance—

Power of legislature of British possession to pass laws for carrying into effect this Act.

(1) For defining the offences committed in that possession to which this Act or any part thereof is to apply; or

(2) For determining the court, judge, magistrate, officer or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised; or

(3) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act; or

(4) In any manner for the carrying of this Act or any part thereof into effect in that possession,

it shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or Ordinance, or any part thereof, shall with or without modification or alteration be recognized and given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

Application of Act.

33. Where a person accused of an offence can, by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can,

Application of Act to offences at sea or triable in several parts of Her Majesty's dominions.

if he happens to be there, be tried; and each part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a court has jurisdiction to try him:

Provided that if such person is apprehended in the United Kingdom, a Secretary of State, and, if he is apprehended in a British possession, the governor of such possession, may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

Application of Act to convicts.

34. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere is unlawfully at large before the expiration of his sentence, each part of this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

Application of Act to removal of person triable in more than one part of Her Majesty's dominions.

35. Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions, in such case a superior court, and also, if such person is in the United Kingdom, a Secretary of State, and, if he is in a British possession, the governor of that possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part One of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

Application of Act to foreign jurisdiction.

36. It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British possession, and to provide for carrying into effect such application.

Application of Act to, and execution of warrant in, United Kingdom, Channel Islands, and Isle of Man.

37. This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant endorsed in pursuance of Part One of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

Application of Act to past offences.

38. This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part Two of this Act, before the application of that part to a British possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

Definitions and Repeal.

Definition of terms.
"Secretary of State":
"British possession":

39. In this Act, unless the context otherwise requires,—

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "British possession" means any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man; all territories and places within Her Majesty's dominions which are under one legislature shall be deemed to be one British possession and one part of Her Majesty's dominions:

"Legislature":

The expression "legislature," where there are local legislatures as well as a central legislature, means the central legislature only:

"Governor."

The expression "governor" means any person or persons administering the government of a British possession, and includes the governor and lieutenant-governor of any part of India:

"Constable":

The expression "constable" means out of England, any policeman or officer having the like powers and duties as a constable in England:

"Magistrate":

The expression "magistrate" means, except in Scotland, any justice of the peace, and in Scotland means a sheriff or sheriff substitute, and in the Channel Islands, Isle of Man, and a British possession means any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial:

"Offence punishable on indictment":

The expression "offence punishable on indictment" means, as regards India, an offence punishable on a charge or otherwise:

"Oath":

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly:

"Deposition":

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined:

"Superior court."

The expression "superior court" means:

(1) In England, Her Majesty's Court of Appeal and High Court of Justice; and

(2) In Scotland, the High Court of Justiciary; and

(3) In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin; and

(4) In a British possession, any court having in that possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such court or judge as may be determined by any Act or Ordinance of that possession.

Commencement of Act.

40. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-two, which date is in this Act referred to as the commencement of this Act.

Repeal of Act in Schedule.

41. The Act specified in the Schedule to this Act is hereby repealed as from the commencement of this Act:

Provided that this repeal shall not affect—

(*a*) Any warrant duly endorsed or issued, nor anything duly done or suffered before the commencement of this Act; nor

(*b*) Any obligation or liability incurred under an enactment hereby repealed; nor

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d*) Any legal proceeding or remedy in respect of any such warrant, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such warrant may be endorsed and executed, and any such legal proceeding and remedy may be carried on, as if this Act had not passed.

Schedule.

Year and Chapter.	Title.
6 & 7 Vic., c. 34.	An Act for the better apprehension of certain offenders.

PATENTS.

The 26th July, 1886.

No. 895.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 124 *of* 1885.—Herbert Eastwick Compton, of Palampur, in the Kangra Valley, in the Province of the Punjab, Tea Planter, for a machine for rapidly drying tea during the process of its manufacture, called "The Desideratum Desiccator."

No. 10A *of* 1886.—William James Bayford, of Byculla, Bombay, India, Mechanical Engineer, for improvements in baling presses for cotton and other fibre.

No. 11 *of* 1886.—Muncherjee Cursetjee Rutnagur, Mill Manager, residing at Grant Road, Bombay, for the anti-ballooning thread guide.

No. 85 *of* 1886.—Richard Thorneloe, of Coventry, in the County of Warwick, England, Watch Manufacturer, for improvements in watches.

No. 124 *of* 1886.—John Dick, of 218, Saracen Street, Possilpark, Glasgow, in the County of Lanark, North Britain, Engineer, for improvements in pneumatic diving machines.

No. 126 *of* 1886.—Isaac Thomas Townsend, of Coventry, in the County of Warwick, England, Tricycle Manufacturer, for improvements in racquet bats.

No. 127 *of* 1886.—Thomas English, of Hawley, near Dartford, in the County of Kent, England, for apparatus for boring under water.

No. 128 *of* 1886.—Charles Tellier, of No. 20, Rue Felicien David, Paris, in the Republic of France, Civil Engineer, for a method and apparatus for utilizing atmospheric or solar heat for raising water and other purposes.

FORESTS.

The 29th July, 1886.

No. 632 *F.*—Mr. D. E. Hutchins, Deputy Conservator of Forests of the 3rd Grade in Bengal, is permitted to resign his appointment in the Indian Forest Service, with effect from the 1st January, 1886.

The 30th July, 1886.

No. 636 *F.*—Mr. E. P. Dansey, Deputy Conservator of Forests of the 4th (officiating 3rd) Grade in the North-Western Provinces and Oudh, is appointed to act, until further orders, as Assistant Inspector General of Forests and Superintendent of Working-Plans, with effect from the date on which he assumes charge of the duties of that appointment.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

N. W. PROVINCES AND OUDH.

NOTIFICATIONS.

JUDICIAL (CIVIL) DEPARTMENT.

The 17th July, 1886.

No. 558—VII-281-3.—In exercise of the power conferred by section 5 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Lieutenant-Governor of the North-Western Provinces is pleased, with the previous sanction of the Governor-General in Council, to extend section 9 of Act I of 1877 (The Specific Relief Act, 1877) to—

the Province of Kumaon and Garhwal,

the Tarai Parganas,

the scheduled portion of the Mirzapur District, and

Pargana Jaunsar Bawar in the Dehra Dun District.

No. 559—VII-281-4.—In exercise of the power conferred by section 5 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Lieutenant-Governor of the North-Western Provinces is pleased, with the previous sanction of the Governor-General in Council, to extend Act XXIV of 1868 (*An Act to prohibit the practice of inoculation in Kumaon and Garhwal*) to the Tarai Parganas.

W. C. BENETT,
Offg. Secretary to Government, N. W. Provinces and Oudh.

INDIAN EMPIRE.

NOTIFICATIONS.

Simla, the 30th July, 1886.

No. 34 *I. E.*—Under the authority of Her Majesty's Warrant for the Institution of the Order of the Indian Empire, the undermentioned gentleman is declared to be, *ex-officio* and for life, a Companion and Member of the aforesaid Order:—

The Hon'ble Major-General George T. Chesney, R.E., C.S.I., Member of the Council of the Governor-General.

No. 37 *I. E.*—The following extract, which appeared in the second Supplement to the *London Gazette*, dated the 25th June, 1886, is republished for general information:—

India Office, June 28, 1886.

The Queen has been graciously pleased to nominate and appoint—

George Watt, Esq., M.D., Bengal Educational Service, in charge of the Imperial Indian Economic Court at the Colonial and Indian Exhibition,

John William Tyler, Esq., M.D., Superintendent of the Central Prison, Agra, in charge of Indian Jail Manufactures at the Colonial and Indian Exhibition,

Colonel Augustus Le Messurier, R.E., Consulting Engineer in Mysore and Commissioner of His Highness the Maharajah at the Colonial and Indian Exhibition,

Major Richard Nevill, Commandant of the Hyderabad Reformed Troops and Commissioner for His Highness the Nizam at the Colonial and Indian Exhibition,

Mancherjee Nerwanjee Bhownaggree, Esq., Commissioner for His Highness the Thakor Saheb of Bhaunagar, at the Colonial and Indian Exhibition,

Joseph Ralph Edward John Royle, Esq., Clerk in the Statistics and Commerce Department, India Office, Assistant Secretary to the Royal Commission, and Official Agent for the Government of India, Colonial and Indian Exhibition,

to be Companions of the Order of the Indian Empire.

H. M. DURAND,
Secretary to the Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 27th July, 1886.

No. 1496 *G.*—The following promotions are made in the Berar Commission:—

Messrs. Deo Rao Jeykrishna and Vishwanath Narayan Dandekar, Extra Assistant Commissioners of the 5th Class, to be Extra Assistant Commissioners of the 4th Class.

The 29th July, 1886.

No. 1505 *G.*—The following promotions are made in the Infantry Branch of the Erinpura Irregular Force, with effect from the dates specified:—

Jemadar Bena to be Subadar, from the 1st May, 1886, *vice* Jeyteea, invalided.

Jemadar Malleea to be Subadar, from the 30th May, 1886, *vice* Goma, deceased.

Havildar Munneea to be Jemadar, from the 1st May, 1886, *vice* Bena, promoted.

Havildar Chattar Singh to be Jemadar, from the 1st May, 1886, *vice* Velleea, invalided.

Havildar Buddhu Khan to be Jemadar, from the 30th May, 1886, *vice* Malleea, promoted.

No. 1508 *G.*—The following promotions are made in the Bhopal Battalion, with effect from the 19th April, 1886:—

Jemadar Rughunath Singh to be Subadar, *vice* Ganesh Singh, transferred to the pension establishment.

Havildar Buta Singh to be Jemadar, *vice* Rughunath Singh, promoted.

No. 1511 *G.*—Lieutenant A. Poingdestre, Suffolk Regiment, Wing Officer, on probation, 40th Bengal Infantry, is appointed to officiate as Adjutant in the Malwa Bhil Corps, with effect from the date of assuming charge, *vice* Lieutenant P. A Watson, deceased, or until further orders.

No. 1513 *G.*—Colonel J. C. Berkeley, Resident of the 2nd Class, and Governor-General's Agent at Baroda, is granted two months' privilege leave, with effect from 8th July, 1886.

No. 1515 *G.*—Major F. H. Jackson, Assistant to the Governor-General's Agent at Baroda, in charge of the Amreli Mehals, is appointed to officiate as a Resident of the 2nd Class, and as Governor-General's Agent at Baroda, with effect from the 8th July, 1886, during the absence on privilege leave of Colonel J. C. Berkeley.

Lieutenant-Colonel W. Scott, Assistant to the Governor-General's Agent at Baroda, in charge of the Okhamandal District, and Commandant of the Waghir Corps, is appointed to officiate as Assistant to the Governor-General's Agent at Baroda, in charge of the Amreli Mehals, *vice* Major F. H. Jackson.

Mr. H. Harrison, Commandant of His Highness the Gaekwar's Dhari Battalion, is appointed to officiate as Assistant to the Governor-General's Agent at Baroda, in charge of the Okhamandal District, and Commandant of the Waghir Corps, *vice* Lieutenant-Colonel W. Scott.

The 28th July, 1886.

No. 2554 *I.*—The Governor-General in Council has received, with much satisfaction the intelligence that His Highness the Maharajah Holkar has abolished, from the 12th July, 1886, all transit duties hitherto levied in the Indore State.

The 29th July, 1886.

No. 2557 *I.*—The Governor-General in Council hereby notifies that the Cantonment of Morar was, on the 10th March, 1886, ceded to the Gwalior State.

No. 2559 *I.*—It is hereby declared that in the case of the Cantonments of Sipri, Nowgong and

Sutna, the Agent to the Governor-General in Central India shall be the Government for the purpose of Paragraph 28, section 17 of the Bengal Army Regulation.

The 30th July, 1886.

No. 2589 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Krishnálál Ochhavrám, 2nd clerk to the Collector of Ahmedabad, the title of "Rao Sahib," as a personal distinction.

No. 2590 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Sahib Krishnarao Gajanan, City Police Inspector, Broach, the title of "Rao Bahadur," as a personal distinction.

No. 2591 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Senior Hospital Assistant Azam Hossein Khan, of the 5th Punjab Cavalry, the title of "Khan Bahadur," as a personal distinction.

No. 2592 *I.*—The Governor-General in Council is pleased to make the following rules relating to the payment of the expenses of complainants and witnesses attending the British Criminal Courts in Rajputana, which were established by the Notifications cited marginally, for the purposes of inquiries, trials or other proceedings under the Code of Criminal Procedure :—

No. 286-I., dated the 23rd January, 1884.
No. 1008-I., dated the 21st March, 1884.
No. 1915-I., dated the 28th May, 1884.

The Courts are authorised to pay at the rates specified below the expenses of complainants and witnesses: *1st*, in all cases, whether non-bailable or bailable in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the British Government, or of any British Judge, or Magistrate; *2ndly*, in all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as not bailable, when it shall appear to the presiding officer to be directly in furtherance of the interests of public justice; *3rdly*, in bailable cases in which the presiding officer of the Court if a Magistrate of the 1st class, or the District Magistrate on the recommendation of any Magistrate of the 2nd or 3rd class, considers that in the interests of public justice such payment is required; *4thly*, in all cases in which the witnesses are compelled to attend by the Court under the provisions of section 540 of the Code. No payment shall be made to witnesses summoned at the instance of the complainant under section 244 unless the prosecution appears to the Court to be in furtherance of the interests of public justice.

2. The rates referred to in the foregoing rule are as follows :—

(*a*) for the ordinary labouring class of natives, 2 annas per diem,

(*b*) for natives of higher rank in life, 4 annas per diem;

(*c*) for Europeans and Eurasians and Natives of superior rank, a diet allowance according to circumstances. Such allowance shall not generally exceed Rs. 3 per diem, but the Court shall have discretion in special cases to fix it at a higher rate.

3. Travelling expenses will be given only when the journey could not with reasonable ease and expedition have been performed on foot, or in the case of persons whose age, position, and habits of life render it impossible for them to walk. In such cases, in addition to diet allowance, travelling allowance shall be given at the following rates :—

(*a*) when the journey is by rapid dâk by road, the actual expenses incurred up to a maximum limit of 4 annas a mile;

(*b*) where the journey is wholly or partly by rail—

(1) for Natives generally, railway fare by the lowest class;

(2) for Europeans, Eurasians, and Natives of superior rank, second class railway fare; but the Court may at its discretion award first class fare when the persons concerned would, from their social position, ordinarily travel by the first class.

4. From the above rules are excepted—

(*a*) Government servants, who shall receive no diet allowance, but shall be entitled to travelling allowance according to the rates admissible under the Civil Travelling Allowance Code.

(*b*) Witnesses following any profession, such as medicine or law, who shall receive an allowance not exceeding Rs. 5 per diem, according to circumstances; and when they have to travel a distance exceeding five miles, their actual expenses for conveyance (not exceeding 8 annas a mile) or first class railway fare.

The number of days which should be allowed for the journey to and fro will be determined by the Court ordering the payment in each case. For this purpose a table should, if possible, be prepared and kept in each Court, showing the distance of each 'thana' from the sudder station and subordinate stations, the number of intermediate ferries to be crossed, and the existence or absence of roads or water-ways.

5. A Medical Officer other than a Civil Surgeon or Officer in medical charge of the civil station summoned to give evidence in a Criminal Court, touching the result of a *post-mortem* or other examination conducted by him, in cases not falling within the ordinary discharge of his duties, will not be entitled to any remuneration other than the usual expenses paid to a witness.

Government of India (Department of Finance and Commerce) Resolution No. 3050, dated 11th August, 1882.

The 30th July, 1886.

No. 1738 *E.*—The designation of the Political Agent at Jacobabad, which was published in the Notification of the Foreign Department, No. 43 G., dated the 6th January, 1883, is hereby changed to Political Agent in South-Eastern Baluchistan.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 27th July, 1886.

No. 2191.—*Erratum.*—In the Notification of this Department No. 1982, dated the 15th July, 1886, published at page 423 of Part I of the *Gazette of India* of the 17th idem, *for* "Class V" in lines 19 and 23, *read* "Class VI."

CODES.

The 27th July, 1886.

No. 2177.

CIVIL PENSION CODE.

PAGES 70 AND 71.

Section 129.

Rule 9.

Insert the following Exception under this Rule :—

Examiners of Public Works Accounts will keep the service registers and service books of officers and subordinates of the Public Works Department transferred to foreign service, and will issue their last-pay certificates, all contributions paid into the treasuries on account of these officers being reported to the Examiners by the Civil Accountant-General.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 30th July, 1886.

APPOINTMENTS.

No. 506.—MILITARY SECRETARIAT—

The following appointments are made in the Military Department of the Government of India :—

Colonel O. R. Newmarch, Bengal S. C., Accountant General, to be Secretary, with the local rank of Major-General, *vice* Major-General G. T. Chesney, C.S.I., R.E., appointed an Ordinary Member of the Council of the Governor-General of India;

Major T. Deane, Bengal S. C., Assistant Secretary, to be a Deputy Secretary, in succession to Lieutenant-Colonel E. H. H. Collen, appointed Accountant-General,—with effect from the 24th July, 1886.

No. 507.—MILITARY SECRETARIAT, ACCOUNTS BRANCH.

Lieutenant-Colonel E. H. H. Collen, Bengal S. C., Deputy Secretary, to be Accountant General, *vice* Colonel Newmarch, appointed Secretary. Dated 24th July, 1886.

No. 508.—MEDICAL DEPARTMENT—

Brigade-Surgeon (now Deputy Surgeon-General) W. Collis to be Deputy Surgeon-General, with temporary rank, with effect from 4th to the 11th May, 1886.

No. 509.—NATIVE ARMY—

17th Bengal Cavalry.

The following direct appointment is made, with effect from the 1st June, 1886 :—

Kádir Khán to be Jemadar.

No. 510.—PUNJAB FRONTIER FORCE—

4th Sikh Infantry.

Lieutenant H. G. Burton, officiating Wing Officer, on probation, 6th Punjab Infantry, to be officiating Wing Officer, on probation. Dated 8th July, 1886.

6th Punjab Infantry.

Lieutenant G. R. MacMullen, Wing Officer and Quartermaster, to be Adjutant, *vice* Lieutenant E. W. Cunliffe, seconded. Dated 23rd March, 1886.

Lieutenant D. J. O. Taylor, Wing Officer, to be Quartermaster, *vice* Lieutenant MacMullen. Dated 23rd March, 1886.

Lieutenant J. W. C. Hutchinson, officiating Wing Officer, 4th Sikh Infantry, to be Wing Officer. Dated 9th July, 1886.

FURLOUGH AND LEAVE.

No. 511.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel A. Fitzgerald, General List, Infantry, Commandant, 17th Bengal Infantry, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Surgeon-Major W. Finden, 13th Bengal Infantry, (m. c.) for 183 days, under rules IX and XV of the regulations of 1868.

No. 512.—The furlough granted to Major J. E. P. Mosley, Bengal S. C., in G. G. O. No. 596 of 1885 will hold good. This cancels G. G. O. No. 196 of 1886, so far as it relates to Major Mosley.

No. 513.—The undermentioned officer is granted leave out of India under the Leave Rules for the Staff Corps, with effect from the date on which he is struck off duty :—

Surgeon-Major J. H. Newman, Merwara Battalion, (m. c.) for one year.

No. 514.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Colonel W. C. S. Clarke, Bengal S. C., (p. a.) for 122 days.

Major and Brevet Colonel A. R. Badcock, C.B., Bengal S. C., (m. c.) for three months.

LONDON GAZETTE.

No. 515.—The following extracts are published for general information :—

"*London Gazette*," *dated the 25th June*, 1886, *page* 3033.

"INDIA OFFICE;
25th June, 1886.

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

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant William Forbes Mackenzie Ian Fraser, from the Connaught Rangers.

Dated 17th December, 1884, but to rank from 12th February, 1881.

Lieutenant Harry Troup Brown, from the Royal Warwickshire Regiment. Dated 29th November, 1883, but to rank from 22nd October, 1881.

Lieutenant Frank Duncan, from the Somersetshire Light Infantry. Dated 16th November, 1884, but to rank from 22nd October, 1881.

The Queen has also approved of the transfer of the undermentioned officers to the temporary Half-Pay List :—

BENGAL STAFF CORPS.

Captain Turner Severin Macleay Woolley. Dated 4th June, 1886.

BENGAL INFANTRY.

Major Arthur John Tregonwell Welchman. Dated 9th June, 1886."

PENSIONS.

No. 516.—Deputy-Assistant Commissary and Honorary Lieutenant James Keenan, Public Works Department, is transferred to the pension establishment.

No. 517.—First Class Apothecary John L. Parnham, of the Subordinate Medical Department, is transferred to the pension establishment.

PROMOTIONS.

No. 518.—MEDICAL DEPARTMENT—

The following promotion is made, subject to Her Majesty's approval :—

To be Deputy Surgeon-General.

Brigade-Surgeon James Howard Thornton, C.B., M.B., with effect from the 30th June, 1886, *vice* Deputy Surgeon-General A. J. Dale, M.B., whose tour of service has expired.

No. 519.—NATIVE ARMY—

Bengal Sappers and Miners.

Jemadar Prág Tewári to be Subadar, *vice* Subadar Súrjú Chaubé, invalided ;

Havildar Andermin Khan to be Jemadar, *vice* Jemadar Dáiál Singh, invalided ;

Havildar Rám-sarúp Misr to be Jemadar, *vice* Jemadar Prág Tewári, promoted,—

with effect from the 1st May, 1886.

7th Bengal Infantry.

Drill Havildar Rámratan Singh to be Jemadar, *vice* Jemadar Atar Singh, transferred to the Burma Police,—with effect from the 9th May, 1886.

10th Bengal Infantry.

Jemadar Búta Singh to be Subadar, *vice* Subadar Máumráj, invalided ;

Drill Havildar Hattí Singh to be Jemadar, *vice* Shiúlochan Pathak, invalided ;

Pay Havildar Sankar to be Jemadar, *vice* Jemadar Búta Singh, promoted,—

with effect from the 1st May, 1886.

15th Bengal Infantry.

Jemadar Bishan Singh to be Subadar, *vice* Subadar Lehna Singh, invalided ;

Pay and Color Havildar Bisan Singh to be Jemadar, *vice* Jemadar Kán Singh, invalided ;

Color Havildar Dáiál Singh to be Jemadar, *vice* Jemadar Kauda Singh, invalided ;

Havildar Major Pakhar Singh to be Jemadar, *vice* Jemadar Bishan Singh, promoted,—

with effect from the 1st May, 1886.

32nd Bengal Infantry.

Havildar Gúrmúkh Singh to be Jemadar, *vice* Jemadar Súrmúkh Singh, invalided ;

Havildar Rám Singh to be Jemadar, *vice* Jemadar Assa Sing, invalided,—

with effect from the 1st May, 1886.

1st Battalion, 4th Goorkha Regiment.

Jemadar Indarbir Thápa to be Subadar, *vice* Subadar Kúlputti Gúrung, transferred to the 2nd Battalion ;

Havildar Kurbir Thápa to be Jemadar, *vice* Jemadar Chandarbir Gúrung, transferred to the 2nd Battalion ;

Havildar Nand Rám Thápa to be Jemadar, *vice* Jemadar Jágbir Rána, transferred to the 2nd Battalion ;

Havildar Singbir Gharti to be Jemadar, *vice* Jemadar Chandarbir Thápa, transferred to the 2nd Battalion ;

Havildar Bahádur Sing Allea to be Jemadar, *vice* Jemadar Indarbir Thápa, promoted ;

Havildar Moti Gharti to be Jemadar, *vice* Jemadar Indarbir Kawar, transferred to the 2nd Battation,—

with effect from the 22nd April, 1886.

No. 520.—ORDNANCE DEPARTMENT—

The undermentioned Sub-Conductors on probation are confirmed in their present grade, with effect from the dates specified :—

William Kennedy,—31st December, 1885.

Walter Hume,—31st December, 1885.

Thomas Legat,—1st January, 1886.

REWARDS.

No. 521.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified :—

From the 11th June, 1885, in room of Colonel Ernest Augustus Green, Bombay Staff Corps, succeeded to the Colonel's allowance.

LIEUTENANT-GENERAL CHARLES JAMES MERRIMAN, C.S.I., ROYAL (LATE BOMBAY) ENGINEERS.

Dates of Commissions.

2nd Lieutenant	...	14th June, 1850.
Lieutenant	...	1st August, 1854.
Captain	...	27th August, 1858.
Lieutenant-Colonel	...	18th December, 1869.
Brevet Colonel	...	18th December, 1874.
Colonel	...	24th August, 1878.
Major-General	...	18th January, 1882.
Lieutenant-General	...	21st June, 1884.

Appointments.

Regimental duty, Sappers and Miners,—from 23rd October, 1852, to 4th September, 1853.

Assistant Engineer,—from 5th September, 1853, to 31st October, 1856.

Assistant Field Engineer, and Field Engineer, Persia,—from November, 1856, to 31st August, 1857.

Executive Engineer, 1st September, 1857, to 30th April, 1868.

Superintending Engineer, from 1st May, 1868, to 19th March, 1876.

Chief Engineer, 2nd Class, and Under Secretary to Government, Irrigation Branch,—from 20th March, 1876, to 2nd March, 1880.

Chief Engineer, 1st Class, and Secretary to Government, Public Works Department, Irrigation Branch,—from 3rd March, 1880, to 13th April, 1885.

War Services.

Persian Expedition, 1856-57.—Attack on the fort Reshire, capture of Bushire, battle of Khooshab (*medal*).

From the 12th June, 1885, in room of Colonel John Durham Hall, Bombay Staff Corps, succeeded to the Colonel's allowance :—

MAJOR-GENERAL JOHN WATSON, V.C., C.B., BOMBAY STAFF CORPS.

Dates of Commissions.

Ensign	...	3rd February, 1848.
Lieutenant	...	27th July, 1852.
Captain	...	18th February, 1861.
Brevet Major	...	19th February, 1861.
Major	...	3rd February, 1868.
Brevet Lieutenant-Colonel	...	22nd July, 1869.
Lieutenant-Colonel	...	3rd February, 1874.
Brevet Colonel	...	28th May, 1870.
Major-General	...	1st July, 1881.

Appointments.

Regimental duty, 24th Regiment, Bombay Infantry,—from 4th April, 1848, to 25th November, 1851.

Adjutant, 1st Biluch Battalion,—from 26th November, 1851, to 12th May, 1852.

Adjutant, 1st Punjab Cavalry,—from 13th May, 1852, to 27th November, 1856.

2nd-in-Command, 3rd Punjab Cavalry,—from 28th November, 1856, to 8th April, 1857.

2nd-in-Command, 1st Punjab Cavalry,—from 9th April, 1857, to 24th February, 1858.

Commandant, 4th Sikh Cavalry,—from 25th February, 1858, to 14th September, 1871.

Commandant, Central India Horse, and Political Agent, Western Malwa,—from 15th September, 1871, to 13th April, 1877.

Resident, 2nd Class, and Political Agent, Gwalior,—from 14th April, 1877, to 3rd January, 1882.

Brigadier-General Commanding Cavalry Brigade, Malta Expeditionary Force,—from 25th April to 31st August, 1878.

Brigadier-General Commanding Punjab Chiefs' Contingent in Afghanistan,—from 8th December, 1878, to 31st July, 1879.

Brigadier-General Commanding Kuram Field Force and political charge,—from 4th November, 1879, to 21st March, 1880.

Major-General Commanding Kuram Field Force and political charge,—from 22nd March to 23rd November, 1880.

Resident, 1st Class, and Agent to the Governor-General, Baroda,—from 4th January, 1882, to date.

War Services.

Punjab Campaign, 1848-49.—Siege of Multan, battle of Goojerat, and pursuit to Peshawar (*medal and two clasps*).

Bonbar Expedition, 1857.—(*Medal*).

Indian Mutiny, 1857-58.—Siege of Delhi, second relief of Lucknow, battles of Bahandhuhar, Allyghur, Agra, Cawnpore, and various other engagements (slightly wounded on three occasions) (*medal and three clasps, Brevet of Major, V. C, and C. B.*).

North-Western Frontier of India Campaign, 1863.—Umbeyla Expedition (*clasp*).

Afghan War, 1879-80.—Commanded Kuram Field Force (*despatches, received thanks of both Houses of Parliament, 5th May*, 1881, *medal*).

MARINE DEPARTMENT.

APPOINTMENTS.

No. 34.—The following appointments to the Indian Marine have been made by the Secretary of State for India, with effect from the 11th May, 1886.

To be Assistant Engineers.

Mr. John James Lusted.

Mr. Frederick Featherstone Pickard.

RESIGNATIONS.

No. 35.—Mr. George Sabbage, Assistant Engineer, Her Majesty's Indian Marine, is permitted to resign the service from 1st August, 1886.

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 30th July, 1886.

Under clause 20 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 24th and the 30th July, 1886 :

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Bengal Staff Corps ...	Major W. F. Trotter ...	13th July, 1886	Manipur ...	...	
Bengal Staff Corps ...	Lieutenant E. H. V. Haldane	19th July, 1886	Bareilly ...	...	

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th July, 1886.

No. 199.—Mr. W. Hanby, passed student of the Seebpore College, is appointed to the Public Works Department as an Assistant Engineer, 3rd Grade, and posted to Bengal.

The 26th July, 1886.

No. 200.—Babu Krith Chunder Chowdry, Executive Engineer, 4th Grade, sub. *pro tem.*, and Babu Aughore Nath Mookerjee, Assistant Engineer, 1st Grade, temporarily employed in Beluchistan, are retransferred to Bengal.

The 27th July, 1886.

No. 201.—The services of Major W. J. Engledue, R.E., Executive Engineer, 1st Grade, State Railways, are replaced at the disposal of the Military Department, with effect from the 1st August, 1886.

The 28th July, 1886.

No. 202.—Lieutenant Herbert Christopher Impey Birdwood, R.E., is temporarily appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, and his services placed at the disposal of the Director-General of Railways.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 32. } SIMLA, SATURDAY, AUGUST 7, 1886.

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

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

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Nothing for publication.

SUPPLEMENT No. 32.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 6th August, 1886.

No. 12.—Whereas by resolution passed by the Secretary of State for India in Council on the 29th day of February, 1872, the provisions of the 33rd of Vic. Chap. 3, Sec. 1, were declared applicable to the Santál Parganas;

And whereas the Lieutenant-Governor of Bengal has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

REGULATION No. II OF 1886.

THE SANTÁL PARGANAS RE... REGULATION.

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...ulation for the Determination of Rents in the Santál Parganas.

III of 1872. WHEREAS section 19 of the Santál Parganas Settlement Regulation provides that the rents of both headmen and raiyats within the Santál Parganas, when adjusted and recorded by the Settlement-officer under the provisions of that Regulation, shall remain unchanged for not less than seven years from the time of the adjustment and record and thenceforward until a fresh settlement or agreement be made;

And whereas it is expedient to provide that rents within the Santál Parganas shall not be changed except by the Settlement-officer in the course of settlement-proceedings under the Santál Parganas Settlement Regulation or by the Deputy Commissioner in accordance with the procedure prescribed in this Regulation; III of 1872.

And whereas it is also expedient to amend the Santál Parganas Settlement Regulation in manner hereinafter appearing; III of 1872.

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, commencement and construction.

1. *(1)* This Regulation may be called the Santál Parganas Rent Regulation, 1886.

(2) It shall come into force at once; and

(3) It shall be read with, and be taken as supplementary to, the Santál Parganas Settlement Regulation. III of 1872.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "Commissioner" means the Commissioner of the Bhagalpur Division; and

(2) "Deputy Commissioner" means the Deputy Commissioner of the Santál Parganas, and includes any person invested by the Lieutenant-Governor with the powers of a Deputy Commissioner for all or any of the purposes of this Regulation.

CHAPTER II.

RENT.

Rule of general application throughout the Santál Parganas.

Mode of changing rents.

3. Notwithstanding any agreement to the contrary, the rent of a headman or of a raiyat shall not be changed, except by the Settlement-officer in the course of settlement-proceedings under the Santál Parganas Settlement Regulation, or by the Deputy Commissioner in accordance with the procedure prescribed in this Regulation. III of 1872.

Adjustment of Rents under the Settlement Regulation.

Power to order settlement exercisable from time to time under Regulation III of 1872.

4. In section 9 of the Santál Parganas Settlement Regulation, after the words "the Lieutenant-Governor may" the words "from time to time" shall be inserted. III of 1872.

Repeal of section 19 of Regulation III of 1872.

5. Section 19 of the same Regulation is hereby repealed.

Term for which rent adjusted under Regulation III of 1872 remains fixed.

6. Notwithstanding any agreement to the contrary, rents of headmen and raiyats, adjusted and recorded by the Settlement-officer in the course of a settlement under the Santál Parganas Settlement Regulation, III of 1872. shall remain unchanged—

(a) in the case of a settlement made before this Regulation comes into force, for seven years from the time of the adjustment and record, or for such longer period (if any) as may have been specified in the record of the settlement in this behalf;

(b) in the case of a settlement made after this Regulation comes into force, for fifteen years from the time of the adjustment and record;

(c) in the case of a settlement made either before or after this Regulation comes into force, until within the period mentioned in clause *(a)* or clause *(b)*, as the case may be, of this section the rents are changed in the course of a fresh settlement.

Determination of Rents under this Regulation in settled tracts.

Power to apply for preparation of table-of-rates of rent.

7. Subject to the provisions of sections 6 and 18—

(a) the zamíndár or other proprietor of a village which has been settled under the Santál Parganas Settlement Regulation, or III of 1872.

(b) the mánjhí or other headman of any such village, or

(c) any number, not being less than one-half, of the cultivating raiyats of any such village,

may, if dissatisfied with the rents payable in the village, apply to the Deputy Commissioner to prepare a table-of-rates of rent for the village and to determine the rents on the basis thereof.

Contents of application.

8. Every application under section 7 shall set forth precisely the grounds upon which the existing rents are sought to be changed.

Power for Deputy Commissioner to reject application.

9. If the Deputy Commissioner considers that any application under section 7 is not admissible under that section, or is of opinion, on a consideration of the grounds set forth in the application or after such further enquiry as he deems necessary, that the rents ought not to be changed, he shall reject the application.

Submission of application by Deputy Commissioner to Commissioner.

10. If the Deputy Commissioner finds that the application is admissible under section 7, and is of opinion, on a consideration of the grounds set forth in the application, or after such further enquiry as he deems necessary, that the rents ought to be changed, he shall submit the application with his recommendations for the orders of the Commissioner.

Power for Commissioner to direct preparation of table-of-rates and rent-roll.

11. The Commissioner may in his discretion either reject the application or direct the Deputy Commissioner to prepare for his approval a table-of-rates of rent for the village and a rent-roll based thereon.

Preparation of table-of-rates.

12. In preparing the table-of-rates the Deputy Commissioner shall, subject to such rules, if any, as the Lieutenant-Governor may from time to time prescribe, ascertain and record such rates for the different classes of land as seem to him, due regard being had to existing rents, to be fair and equitable.

Preparation of rent-roll.

13. *(1)* In preparing the rent-roll on the basis of the table-of-rates the Deputy Commissioner shall have regard to such circumstances as, in adjusting rents under the Santál Parganas Settlement Regulation, the Settlement-officer would have regard to. III of 1872.

(2) When the Deputy Commissioner has prepared the rent-roll, he shall determine the rent payable by the village-headman and specify that rent also in the rent-roll.

Preliminary publication of table and roll.

14. When the table-of-rates and rent-roll have been approved by the Commissioner, the Deputy Commissioner shall cause them to be locally published in such manner as the Lieutenant-Governor may from time to time prescribe.

Disposal of objections to table or roll.

15. *(1)* When the table-of-rates and rent-roll have been published under section 14, any person interested may present a petition in writing to the Deputy Commissioner specifying any objection which he may desire to make with respect to the table or roll or both.

(2) The Deputy Commissioner shall consider the objection and, after such enquiry as he may deem necessary, record an order with respect thereto, either dismissing the objection or proposing for the approval of the Commissioner such amendment of the table or roll or both as may seem to be proper.

Amendment of table or roll.

16. When an amendment of the table-of-rates or of the rent-roll or of both is approved by the Commissioner on a proposal under section 15, sub-section *(2)*, or is ordered by the Deputy Commissioner of the Santál Parganas or by the Commissioner under section 26, or by the Lieutenant-Governor under section 27, the Deputy Commissioner shall cause the table or roll or both to be amended in conformity with the directions of the authority approving or ordering the amendment.

Final publication of table and roll.

17. After the expiration of a year from the date of the preliminary publication under section 14, the table-of-rates and rent-roll, with such amendments, if any, as have been made therein under section 16, shall be locally published in such manner as the Lieutenant-Governor may from time to time prescribe.

Continuance of table and roll.

18. The rates and rents specified in a table and roll finally published under section 17 shall, subject to any order under section 26 or section 27, remain unchanged for a period of fifteen years from the date of the publication under that section, and thereafter until a new table-of-rates and rent-roll have been published under section 17, or, if before the expiration of the period of fifteen years or before a new table and roll have been published the rents are adjusted and recorded under the Santál Parganas Settlement Regulation, then until the date of that adjustment and record. III of 1872.

Commencement of operation of roll.

19. The rents specified in a rent-roll published under section 17 shall, notwithstanding any agreement to the contrary, take effect from such date as the Deputy Commissioner may appoint.

Determination of Rent under this Regulation in unsettled tracts.

20. (*1*) An application may at any time be made to the Deputy Commissioner for the preparation of a table-of-rates, and of a rent-roll based thereon, for lands which have not been settled under the Santál Parganas Settlement Regulation.

Application of sections 7 to 19 to unsettled lands.

III of 1872.

(*2*) In the case of an application under sub-section (*1*) the rules prescribed in sections 7 to 19 shall be subject to the following modifications, namely:—

(*a*) any less number than one-half of the raiyats may make the application;

(*b*) if the Deputy Commissioner is of opinion that the rents ought to be changed, he may prepare and publish the table-of-rates and rent-roll on his own authority and without reference to the Commissioner;

(*c*) the Deputy Commissioner may, on consideration of an objection, amend the table or roll or both on his own authority and without reference to the Commissioners; and

(*d*) the table and roll, with such amendments, if any, as may have been made therein, may be finally published after the expiration of one month from the date of the preliminary publication.

Supplemental Provisions.

21. In the preparation of tables-of-rates and rent-rolls under this Regulation the Deputy Commissioner may employ any Deputy Collector, Assistant Collector or Sub-Deputy Collector.

Employment of subordinate officers to prepare tables-of-rates and rent-rolls.

22. (*1*) The costs of all proceedings connected with an application under section 7 or section 20 of this Regulation, including the pay of all establishments employed under the orders of the Deputy Commissioner, and such proportion of the salary of any gazetted officer employed as the Commissioner may direct, shall be recoverable as a public demand under Bengal Act VII of 1880.

Cost of proceedings.

(*2*) Such costs shall ordinarily be recoverable from the person making the application, but the Deputy Commissioner may in any case—

(*a*) direct that the costs shall be distributed among, and be recoverable from, all or any of the parties interested in the preparation of the table-of-rates and rent-roll, in such manner as may seem to him equitable, and

(*b*) require the deposit, by any person interested, of such proportion of the costs of the proceedings as may seem to him equitable, and suspend the proceedings pending the making of the deposit.

(*3*) When the Deputy Commissioner directs that any costs shall be recoverable from raiyats under this section, he may further direct that they shall be recoverable through the headman, and may fix a date after which they shall be recoverable from the headman personally if they have not before that date been paid to the Deputy Commissioner or as the Deputy Commissioner directs.

23. When any waste or forest, which has been excluded from a village under section 15 of the Santál Parganas Settlement Regulation, is subsequently settled, the Settlement-officer may, if he thinks fit, direct its inclusion within any village and declare that the table-of-rates (if any) for the time being in force under this Regulation for that village shall be applicable thereto.

Application by Settlement-officer of table-of-rates to waste included by him in a village.

III of 1872.

New Tenancies.

24. (*1*) When, after rents have been recorded under the Santál Parganas Settlement Regulation, or a rent-roll has been prepared under section 13 of this Regulation, for a village in which a settlement has been made under the former Regulation, a tenancy comes into existence in the village which, if it had been in existence in the village when the record or the rent-roll was prepared would have been included therein, the rent payable in respect of the tenancy shall be regulated as follows:—

Regulation of rents of new tenancies.

III of 1872.

(i) if the tenancy is of reclaimed waste or forest—

(*a*) the rent for the first seven years after the reclamation shall not exceed half the rent which the Settlement-officer has admitted as fair and equitable in the case of land of similar quality in the village, or, as the case may be, which is payable for such land under the table-of-rates on which the Deputy Commissioner based the rent-roll of the village, and

(*b*) the rent after the first seven years shall not exceed the full rent computed as aforesaid;

(ii) if the tenancy is of an abandoned, surrendered or forfeited holding, the rent shall not exceed the rent which the Settlement-officer has or would have fixed for the holding, or, as the case may be, which is payable under the table-of-rates for such land as is comprised in the holding.

(*2*) Rent payable under this section may be changed on the final publication of a new rent-roll of the village under this Regulation or on an adjustment and record of rents under the Santál Parganas Settlement Regulation.

III of 1872.

(*3*) If any dispute arises as to the rent payable in respect of a tenancy under this section, it shall, on application for that purpose by either of the disputing parties to the Deputy Commissioner, be determined by him.

Protection of Raiyats from Ejectment.

25. A raiyat, whether recorded as possessing a right of occupancy or not, shall not be ejected from his holding otherwise than in execution of an order of the Deputy Commissioner.

Exemption of raiyats from liability to ejectment except by order of Deputy Commissioner.

Appeal and Revision.

26. An appeal from an order of the Deputy Commissioner under section 9, 15, 20, 22, 24 or 25, or from an order of the Settlement-officer under section 23, shall, if presented within three months from the date of the order appealed against, lie—

Appeal.

(*a*) when the officer making the order is a person invested by the Lieutenant-Governor with the powers of a Deputy Commissioner for all or any of the purposes of this Regulation—to the Deputy Commissioner of the Santál Parganas;

(*b*) when the Deputy Commissioner making the order is the Deputy Commissioner of the Santál Parganas, or the order is made by a Settlement-officer—to the Commissioner.

27. All proceedings of the Deputy Commissioner, Settlement-officer or Commissioner under this Regulation shall be subject to control, revision and alteration by the Lieutenant-Governor.

Revision.

CHAPTER III.

MISCELLANEOUS.

28. For the second sentence of the first clause of section 25 of the Santál Parganas Settlement Regulation, the following sentence shall be substituted:—

Amendment of section 25 of Regulation III of 1872.

III of 1872.

"When a record-of-rights has become final, or an objection to any entry in a record-of-rights has been finally disposed of by the Settlement-officer, the record shall not, until a fresh settlement is made or a new table-of-rates and rent-roll are prepared, be re-opened without the previous sanction of the Lieutenant-Governor."

29. Whenever a table-of-rates and rent-roll are prepared for a village under this Regulation, the Lieutenant-Governor may, by special order, empower the officer making the table-of-rates and rent-roll to amend the whole or any part of the record-of-rights of the village.

Power of Lieutenant-Governor to order amendment of record-of-rights when table-of-rates and rent-roll are prepared.

30. (*1*) The Lieutenant-Governor may, from time to time, make rules consistent with this Regulation for the guidance of officers in all matters connected [illegible] Regulation.

Power to make rules.

(*2*) All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

31. The Lieutenant-Governor may, from time to time, by notification in the local official Gazette, exclude any land from the operation of this Regulation and of such portions of the Santál Parganas Settlement Regulation as relate to the adjustment and record of rents.

Power to exclude land from operation of provisions regarding determination and adjustment of rent.

III of 1872.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

UPPER (ESTABLISHMENTS) BURMA.

Simla, the 31st July, 1886.

No. 8.—*Appointment.*—The undermentioned officers are appointed to be Assistant Commissioners of the 4th Grade in Burma:—

Lieutenant W. A. W. Strickland, 2nd Bengal Infantry.

Lieutenant H. A. Browning, 2nd Punjab Infantry (attached to 2nd Punjab Cavalry).

ESTABLISHMENTS.

The 5th August, 1886.

No. 264.—*Appointment.*—Colonel M. P. Ricketts, Deputy Commissioner, 1st Class, in the Central Provinces, to officiate as Commissioner of the Nerbudda Division, during the absence on furlough of Mr. A. P. Howell, C.S., or until further orders, with effect from the date on which he took over charge of the duties of the appointment.

MEDICAL.

The 31st July, 1886.

No. 379.—Deputy Surgeon-General W. Walker, M.D., Inspector-General of Civil Hospitals, North-Western Provinces and Oudh, is granted privilege leave for three months, with effect from the 1st August, 1886, or from any subsequent date on which he may avail himself of the same.

No. 380.—Brigade-Surgeon W. L. Rice, M.D., to officiate as Inspector-General of Civil Hospitals, North-Western Provinces and Oudh, during the absence on privilege leave of Deputy Surgeon-General Walker, or until further orders.

POLICE.

The 31st July, 1886.

No. 369.—Mr. Y. R. Viccaji, Assistant Superintendent of Police of the 2nd Grade in the Hyderabad Assigned Districts, is appointed substantively *pro tempore* Assistant Superintendent of Police, 1st Grade, *vice* Mr. E. A. Hobson, on deputation.

Mr. F. C. Crawford, officiating Assistant Superintendent of Police, is appointed substantively *pro tempore* Assistant Superintendent of Police, 2nd Grade, *vice* Mr. Y. R. Viccaji.

SANITARY.

[illegible]

No. 256.—The services of Deputy Surgeon-General C. Planck, Sanitary Commissioner, North-Western Provinces and Oudh, are placed at the disposal of the Military Department, with effect from the 4th August, 1886, the date on which he completes five years' service in the administrative grade.

ECCLESIASTICAL.

The 6th August, 1886.

No. 212.—The services of the Revd. J. B. Brunesson, B.A., Chaplain of Nowgong, Central

India, are placed temporarily at the disposal of the Government of the Punjab, with effect from the 1st instant or any subsequent date on which he is relieved at Nowgong.

No. 215.—The Governor-General in Council is pleased to confirm the leave for three months and twenty days granted by the Lord Bishop of Calcutta to Mr. F. J. Fergusson, Registrar of the Diocese, with effect from the 1st August, 1886.

The Lord Bishop has nominated Mr. T. A. Pearson, Barrister-at-Law, to officiate as Registrar.

PATENTS.

The 2nd August, 1886.

No. 898.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 70 of 1886.—Frank Russell, of Jhelum, in the Punjab, for an improved form of rail for the reduction of centrifugal force in the motion of trains running over curves on Railways.

No. 89 of 1886.—Nathan Thompson, of 23, Southampton Buildings, in the County of Middlesex, England, Marine Engineer, for improvements in unions or couplings for pipes, hose, and other articles.

No. 90 of 1886.—Francis Montgomery Olpherts, of Mount Shannon, Sligo, Ireland, Esquire, for improvements in the manufacture of Indigo and in the means or apparatus employed therein.

FORESTS.

The 4th August, 1886.

No. 651 *F.*—On the return from temporary employment under the Public Works Department of Dr. H. Warth, Instructor at the Forest School, Dehra Dun, Mr. A. Smythies, B.A., officiating Instructor at the Forest School, will revert to his substantive appointment of Deputy Conservator of Forests of the 4th Grade in the North-Western Provinces and Oudh, with effect from the 26th July, 1886.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 3rd August, 1886.

No. 1536 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. W. J. Eales, as Consular Agent for the Austro-Hungarian Empire in the Central and Southern Divisions of the Madras Presidency.

No. 1542 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Dr. H. E. G. Gerlich as German Consul-General for British India at Calcutta.

No. 1546 *G.*—Captain G. Gaisford, Assistant Superintendent of Levies in Baluchistan, and *ex-officio* Assistant Political Agent, Thal Chotiali, was granted one month's privilege leave, with effect from the 5th June, 1886.

No. 1548 *G.*—The privilege leave of sixty days granted to Surgeon W. W. Webb, officiating Medical Officer, Meywar Bhil Corps, in Foreign Department Notification, No. 841G., dated the 19th April, 1886, is extended by nine days.

The 4th August, 1886.

No. 1555 *G.*—Sama Rao, son of C. Bhogappa Naik Pandit Mahuray, is appointed to be an Attaché to the Resident at Hyderabad, with effect from the date of assuming charge, *vice* Mir Ehsan-ul-Hakk, resigned.

No. 1557 *G.*—With reference to Foreign Department Notification, No. 1107G., of the 2nd June, 1886, Mr. F. Bozzoni, Consul for Italy at Bombay, resumed charge of his office on the 30th June, 1886.

The 5th August, 1886.

No. 1571 *G.*—Surgeon J. Crofts, M.D., Medical Officer of the Kotah and Jhalra Patan Agencies, is appointed to officiate as Medical Officer of the Merwara Battalion and Civil Surgeon, Ajmere, with effect from the 25th June, 1886, during the absence on furlough of Surgeon-Major J. H. Newman, or until further orders.

No. 1573 *G.*—Surgeon A. W. D. Leahy, Indian Medical Service, is appointed to officiate as Medical Officer of the Kotah and Jhalra Patan Agencies, with effect from the date of joining, during the time that Surgeon J. Crofts officiates as Medical Officer, Merwara Battalion, and Civil Surgeon of Ajmere, or until further orders.

The 6th August, 1886.

No. 1805 *E.*—Malik Diwan Chand, Tahsildar of Sibi, is placed temporarily on special duty in Bori, with effect from the 14th May, 1886.

Hari Chand, Naib-Tahsildar of Sibi, is appointed to officiate as Tahsildar of Sibi, *vice* Malik Diwan Chand, and with effect from the 14th May, 1886.

No. 1807 *E.*—Malik Diwan Chand, Tahsildar of Sibi, on special duty in Bori, has been granted three months' leave on medical certificate, with effect from the 30th May, 1886.

Munshi Amir Singh, second clerk in the office of the Political Agent in Thal Chotiali, is appointed to officiate as Tahsildar on special duty in Bori, with effect from the 30th May, 1886.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 2nd August, 1886.

No. 2304.—Mr. E. Gay, officiating Comptroller and Auditor General and Head Commissioner of Paper Currency, having returned from privilege leave, resumed charge of those offices from Mr. E. F. T. Atkinson, and Mr. E. F. T. Atkinson resumed charge of the office of Accountant-General, Bengal, from Mr. E. W. Kellner, before noon on the 24th July, 1886.

STATISTICS AND COMMERCE.

COMMERCE AND TRADE.

LIGHTS AND LIGHTDUES.

The 4th August, 1886.

No. 2343.—In accordance with the provisions of Section 16 of Act IX of 1879 (An Act to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal), the Governor-General in Council is pleased to publish the following Statement of Receipts and Expenditure on account of the Burma Coast-lights during the year ending 31st March, 1886:

Receipts.	Expenditure.	Amount.
Rs. a. p.	(1885-86.)	Rs. a. p.
1,98,819 15 0	Alguada Reef	13,619 0 0
	Oyster Island	12,644 0 0
	Table Island—Cocos	9,329 0 0
	Eastern Grove	4,404 0 0
	China Buckner	5,488 0 0
	Reef Island—Tavoy	1,634 0 0
	Double Island	6,279 0 0
	Savage Island	4,080 0 0
	Light-ship *Krishna*	28,551 0 0
	Light-ship *Colombo*	—30 0 0
	Relief-Establishment	6,303 0 0
	Allowance to Inspector	1,167 0 0
1,98,819 15 0	Total	92,368 0 0

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 6th August, 1886.

APPOINTMENTS.

No. 522.—COMMISSARIAT DEPARTMENT—

Lieutenant W. C. Jephson, Sub-Assistant Commissary-General, 2nd Class, on probation, is confirmed in that appointment, with effect from the 9th May, 1885.

Lieutenant H. T. Brown, Bengal S. C., Wing Officer, 42nd Bengal Infantry, to be Sub-Assistant Commissary-General, 2nd Class, on probation, with effect from the 14th July, 1886.

No. 523.—MEDICAL DEPARTMENT—

Deputy Surgeon-General W. Collis, Medical Staff, is brought on the Administrative Medical Staff of the Army, *vice* Deputy Surgeon-General W. H. Corbett, deceased Dated 12th May, 1886.

No. 524.—MILITARY SECRETARIAT—.

Lieutenant-Colonel E. Hay, General List, Cavalry, Squadron Commander, 7th Bengal Cavalry, to be an Assistant Secretary, in succession to Major T. Deane, promoted. Dated 24th July, 1886.

No. 525.—ORDNANCE DEPARTMENT—

Major C. A. Empson, R.A., to be Superintendent of the Gunpowder Factory, Madras, *vice* Colonel I. Ketchen, R.A., who has resigned that appointment. Dated 12th July, 1886.

No. 526.—QUARTERMASTER-GENERAL'S DEPARTMENT—

Colonel W. F. Gatacre, *h. p.*, Deputy Quartermaster-General, to officiate as Quartermaster-General;

Colonel D. M. Strong, Assistant Quartermaster-General, to officiate as Deputy Quartermaster-General,—

with effect from the 14th July, 1886, *vice* Major-General E. F. Chapman, C.B., Aide-de-Camp to the Queen, on furlough.

No. 527.—STAFF CORPS—

Lieutenant Richard Pennefather Warren, Leinster Regiment, Wing Officer, 9th Bengal Infantry, is admitted to the Bengal Staff Corps, from the 24th December, 1884, subject to the confirmation of the Secretary of State for India.

No. 528.—VOLUNTEER CORPS—

Allahabad Volunteer Rifle Corps.

Mr. Fortescue Willoughby, Porter, C.S., to be Major, to complete the establishment.

FURLOUGH AND LEAVE.

No. 529.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave;—

Lieutenant H. S. G. Hall, Bengal S. C., Sub-Assistant Commissary-General, 2nd Class, (m. c.) for one year, under rule I of the regulations of 1875.

Lieutenant C. Wood, R.A., Subaltern, No. 4, Field Battery, Hyderabad Contingent, (m. c.) for one year, under rule IX, note 1, of the regulations of 1886.

No. 530.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Lieutenant-Colonel D. Adamson, Bengal S. C., Squadron Commander, 4th Bengal Cavalry, (p. a.) for one year.

Captain F. D. Welchman, Bengal S. C., Wing Commander and 2nd-in-Command, 4th Infantry, Hyderabad Contingent, (p. a.) for one year.

No. 531.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant-Colonel C. H. Bridges, Bengal S. C., (p. a.) for three months.

Lieutenant J. W. B. Meade, Bengal. S. C., (m. c.) for 122 days.

LONDON GAZETTE.

No. 532.—The following extract is published for general information :—

"*London Gazette," dated the 6th July, 1886, page* 3279.

"WAR OFFICE ;

Pall Mall, 6th July, 1886.

INDIAN STAFF CORPS.

To be transferred to the Unemployed Supernumerary List :—

Major-General Edmond Frederick Waterman, Madras. Dated 12th June, 1886.

Colonel Bendyshe Walton, C.I.E., Bengal. Dated 16th June, 1886.

The undermentioned Colonels (Bengal) to be Major-Generals. Dated 12th June, 1886 :—

Augustus Kirkwood Comber.

James Burn.

To be transferred to the Unemployed Supernumerary List :—

Major-General Augustus Kirkwood Comber, Bengal. Dated 12th June, 1886.

To be Major-General on the Unemployed Supernumerary List :—

Colonel William Robert Gordon, Bengal. Dated 12th June, 1886."

PROMOTIONS.

No. 533.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Colonels in the Army.

Lieutenant-Colonel John Francis FitzGerald Cologan,—22nd July, 1886.

Lieutenant-Colonel Archibald Lewis Playfair,—5th August, 1886.

To be Lieutenant-Colonel.

Major Thomas Shepherd,—4th August, 1886.

INDIAN ARMY.

To be Lieutenant-Colonels.

Major Thomas St. Quintin Clutterbuck, General List, Infantry,—1st August, 1886.

Major Herbert Maynard Ramsay, General List, Infantry,—4th August, 1886.

No. 534.—NATIVE ARMY—

2nd Bengal Cavalry.

Ressaldar Nizám Ali Khan to be Ressaldar-Major, *vice* Ressaldar-Major Muhammad Yúsuf Khan, invalided, with effect from the 6th August, 1886.

Ressaidar Narayan Singh, "Bahadur," to be Ressaldar, *vice* Ressaldar-Major Muhammad Yúsuf Khan, invalided ;

Jemadar Dal Singh to be Ressaidar, *vice* Ressaidar Narayan Singh, "Bahadur," promoted ;

Kote-Duffadar Kala Singh to be Jemadar, *vice* Jemadar Dal Singh, promoted,—

with effect from the 3rd July, 1886.

18th Bengal Infantry.

Havildar Baldeo Awasthi to be Jemadar, *vice* Jemadar Kishor Singh, transferred to the Burma Military Police Levy, with effect from the 24th April, 1886.

23rd Bengal Infantry.

Jemadar Nand Sing to be Subadar, *vice* Subadar-Major Nutha Singh, Sirdar Bahadur, invalided ;

Havildar Nanoo Sing to be Jemadar, *vice* Jemadar Nand Sing, promoted,—

with effect from the 7th May, 1886.

No. 535.—PUNJAB FRONTIER FORCE—

No. 2 (Derajat) Mountain Battery.

Jemadar Kutb-din to be Subadar, *vice* Subadar Kishun Singh, invalided ;

Havildar Bhanga Singh to be Jemadar, *vice* Jemadar Kutb-din, promoted,—

with effect from the 20th April, 1886.

No. 536.—VOLUNTEER CORPS—

Mussoorie Volunteer Rifle Corps.

Major Wilmot Lane to be Lieutenant-Colonel.

RETIREMENTS.

No. 537.—Under the authority of the Secretary of State for India, Major Douglas Cowslade Hennessy, General List, Infantry, is placed on the retired list, subject to Her Majesty's approval.

MARINE DEPARTMENT.

DISMISSALS.

No. 36.—Mr. William Rigdon Beaumont, Second Grade Officer, Her Majesty's Indian Marine, is dismissed the service, with effect from the 16th July, 1886.

RESIGNATIONS.

No. 37.—Mr. John Pollock, Assistant Engineer, Her Majesty's Indian Marine, is permitted to resign the service, with effect from the 9th August, 1886.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 6th August, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 31st July and the 6th August, 1886 :

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Lincolnshire Regiment (Probationer for the Bengal Staff Corps).	Lieutenant G. C. G. Beaver ...	21st July, 1886	Manipur ...	...	

Statement of Deposits on account of Estates between the 24th July and the 6th August, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Henry Smythe ...	Lieutenant ...	Royal Warwickshire Regiment.	12th December, 1885.	Intestate	620 4 0	...	

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 34. } SIMLA, SATURDAY, AUGUST 21, 1886.

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

CONTENTS.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

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

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

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

Nothing for publication.

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

The Upper Burma Laws Bill.
The Suits Valuation Bill.
The Indian Evidence Act, 1872, Amendment Bill.
The Dekkhan Agriculturists' Relief Bill.

SUPPLEMENT No. 34.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 17th August, 1886.

No. 13.—Whereas by resolution passed by the Secretary of State for India in Council on the 29th day of February, 1872, the provisions of the 33rd of Vic. Chap. 3, sec. 1, were declared applicable to the Santál Parganas;

And whereas the Lieutenant-Governor of Bengal has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft, and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

REGULATION No. III OF 1886.

A Regulation for determining the Law in force in the Santál Parganas.

Short title, commencement and construction.

1. (*1*) This Regulation may be called the Santál Parganas Laws Regulation, 1886.

(*2*) It shall come into force at once; and

(*3*) It shall be read with, and taken as part of, the Santál Parganas Settlement Regulation. III of 1872.

Substitution of new sentence for the first sentence of section 3 of Regulation III of 1872.

2. For the first sentence of section 3 of the Santál Parganas Settlement Regulation the following sentence shall be substituted, namely:— III of 1872.

Enactments in force in the Santál Parganas.

"Subject to the provisions of this Regulation, and of any other Regulation for the time being in force under the thirty-third of Victoria, chapter I, section 1,—

(*a*) so much of each of the Regulations and Acts, or portions of Regulations and Acts, specified in the schedule to this Regulation, as was on the day previous to the passing of the Bengal Tenancy Act, 1885, in force in any part of the Lower Provinces of Bengal which is not included in a scheduled district as defined in Act XIV of 1874, and, VIII of 1885.

(*b*) in the case of any such Regulation or Act, or portion thereof, which was not on that day in force in any such part, then the portion thereof specified in the schedule, or, where no portion is there specified, then, in the case of a Regulation or Act passed before the first of May, 1872, so much thereof as

was unrepealed on that date, and, in the case of an Act passed after the passing of the Bengal Tenancy Act, 1885, the whole of the Act,

VIII of 1885.

shall be deemed to be in force in the Santál Parganas."

3. In the second sentence of the same section, after the words "Regulations or Acts" the words "heretofore or hereafter passed" shall be inserted.

Amendment of the second sentence of same section.

4. After the same sentence of the same section the following sentence shall be inserted:—

New sentence inserted in same section.

"The Lieutenant-Governor may, from time to time, with the previous sanction of the Governor-General in Council, by a notification in the official Gazette, declare that any Regulation or Act, or part of a Regulation or Act, mentioned in the schedule shall no longer be in force in the Santál Parganas."

5. In the fourth sentence of the same section as amended by section 4 of this Regulation, after the words "or any other Act" the words "heretofore or hereafter" shall be inserted.

Amendment of fourth sentence of same section.

6. For the schedule annexed to the Santál Parganas Settlement Regulation the schedule annexed to this Regulation shall be substituted.

Substitution of new schedule for schedule to Regulation III of 1872.

III of 1872.

SCHEDULE

OF REGULATIONS AND ACTS IN FORCE IN THE SANTÁL PARGANAS.

(To be substituted for the schedule to the Santál Parganas Settlement Regulation.)

III of 1872.

Regulations of the Bengal Code.

I of 1793.
VIII of „
XIX of „
XXXVII of „
XXXVIII of „
I of 1798.
VIII of 1800 (section 19).
I of 1801.
X of 1804.
XI of 1806.
XVII of „
XX of 1810.
V of 1812.
XI of „
XVIII of 1812.
XXIX of 1814.
XII of 1817.
III of 1818.
I of 1819.
II of „
VIII of „
I of 1820.
VII of 1823.
VI of 1825.
XI of „
XIII of „
XIV of „
XVII of 1829.

Acts of the Governor-General of India in Council.

XXI of 1836.
IV of 1837.
XII of 1841.
V of 1843.
IX of 1847.
XX of 1848.
XII of 1850.
XVIII of „
XXI of „
XXV of „
XXXIII of 1850.
XXXIV of „
XXXVII of „
VIII of 1851.
II of 1853.
VI of „
XII of 1855.
XIII of „
XXIV of „
XXXVII of „
XI of 1856.
XV of „
X of 1857.
XIII of „
III of 1858.
XXXI of „
XXXV of „
XXXVI of „
XL of „
V of 1859.
XI of „
XIV of „ (section 15).
IX of 1860.
XLV of „
V of 1861.
IX of „
XVI of 1863.
III of 1864.
VI of „
XV of „
III of 1865.
X of „
XIV of 1866.
XXI of „
VII of 1867.
XXV of „
I of 1868.
IV of 1869.
V of „
XV of „
XX of „
VII of 1870.
X of „
XX of „
XXI of „
XXIII of „
XXVII of „
I of 1871.
V of „
XXIII of „
I of 1872.
III of „
IX of „
XV of „
XVIII of „
XIX of „
V of 1873.
X of „
II of 1874.
III of 1874.
IX of „
XIII of 1875.
II of 1877.
III of „
XV of „
I of 1878.
VI of „
VII of „
XI of „
I of 1879.
III of „
IV of „
XI of „
XII of „ (sections 104-108).
XXI of 1879.
VIII of 1880.
V of 1881 (sections 153 & 154).
I of 1882.
III of „
VII of „
VIII of „
IX of „
X of „
XI of „
XX of „
IV of 1883.
XIX of „
XXI of „
III of 1884.
XXI of „
IX of 1885 (sections 1, 3 & 4).
XIII of 1885.
XV of „
XVIII of „
II of 1886.
IV of „ (section 1).
VII of 1886.
X of „ (sections 1 to 19 & 21 to 25, inclusive).

Acts of the Lieutenant-Governor of Bengal in Council.

III of 1862.
VII of „
VIII of „
II of 1864.
IV of „
VII of „
IV of 1865.
V of „
VIII of „
III of 1866.
II of 1867.
V of „
IV of 1868.
VII of „
VII of 1869.
II of 1871.
IV of „
IV of 1873.
VII of 1876.
VIII of „
V of 1878.
VII of „
II of 1879.
IX of „
VII of 1880.
III of 1881.
IV of „
I of 1883.
I of 1884.
III of „

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS—PUBLIC.

Simla, the 20th August, 1886.

No. 1178.—The Governor-General in Council has been pleased to confirm the admission of Muhammad Ishak Khan, a probationer in the North-Western Provinces and Oudh, to employment in the Civil Service of the Bengal Presidency in accordance with the rules issued under Section 6 of the Statute 33 Vic., Cap. 3.

ESTABLISHMENTS.

The 18th August, 1886.

No. 286.—*Appointment.*—Mr. A. C. Campbell, Deputy Commissioner of the 2nd Grade in Assam, to be Deputy Commissioner of the 1st Grade, *vice* Mr. H. Luttman-Johnson, appointed Judge and Commissioner of the Assam Valley Districts.

MEDICAL.

The 17th August, 1886.

No. 412.—With reference to Home Department Notification No. 327, dated the 14th August, 1884, the services of Surgeon-Major H. Whitwell are permanently placed at the disposal of the Government of Bengal.

The 20th August, 1886.

No. 419.—The services of Brigade-Surgeon H. Cayley, Ophthalmic Surgeon and Professor of Ophthalmic Surgery, Medical College, Calcutta, are, at his own request, replaced at the disposal of the Military Department.

No. 420.—Surgeon-Major R. C. Sanders, M.D., who was appointed in Notification No. 168, dated 3rd May, 1886, substantively *pro tempore* Ophthalmic Surgeon and Professor of Ophthalmic Surgery, Medical College, Calcutta, is confirmed in that appointment.

SANITARY.

The 17th August, 1886.

No. 263.—*Appointment.*—Surgeon-Major J. Richardson, M.B., Deputy Sanitary Commissioner, 2nd Circle, North-Western Provinces and Oudh, to officiate as Sanitary Commissioner for those Provinces substantively *pro tempore, vice* Deputy Surgeon-General C. Planck.

JUDICIAL.

The 18th August, 1886.

No. 1164.—The services of Captain C. J. Robarts, 16th Bengal Cavalry, are placed temporarily at the disposal of the Government of the Punjab for employment as an officiating Cantonment Magistrate.

POLICE.

The 20th August, 1886.

No. 411.—The services of Lieutenant R. M. Maxwell, 6th Bengal Infantry, are placed at the disposal of the Chief Commissioner of Assam for employment as Commandant, Frontier Police Battalion, Garo Hills.

PATENTS.

The 16th August, 1886.

No. 988.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 85 *of* 1885.—William Samuel Colwell, of Pittsburgh, in the County of Allegheny and State of Pennsylvania, and Andrew Jackson Davis of the City and County of New York, in the State of New York, said States being two of the United States of America, for improvements relating to the utilization of bi-sulphide of carbon vapour as a motor and apparatus therefor.

No. 29 *of* 1886.—The new Telephone Company Limited, of 4, Great Winchester Street, in the City of London and Kingdom of England, for telephonic transmitting instruments or valve telephones.

No. 34 *of* 1886.—The New Telephone Company Limited, of 4, Great Winchester Street, in the City of London and Kingdom of England, for improvements in arrangements of telephonic apparatus.

No 103 *of* 1886.—John Henry Mooney, of the City and County of San Francisco, in the State of California in the United States of America, Machinist, for a new and useful improvement in sewing machines.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 16th August, 1886.

No. 1632 *G.*—Kumar Harbhamji Rawaji, of Morvi in Kattywar, is appointed to be an Attaché to the Resident at Hyderabad, with effect from the date of joining, *vice* Sayyid Alimuddin Husain, resigned.

The 19th August, 1886.

No. 1652 *G.*—The following promotions are made in the 2nd Regiment, Central India Horse, with effect from the 1st June, 1886, consequent on the appointment of Ressaldar-Major Gopal Singh, Bahadur, to be Aide-de-Camp on His Excellency the Viceroy's personal staff:—

Ressaldar Muhammad Umrao Ali Khan to be Ressaldar-Major, *vice* Gopal Singh, Bahadur, seconded.

Resaidar Sahebdad Khan to be Ressaldar, *vice* Muhammad Murad Ali Khan, promoted.

Jemadar Gurdat Singh to be Resaidar, *vice* Sahebdad Khan, promoted.

Kote-Dafadar Jaswant Singh to be Jemadar, *vice* Gurdat Singh, promoted.

No. 1655 *G.*—The following appointments are made in the Local Corps in Rajputana, with effect from the date of joining, during the absence on furlough of Lieutenant-Colonel J. H. L. Greenfield, 2nd-in-Command, Deoli Irregular Force, or until further orders:—

Lieutenant J. A. Bell, officiating 2nd-in-Command, Merwara Battalion, to officiate as 2nd-in-Command of the Deoli Irregular Force, *vice* Lieutenant-Colonel Greenfield.

Captain G. A. Collins, Wing Officer and Adjutant of the Meywar Bhil Corps, to officiate as 2nd-in-Command of the Merwara Battalion, *vice* Lieutenant J. A. Bell.

Lieutenant C. H. Dawson, officiating Wing Officer, Erinpura Irregular Force, to officiate as Adjutant of the Meywar Bhil Corps, *vice* Captain G. A. Collins.

No. 1657 *G.*—Lieutenant J. R. C. Colvin, S. C., Squadron Officer, 9th Bengal Cavalry, is appointed to officiate as a Political Assistant of the 3rd Class, on probation, and is posted as an Assistant to the Governor-General's Agent in Rajputana, with effect from the date of joining.

No. 1660 *G.*—Sahibzada Wahid-ud-din, Attaché to the Governor-General's Agent for Central India, is granted one year's furlough to Europe, on medical certificate, under Section 128 of the Civil Leave Code, with effect from the date on which he may avail himself of it.

No. 1664 *G.*—Lieutenant-Colonel R. Bullock, Deputy Commissioner of the 3rd Class in the Hyderabad Assigned Districts, is appointed to officiate as a Deputy Commissioner of the 2nd Class, with effect from the 22nd June, 1886, during the absence on furlough of Colonel H. C. Menzies, or until further orders.

The 20th August, 1886.

No. 1670 *G.*—Kote-Dafadar Muhammad Azim is appointed to be Jemadar in the 2nd Regiment, Central India Horse, with effect from the 1st June, 1886, *vice* Shaikh Wazir Ali, transferred to the Pension Establishment.

The 17th August, 1886.

No. 2935 *I.*—In consequence of the misconduct of Ram Singh of Bansi, in the Basti District of the North-Western Provinces, he is hereby deprived of the title of Raja which has hitherto been enjoyed by him.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

Simla, the 14th August, 1886.

No. 2550.—The Governor-General in Council has determined to borrow one hundred and twenty lakhs of Rupees, being the amount required for the public service.

The following Notification is therefore published:—

FOUR PER CENT. LOAN.

His Excellency the Right Hon'ble the Governor-General in Council has resolved to borrow one hundred and twenty lakhs of Rupees for the public service in the following manner.

2. Promissory Notes will be issued for the said amount in Form A annexed to this Notification, being the form of the notes of *The Four Per Cent. Loan of 1842-43*, of which Loan the notes to be now issued will form a part. All the conditions which apply to notes of *The Four Per Cent. Loan of 1842-43* will apply to the notes to be now issued.

3. Tenders for the whole or any part of the said amount of Rs. 1,20,00,000 will be received by the Comptroller-General from this date to noon of Friday, the tenth of September next. Tenders must be in sums of 500 Rupees or multiples of 500 Rupees.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller-General, Calcutta, and enclosed in a closed cover, superscribed, "*Tender for the Four Per Cent. Loan.*" If the tenderer is not resident in India, he must name an agent resident in India to whom a

letter of allotment may be issued if any part of the loan is allotted to such tenderer.[1]

(*a*) Each tender must be accompanied by a receipt from the Head Office of the Bank of Bengal, or Madras, or Bombay, or one of their Branches, or from an officer in charge of some Public Treasury, or by a cheque drawn in favour of the Comptroller-General on a Bank in Calcutta, Madras, or Bombay, or in favour of the Accountant-General, Bombay, on a Bank in Bombay in respect of tenders received by him, or by[2] Government promissory notes, standing in the name of or endorsed to the tenderer or the person making the deposit, for not less than one-hundredth, or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth, part of the tender.

(*b*) Deposits, not being promissory notes, will, in the case of accepted tenders, be credited proportionally in part payment of the allotment-certificates issued in respect of the tender, and will bear interest for the purpose of clause 14 below from the date of the opening of tenders. If any allotment-certificate is not fully taken up, the deposit credited in respect of it will be forfeited.

(*c*) Promissory notes deposited in respect of any accepted tender will be held until all the allotment-certificates issued in respect of the tender are paid up, and will, if the allotment-certificates are not fully taken up, be appropriated by the Government and cancelled.

5. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

6. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms, as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders, will be rejected as null and void.

7. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller-General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

8. Tenders will be opened, publicly, by the Comptroller-General at the Treasury Buildings, Calcutta, at noon (Calcutta time) on Friday, the 10th September next, and those received under the terms of the footnote under clause 4 will be similarly opened by the Accountant-General, Bombay, at 11 o'clock (Bombay time) on the same day; but the contents of the tenders will not be disclosed otherwise than as provided in clause 10.

9. Tenders at the recorded minimum rate, and at rates above the recorded minimum rate, will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted will be divided amongst those who have tendered at this rate, in proportion, as nearly as may be found convenient, to the amounts of their tenders: provided that no allotment will be issued if the amount allottable on any tender is less than Rs. 500.

[1] Tenders made in accordance with these instructions will also be received by the Accountant-General, Bombay, on account of the Comptroller-General, Calcutta, on the 8th and 9th and up to 11 o'clock local time (corresponding with 12 o'clock in Calcutta) on the 10th September; provided that—

(*a*) they are delivered personally or by clerk or messenger at his office (where a receipt will be given for them);
(*b*) they are made on printed Forms, to be obtained at his office or at the Bank of Bombay;
(*c*) each tender is for not less than Rs. 10,000;
(*d*) that the deposit is either a promissory note, or a cheque on a Bank in Bombay;
(*e*) that the amount of the tender is made payable either in Bombay or in Calcutta;

and he will return deposits on non-accepted tenders and will issue allotment-certificates so far as the tenders are payable in Bombay.

[2] *It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller-General.*

10. To each tenderer (or to his agent) whose tender is accepted in whole or in part, such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him will be issued by the Comptroller-General[1] as soon as possible after the 10th September; and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted, for general information, at the Head Offices of the Banks of Bengal, Madras, and Bombay.

11. If the allotment made on any tender is less than Rs. 3,000, then the whole of the allotment-certificates (after credit of the deposit under clause 4 (*b*)) will be made payable upon the 1st November.

Otherwise the whole amount of each allotment will be divided into three instalments, as follows :—

Instalment I—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 24th September:

Instalment II—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 1st November:

Instalment III—The balance, payable upon the 29th November:

and allotment-certificates will be issued for each instalment separately.

But the whole or any part of any accepted tender may be paid at any time after receipt of the allotment-certificates.

The words " as near as convenient " refer to the necessity for making each instalment an exact multiple of Rs. 500.

12. Any allotment-certificate will, on application to the Comptroller-General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations, provided that if any payment (beyond the deposit) is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

13. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of the Bank of Bengal, or Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the Officers in charge of the Government Treasuries at which payment is made, by enfacement upon the relative certificate.

14. (*a*) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, promissory notes of such values as he may desire (each note being in even hundreds and not less than Rs. 500), bearing interest from 1st February, 1887, and he will also receive interest at 4 per cent. per annum from the dates on which he may have made payment till the last day of January, 1887.

(*b*) Or he may, at his option, by paying interest at the said rate from 1st August, 1886, to the dates on which he may have made payment, obtain promissory notes as above, bearing interest from 1st August, 1886.

15. The holder of a paid-up allotment-certificate may also, on special application, obtain, on adjustment of interest on paid-up instalments so that the interest on the note issued may run from November 1st, 1886, promissory notes with coupons attached, or stock certificates (Form B) with coupons attached, and payable to bearer, in accordance with the Loan Notification of this Department, dated 27th June, 1881 (*i.e.*, *The Four Per Cent. Loan of 1881*, forming part of *The Four Per Cent. Loan of 1st May, 1865*). In such cases the first coupon issued will be that which falls due on 1st May, 1887.

[1] For tenders received by the Accountant-General, Bombay, and payable at Bombay, the Accountant-General, Bombay, will issue the allotment-certificates.

FORM A OF PROMISSORY NOTE—(see Clause 2).

Fort William, the

Promissory Note No. *Government Rupees* *at 4 per cent. of 1842-43.*

The Governor-General of India in Council does hereby acknowledge to have received from
the sum of Government Rupees Five Hundred as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan, by paying the said sum of Government Rupees Five Hundred to the said
his Executors, or Administrators, or his or their Order, on demand, at the General Treasury at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor-General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred from the
at the rate of four per cent. per annum, by half-yearly payments, at the General Treasury of Fort William, to the said
his Executors, or Administrators, or his or their Order, until the expiration of three months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

FORM B OF COUPONED CERTIFICATE—(see Clause 15).

India Four Per Cent. Rupee Loan, 1865.

Redeemable at any time after three months' notice in the " Gazette of India."

Certificate
Rs. No.

This is to certify that the bearer of this Certificate is entitled, under the Notification of the Government of India of the 27th June, 1881, to Government Rupees
India Four Per Cent. Rupee Loan, 1865, payable Three Months after Notice, which may be published in the *Gazette of India* at any time.

No. Rs.

CALCUTTA,
The

The coupons attached to this Certificate, as well as the principal sum herein named, are payable to bearer at the Government Treasury at Calcutta only.

FORM C OF TENDER—(see Clause 4).

I, *A. B.*, hereby tender for Rupees (*X*) of *The Four Per Cent. Loan*, advertised in the Notification published in the *Gazette of India, Extraordinary*, dated the 14th August, 1886, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (*Y*) Annas (*Z*) for every hundred rupees allotted to me.

I enclose a *deposit receipt** for Rupees (*XX*), and engage, if my offer be accepted, to pay to the account of the Government at the Bank of † (or at the † Branch of the Bank of † ; or into the Public Treasury at † , as the case may be)—

The first instalment, not exceeding 35 per cent., on or before 24th September, 1886.
The second instalment, not exceeding 35 per cent., on or before 1st November, 1886.
The balance, on or before 29th November, 1886.

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before 1st November, 1886.

Any allotment made to me may be communicated to *C. D.* at ‡

* Or Cheque or Government Promissory Note.

† Here enter the name of Bank, Branch Bank, or Treasury.

‡ Here insert *C. D.*'s address, which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India, or, if residing in India, he wishes the allotment communicated to an agent.

NOTE (1).—*A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount: thus, " One hundred and two" or " One hundred" or " Ninety-nine" ; not " Two per cent. premium," or " Par" or " One per cent. discount."*

By order of the Governor-General in Council,

D. BARBOUR,
Secretary to the Government of India.

NOTIFICATION BY THE COMPTROLLER-GENERAL.

The Comptroller-General requests the attention of tenderers to the following arrangements :—

Filling up Tenders.

(1) They are requested to use only the printed forms of tender, which will be available at his Office and at the Currency Office, on application to the Durwan on duty,—at all the Provincial Account Offices, and at the Banks of Bengal, Madras, and Bombay; and will also be supplied to the principal Treasuries.

(2) If the deposit is in the form of Promissory Notes, or of Currency Notes, their number should be quoted in detail in the tender.

Presentation of Tenders.

(3) For all tenders presented to him in his Office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number, and initialled by himself or an assistant specially deputed for the purpose. The Accountant-General, Bombay, will do likewise in respect of tenders presented to him under the note to clause 4 of the Government Notification.

Return of deposit in case of non-acceptance.

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller-General or Accountant-General, Bombay, a receipt for the deposit accompanying it. This form should on the third day after the opening of the tenders be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller-General or Accountant-General, Bombay. The deposit will then be returned to the bearer in exchange for the receipt.

(5) Deposit upon tenders presented personally, as described in No. (3) above, will be returned only in this way, and will not be sent by post or otherwise. Deposits upon other unsuccessful tenders will be returned by post or by the hands of a clerk.

Accepted Tenders.

(6) The Comptroller-General, and in a few cases the Accountant-General, Bombay, will issue allotment-certificates to successful tenderers. These certificates will be for the following amounts :—Rs. 500, Rs. 1,000, Rs. 2,000, Rs. 5,000, Rs. 10,000, Rs. 20,000, Rs. 50,000, Rs. 1,00,000, making up the full value accepted; and the deposit on the tender will be divided proportionately among them; they will be, substantially, of the following form :

This is to certify that, in accordance with the terms of Notification No. 2550, dated 14th August, 1886 (Gazette of India, Extraordinary, *dated 14th August, 1886*), *the above-named tenderer has engaged to take up Rs. 2,000 of the 4 Per Cent. Loan of 1842-43, at the rate above mentioned, on or before , and that on the said payment being completed, he is entitled on endorsing and delivering up this certificate to receive a promissory note or notes or stock certificate of the Government of India for Rs. 2,000, bearing interest from*

CALCUTTA, E. GAY,

14th August, 1886. *Offg. Comptroller and Auditor General.*

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

Simla, the 18th August, 1886.

No. 2557.—In accordance with the Resolution of the Government of India in the Financial Department, No. 112, dated 6th April, 1883, notice is hereby given that the original Promissory Notes mentioned on the subjoined list (of which duplicates have been applied for on the allegation that the originals have been lost) will be discharged at the General Treasury of Fort William on 31st December, 1886, with all interest due upon them, and that upon that date all further interest upon such Notes shall cease :—

No. of the Note.	Value.	In whose name issued.	From what date the lost Note bears interest.	Claimant for duplicate.	Remarks.
	₹				
009719 4½% 1870	500	Major R. Monks	January 15, 1881	Major R. Monks	Order No. 88.
006943 ,, 1872	500	Ditto	Ditto 16, 1881	Ditto	,, 88.
102595 4 % 1865	500	Ramjeebon Ghose	May 1, 1878	Chundy Churn Sen	,, 3.
038522 ,, ,,	1,000	The Chartered Mercantile Bank of India, London, and China.	November 1, 1871	Omrito Coomaree Dasi	,, 4.
037713 ,, ,,	500	Petro Cochino Brothers	Ditto	Ditto	,, 4.

The following lists of Notes which were advertised for discharge in Notification Nos. 449 and 450, dated 28th January, 1886, are republished in accordance with Financial Department Resolution No. 112, dated 6th April, 1883 :

No. 1.

List of Government Promissory Notes advertised for discharge on which Interest is paid under Orders of the Comptroller General, but Duplicates of which have not yet been issued subsequent to Financial Notification, dated 4th September, 1873.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	₹				
0000783 3% 1853-54	1,600	Mootoo Sawmy Pillay	August 31, 1871	Mootoo Sawmy Pillay	Order No. 36.
000478 ,, ,,	5,000	Shama Sundary	February 29, 1876	Shama Sundary	,, 13.
65 4% 1832-33	3,400	J. A. Hawkins, Registrar, Sudder Dewany Adalat.	May 1, 1852	Ranee Chunder Cally Dabee, Executrix of Rajah Gunesh Chunder Roy.	
Ct. 4403 ,, ,,	6,500	The Registrar, Sudder Dewany Adalat.	May 1, 1872	Monee Brindo Dabee by her attorney Jogendro Lall Mookerjee.	*
000936 ,, ,,	2,000	Hurrish Chunder Ghuttuck	November 1, 1873	Hurrish Chunder Ghuttuck.	
Ct. 001565 ,, ,,	5,000	M. Amsorthlingum	May 1, 1878	P. Rama Sawmy Moodeliar.	Order No. 12.
Ct. 001586 ,, ,,	5,000	Ditto	Ditto	Ditto	,, 12.
Ct. 8399 ,, 1835-36	500	Krishto Mohun Mittur	March 31, 1863	Madhub Chunder Chatterji.	
005940 ,, ,,	2,800	Mootoo Sawmy Pillay	September 30, 1871	Mootoo Sawmy Pillay	,, 36.
10948 ,, ,,	500	James English	March 31, 1868	Madho Mistry.	
006592 ,, ,,	500	Hurrish Chunder Ghuttuck	March 31, 1877	Hurrish Chunder Ghuttuck.	
006296 ,, ,,	500	Ditto	September 30, 1873	Ditto.	
005783 ,, ,,	600	Nobokissory Dassee	September 30, 1872	Nobokissory Dassee.	
001262 ,, ,,	1,000	Sreenath Mookerjee	March 31, 1871	Doyal Chand Seal.	
009710 ,, ,,	500	Rajnarain Chatterjee	March 31, 1875	Rajnarain Chatterjee.	
008612 ,, ,,	1,000	Kadumbini Debee	September 30, 1874	} Heera Kumar Gossain and } Soorjee Kumar Gossain.	Order No. 3.
011382 ,, ,,	1,000	Ditto	Ditto		
015719 ,, ,,	1,400	Bank of Bengal	March 31, 1877	Heera Lal	,, 8.
008595 ,, ,,	1,000	Prem Chand Bose	September 30, 1870	Sham Chand Bose	,, 15.
002614 ,, ,,	500	Nobin Chunder Paul	September 30, 1871	Rohoram Banerjee	,, 21.

* Notice of discharge withdrawn by consent.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	R				
003254 4% 1835-36	2,500	Narsu Babji Sanch Wayakar	March 31, 1868	Mt. Umabai	Order No. 66.
001285					
13365 of 8059 ,,	4,000	Rajchunder Soor	March 31, 1879	Haridhone Soor and Srimoti Hari Dassi.	,, 65.
13367 of 8059 ,,	1,000	Ditto	Ditto	Ditto.	
3981—14965	1,000	Raja Indoo Bhusun Deb Roy	March 31, 1861	Poorno Chunder Gangooly.	,, 19.
007603 4% 1842-43	3,500	Mootoo Sawmy Pillay	August 1, 1871	Mootoo Sawmy Pillay.	,, 36.
010383 ,, ,,	500	Balerustna Myaram	August 1, 1870	Balerustna Myaram.	
20822 ,, ,,	500	Hurry Nath Mookerjee	February 1, 1861	Behary Bhusan Mookerjee.	
21200 ,, ,,	500	Ditto	Ditto	Ditto.	
024259 ,, ,,	1,000	Bholanath Mitter	February 1, 1873	Bholanath Mitter.	
024261 ,, ,,	1,000	Ditto	Ditto	Ditto.	
011852 ,, ,,	1,000	Netye Churn Bysack	Ditto	Nabee Buksh Shekdar.	
029014 ,, ,,	1,000	Tara Sundary Dabee	August 1, 1874	Tara Sundary Dabee.	
013097 ,, ,,	500	Hurrish Chunder Ghuttuck	February 1, 1873	Hurrish Chunder Ghuttuck	
013098 ,, ,,	500	Ditto	Ditto	Ditto.	
013099 ,, ,,	1,000	Ditto	February 1, 1874	Ditto.	
023259 ,, ,,	1,000	Ditto	August 1, 1873	Ditto.	
014164 ,, ,,	1,000	Ditto	Ditto	Ditto.	
013431 ,, ,,	500	Ditto	February 1, 1873	Ditto.	
014326 ,, ,,	500	Ditto	August 1, 1873	Ditto.	
Ct. 14914 ,, ,,	1,000	The Bank of Bengal	August 1, 1871	Doyal Chand Seal.	
18998 ,, ,,	1,000	Pettumber Dhur	Ditto	Ditto.	
034182 ,, ,,	1,000	Jeevanjee Bomanjee, Harmusjee Pestonjee & Fuckerjee Lunjee.	August 1, 1874	Harmusjee Pestonjee and Fuckerjee Lunjee.	
002540 ,, ,,	1,000	Peary Mohun Ghossamy	August 1, 1866	Guru Churn Chuckerbutty.	
040876 ,, ,,	5,000	Bepro Dass Dass	August 1, 1877	Bepro Dass Dass.	
075291 ,, ,,	10,000	Penumatcha Seetaramaraga	Ditto	Penumatcha Seetaramaraga Gara.	
029160 ,, ,,	4,000	Mothoora Nath Sircar	February 1, 1878	Nilcunto Pall.	
024731 ,, ,,	2,000	Ramlall Buddredoss	February 1, 1854	Moonshi Newal Kissore	Case No. 362.
056608 ,, ,,	1,000	Oriental Bank Corporation	February 1, 1878	Degumbery Dabee	,, 355.
035874 ,, ,,	1,000	Bank of Bengal	February 1, 1877	Bhoobunesury Dabee	,, 355.
019889 ,, ,,	5,400	Kadumbini Dabee	February 1, 1875	Hurroo Kumar Gossain and Soorjee Kumar Gossain.	Order No. 3.
045164 ,, ,,	1,000	Mungamur Lakshminarsoo and Mungamur Lakshmamma.	August 1, 1879	Mungamur Lakshminarsoo and Mungamur Lakshmamma.	,, 2.
047000 ,, ,,	1,000	Mohesh Chunder Sen	February 1, 1877	Mohesh Chunder Sen	,, 32.
047001 ,, ,,	1,000	Ditto	Ditto		,, 32.
047002 ,, ,,	1,000	Ditto	Ditto		,, 32.
047003 ,, ,,	1,000	Ditto	Ditto		,, 32.
000248 ,, ,, Ct. 19682	1,000	Executive Commissariat Officer, Kussowlee.	February 1, 1866	Jowala Persaud	,, 25.
Ct. 401 ,, ,,	1,000	Gopal Chunder Seal & Co.	December 31, 1862	Madhub Chunder Chaterjee.	
009974 ,, ,,	300	Audit Chunder Addy	August 1, 1880	Gopal Chunder Ghose	,, 38.
039090 ,, ,,	500	The Bank of Bengal	February 1, 1879	Mrs. S. J. Stuart	,, 40.
039487 ,, ,,	500	S. T. Moysey	Ditto	Ditto	,, 40.
089923 ,, ,,	500	Collector of Allahabad	August 1, 1879	Subadar Boghaul Sing	,, 47.
038637 ,, ,,	500	Bank of Bengal	Ditto	Ditto	,, 47.
052900 ,, ,,	5,000	E. D. I. Ezra	February 1, 1878	Indromoni Dassee, Administratrix, Estate of Gunga Narayan Sircar.	,, 48.
056251 ,, ,,	5,000	Chartered Mercantile Bank	Ditto	Ditto	,, 48.
001129 ,, ,, Ct. 18461	1,000	Ram Rutten Bose	August 1, 1874	Drobomoyee Dabee	,, 52.
082943 ,, ,,	500	Secretary and Treasurer, Bank of Bengal.	August 1, 1882	Nolini Nath Mitter	,, 85.
088401 ,, ,,	1,000	Nobogopal Mitter	February 1, 1882	Sreemutty Durgamoney Dasee.	,, 83.
089468 ,, ,,	1,000	Bank of Bengal	August 1, 1881	Goshy Churn Dass, care of Dwarka Nath Dutt, attorney-at-law, 3 Hastings Street.	,, 60.
067609 ,, ,,	500	Ditto	Ditto	Ditto	,, 60.
089582 ,, ,,	4,000	Debnath Sreemoney	February 1, 1881	Sreeram Chunder Ghosal	,, 81.
Ct. 19146 ,, ,,	500	Chundi Pershad Dinonath	August 1, 1869	Bhola Nath, son of Makhun Lall.	,, 67.
086068 ,, ,,	500	Ditto	February 1, 1879	C. G. D'Souza	,, 70.
035982 1854-55	1,800	Mungamur Lakshminarsoo and Mungamur Lakshmamma.	June 30, 1879	Mungamur Lakshminarsoo and Mungamur Lakshmamma.	,, 2.
10299—17252 ,,	1,000	Administrator General, Bengal	June 30, 1868	Sreemutty Bama Sundary Dabee.	,, 24.
018972 ,, ,,	4,600	Moongamoor Nursimharaw	June 30, 1878	Moongamoor Nursimharaw.	,, 28.
014423 ,, ,,	1,000	Hurrish Chunder Ghuttuck	December 31, 1873	Hurrish Chunder Ghuttuck	
024588 ,, ,,	1,000	Ditto	Ditto	Ditto.	
43985 ,, ,,	1,000	Pettumber Dhur	June 30, 1871	Doyal Chand Seal.	
021160 ,, ,,	500	Khetter Gopal Sen	June 30, 1873	Khetter Gopal Sen.	
027795 ,, ,,	1,000	Khandoss Muncharam	December 31, 1877	Gurdhunbhai Doyaram.	
034705 ,, ,,	1,000	J. H. Belchambers, W. L. Wenger, J. S. Sykes, and R. Williamson.	June 30, 1878	Survivors of the holders.	

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	R				
25289 4% 1854-55	2,000	Mootoo Sawmy Pillay	June 30, 1871	Mootoo Sawmy Pillay	Order No. 36.
019182 ,, ,,	500	Prem Chunder Bose	December 31, 1876	Sham Chand Bose	,, 15.
011859 ,, ,,	500	Bhojokisto Mullick & Sons	June 30, 1877	Bhojokjsto Mullick & Sons	,, 44.
42809 ,, ,,	600	A. M. Sutherland	June 30, 1879	C. J. Vencata Soobbiah	,, 56.
022431 ,, ,,	900	Bank of Madras	Ditto	Ditto	,, 56.
019741 ,, ,,	2,500	Ditto	Ditto	Ditto	,, 53.
080119 ,, 1865	500	Troylucko Mohinee Dassee	November 1, 1877	Troylucko Mohinee Dassee	Case No. 430.
2760 ,, ,,	500	Modhoo Soodun Bose	May 1, 1867	Saroda Churn Bose.	
045201 ,, ,,	1,000	The Bank of Bengal	November 1, 1873	Byramjee Harmusjee.	
003330 ,, ,,	2,000	Netye Churn Bysack	November 1, 1872	Nabee Buksh Shekdar.	
1305 ,, ,,	500	Tulsey Das Mullick	May 1, 1873	Wooma Churn Chuckerbutty.	
017194 ,, ,,	500	Hurrish Chunder Ghuttuck	Ditto	Hurrish Chunder Ghuttuck,	
052804 ,, ,,	500	Gopal Chunder Sreemany	Ditto	Ram Gopal Pal and Deno Nauth Ruckhit.	
055837 ,, ,,	500	Bijraj Jagram	Ditto	Ditto.	
028408 ,, ,,	500	Khetter Gopal Sen	November 1, 1873	Khetter Gopal Sen.	
037506 ,, ,,	500	The Bank of Bengal	November 1, 1875	Comul Churn Endro.	
038264 ,, ,,	500	Gopal Chunder Sreemany	May 1, 1876	Sreemutty Brojocoomary Dassee.	Order No. 87.
082310 ,, ,,	3,000	Joggon Mohini Dabee	May 1, 1876	Joggon Mohinee Dabee.	
060464 ,, ,,	500	The National Bank of India, Limited.	November 1, 1874	Octavius Steel.	
059217 ,, ,,	900	Ditto	Ditto	Ditto.	
060053 ,, ,,	600	Ditto	Ditto	Ditto.	
064391 ,, ,,	1,000	Ramchunder Seal	November 1, 1880	Sreeram Chunder Ghosal	,, 81.
073233 ,, ,,	2,000	Modhobun Dass Dwarka Dass	May 1, 1881	Khashee Dayee	,, 82.
085045 ,, ,,	5,000	Dr., Charles J. Jackson and William M. Soutar.	May 1, 1877	Sreeram Chunder Pal.	
087736 ,, ,,	5,000	Modhobun Dass Dwarka Dass.	Ditto	Jadob Chunder Pal.	
089663 ,, ,,	500	Debnath Sreemany	November 1, 1880	R. C. Gunning	,, 86.
002175 ,, ,,	2,000	Brojo Nath Mullick and others, Executors of Tarruck Nath Mullick.	May 1, 1876	Sheik Nazir Mundle and Sheik Syed Mundul.	
036859 ,, ,,	1,000	E. E. J. Tweedie	November 1, 1875	Prosono Coomar Bose.	
060583 ,, ,,	1,300	The Administrator General, Bengal.	November 1, 1877	The Deputy. Commr. of Delhi, Admr. of G.D.E. Dorris.	
063409 ,, ,,	5,000	Dheer Chand Pal	Ditto	Dheer Chand Pal.	
063410 ,, ,,	5,000	Ditto	Ditto	Ditto.	
063411 ,, ,,	2,000	Ditto	Ditto	Ditto.	
063412 ,, ,,	500	Ditto	Ditto	Ditto.	
063413 ,, ,,	500	Ditto	Ditto	Ditto.	
063618 ,, ,,	1,500	Ditto	Ditto	Ditto.	
066944 ,, ,,	500	Bissonath Bakchee	May 1, 1878	Prosono Coomar Bakchee.	
093935 ,, ,,	500	J. H. Belchambers, W. L. Wenger, G. S. Sykes, and R. Williamson.	Ditto	Survivors of the holders.	
099215 ,, ,,	1,000	Baroda Prasad Mookerjee and another.	May 1, 1879	Ishan Chunder Bose.	Order No. 7.
107595 ,, ,,	500	Ditto	Ditto	Ditto	
075796 ,, ,,	1,000	Bank of Bengal	May 1, 1877	Hera Lall	,, 8.
090048 ,, ,,	500	Luchmeechand Radhakisen	May 1, 1879	Soobol Chundra Sen	,, 11.
075629 ,, ,,	500	Gopal Chunder Sreemany	November 1, 1875	Nilmoni Ghose	,, 26.
032266 ,, ,,	1,000	Mohesh Chunder Sen	November 1, 1876	Mohesh Chunder Sen	,, 32.
032267 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 32.
032268 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 32.
032269 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 32.
115472 ,, ,,	500	Helen T. Schumacher	November 1, 1879	Helen T. Schumacher	,, 16.
115473 ,, ,,	500	Ditto	Ditto	Ditto	,, 16.
115474 ,, ,,	500	Ditto	Ditto	Ditto	,, 16.
5256 ,, ,,	500	E. E. Petrocochino & Co.	May 1, 1868	S. Bama Soondary Dabee	,, 24.
000208 ,, ,,	500	Kartick Chunder Burral	Ditto	Ditto	,, 24.
078693 ,, ,,	500	National Bank of India, Ld.	May 1, 1880	Ram Coomar Chooramony	,, 20.
037871 ,, ,,	500	Dyal Chund Sahoye	May 1, 1873	Brijendra Coomar Sen	,, 30.
048219 ,, ,,	500	Mooltan Chund	May 1, 1876	Chunno Lall	,, 31.
050218 ,, ,,	500	Deb Nath Sreemany	May 1, 1880	Kadumbeeni Dassi	,, 33.
106893 ,, ,,	1,000	National Bank of India	May 1, 1878	Golal Chand Heerjee Kottra	,, 39.
106894 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 39.
106895 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 39.
106896 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 39.
106688 ,, ,,	1,000	Bank of Madras	November 1, 1879	Cunchi Jagurlapoody Vencata Soobia.	,, 56.
106686 ,, ,,	1,000	Ditto	Ditto	Ditto	,, 56.
112316 ,, ,,	500	Ramjeebun Ghose	November 1, 1880	R. C. Gunning	,, 86.
036554 ,, ,,	2,000	Bank of Madras	November 1, 1879	C. J. Vencata Sobbiah	,, 56.
067785 ,, ,,	2,000	Ditto	Ditto	Ditto	,, 56.
001015—000088	500	Narsu Babji Sanch Wayaker	May 1, 1868	Musamut Amabai	,, 66.
053583 ,, ,,		Nobo Coomar Acharji	November 1, 1877	Lakhan Chunder Acharji, care of Bama Churn Roy, East Indian Railway, Agent's Office, Calcutta.	,, 62.
142787 ,, ,,	1,000	Bistu Das Ghose	November 1, 1881	Bistu Das Ghose	,, 64.
114368 ,, ,,	500	Jogo Mohan Lahiri	November 1, 1882	Jogo Mohan Lahiri	,, 72.
119716 ,, ,,	500	Ditto	Ditto	Ditto	,, 72.
089755 ,, ,,	1,000	Deb Nath Sreemany	Ditto	Ditto	,, 72.
123866 ,, ,,	500	Jogo Mohon Lahiri	Ditto	Bhobo Sundari Dabee	,, 72.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	R				
150377 4% 1865	1,000	Jogo Mohon Lahiri	November 1, 1882	Bhobo Sundari Dabee	Order No. 72.
150385 " "	500	Ditto	Ditto	Ditto	" 72.
150386 " "	1,000	Ditto	Ditto	Ditto	" 72.
026520 " "	1,100	J. L. Buxbury	May 1, 1878	Pir Ali Behehiji	" 73.
036874 " "	2,000	Pundit Kishen Lall	May 1, 1877	Pundit Kishen Lall	" 76.
A 012497 R 4% 1879	4,000	Sreeram Chunder Ghosal	January 16, 1881	Sreeram Chunder Ghosal	" 81.
012498 " "	2,000	Ditto	Ditto	Ditto	" 81.
A 002748 " "	500	Bank of Bengal	July 16, 1881	Sancata Chunder Mitter	" 81.
004614 " "	800	The Chartered Mercantile Bank of India, London, and China.	January 16, 1872	Khetter Nath Moostophi and Chundergutty Moostophi.	" 68.
004407 4% Rd. 1879	500	Hurrish Chunder Ghuttuck	January 16, 1874	Hurrish Chunder Ghuttuck	
004534 " "	1,000	Ditto	July 16, 1873	Ditto.	
023973 " "	5,000	Beethal Persad	Ditto	Beethal Pershad.	
007068 " "	500	Mooktamoni Dabee	January 16, 1872	Mooktamoni Dabee.	
013984 " "	500	Denonath Gangooly	Ditto	Denonath Gangooly.	
032999 " "	1,000	Mooktamoni Dabee	Ditto	Mooktamoni Dabee.	
034511 " "	500	Ditto	Ditto	Ditto.	
012607 " "	1,000	Pundit Sheo Churn	Ditto	Pundit Sheo Churn.	
056278 " "	500	Charcoondah Rama Chundriah	July 16, 1876	Charcoonda Rama Chundriah.	
054501 " "	1,100	Ramtartuk Mookerjee	July 16, 1877	Kadumbini Dabee.	
027398 " "	1,000	Nowrojee Bazonjee Fuckerjee	January 16, 1877	Merwanjee Franjee Moody and Jarbai.	
024163 " "	1,000	Dhunjeebhoy Nanobhoy	Ditto	Ditto.	
028833 " "	1,000	J. W. Chisholm	Ditto	Ditto.	
028834 " "	1,000	Ditto	Ditto	Ditto.	
041272 " "	1,000	C. M. H. Day	January 16, 1875	Vullub Dass Heera Chund.	
049224 " "	1,000	Kahandas Muncharam	January 16, 1878	Gordhunbhai Doyram.	
049225 " "	1,000	Ditto	Ditto	Ditto.	
005172 " "	1,000	Bhoobun Mohinee Dassee	January 16, 1877	Bhoobun Mohinee Dassee.	
008776 " "	500	Bunsi Lall Abeerchand	July 16, 1874	P. Doorgachellum Moodeliar.	Order No. 1.
043475 " "	4,000	Jose Fransisco de Piedade Pereira.	January 16, 1872	Jose Andre Pereira.	" 9.
034522 " "	500	Pundit Harshahye and his wife Roopuanti.	January 16, 1874	Pundit Harshahye and his wife Roopuanti.	" 23.
034523 " "	500				
005235 " "	500	Rajkristo Bannerjee	July 16, 1874	Omesh Chunder Banerjee	" 23.
027710 " "	1,000	Mohesh Chunder Sen	January 16, 1877	Mohesh Chunder Sen	" 27.
027711 " "	1,000	Ditto	Ditto	Ditto.	
049515 " "	500	S. T. Moysey	January 16, 1879	Mrs. S. J. Stewart	" 32.
057055 " "	3,000	Bhawanji Khosal Chand	July 16, 1876	Dabidass Pranjivan Das	" 40.
061360 " "	500	J. Alamalamena	January 16, 1878	Mysore Streenivasa Rao	" 41.
065878 " "	500	Bank of Bengal	January 16, 1880	Helen T. Schumacher	" 42.
A 011498 " "	5,000	Ram Lall Buddree Das	Junauary 16, 1881	Registrar, High Court, Allahabad.	" 16.
A 006468 " "	500	Seeta Nath Mytee	July 16, 1879	Seeta Nath Mytee	" 49.
059007 " "	500	Dr. John Meane	January 16, 1879	Dr. John Meane	" 53.
059008 " "	500	Ditto	Ditto	Ditto.	" 54.
059009 " "	1,300	Ditto	Ditto	Ditto.	" 54.
029091 " "	600	Bank of Madras	July 16, 1879	C. J. Vencata Sobbiah	" 54.
064279 of 4 %1879	2,000	Dorabji Dassabhai	January 16, 1881	Dorabji Dassabhi	" 56.
036894 of 4½%1872	500	Pandurang Gopal Pandhye Gurjar.	January 16, 1878	Rakhmabi or administrator.	" 71.
036895 " "	1,000	Ditto	Ditto		" 73.
036896 " "	1,000	Ditto	Ditto		" 75.

No. 2.

List of lost Government Promissory Notes advertised, Duplicates of which have been issued under Orders of the Comptroller General subsequent to Financial Notification dated 4th September, 1873.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	R				
490 3½% 1854-55	10,000	Shama Soondary	February 28, 1867	Shama Soondary.	
491 " "	10,000	Ditto	Ditto	Ditto.	
492 " "	5,000	Ditto	Ditto	Ditto.	
164 " "	600	Soblayman Mirza	February 29, 1856	Soolayman Mirza.	
002205 4% 1832-33	500	Opium Agent, Benares	May 1, 1862	Opium Agent, Benares	No. 84
10084 " "	Sic. 500	Shibparain Roy	May 1, 1842	Shibnarain Roy.	
14663 " "	5,000	Moti Khanum	November 1, 1856	Bisheshar Persad*	Order No. 55.
2709 4% 1835-36	1,000	Motee Khanum	September 30, 1856	Bisheshar Persad*	" 55.
12380—4231 4% 1835-36	1,000	Shama Churn Ghose	March 31, 1871	Shama Churn Ghose.	
6737—3298 "	500	Boly Chand Dutt	March 31, 1866	Boly Chand Dutt.	
006752 " "	1,100	Rakhal Chunder Bhuttacharji	September 30, 1872	*Rakhal Chunder Bhuttacharji.	

* Renewed on bond.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	R				
006814 4% 1835-36	500	Tara Churn Bhuttacharjee	September 30, 1872	Tara Churn Bhuttacharjee.	
006122 " "	1,000	Suburban Municipality, Alipore		Suburban Municipality, Alipore.	Order No. 57.
00671 " "	2,000	Ladlipershad	September 30, 1883	Ladlipershad	" 74.
016103 " "	5,000	Unnodapershad Banerjea	September 30, 1880	Bank of Bengal	" 79.
016139 " "	1,000	Opium Agent	September 30, 1882	Opium Agent	" 84.
8186 " 1842-43	500	Shama Churn Chatterjee	February 1, 1861	Shama Churn Chatterjee.	
8475—17794 "	500	Brojo Gobind Shaha	February 1, 1869	Brojo Gobind Shaha.	
11380 " "	700	Ditto.	Ditto	Ditto.	
6024 " "	500	Cassee Nauth Dhur	August 1, 1859	Shiboo Soondary Dassee.	
16245 " "	5,000	Nobokristo Ghose, deceased	August 1, 1869	Monemohun Ghose and Saroda Sundary Dassi.	
8653—9563 "	3,000	Ditto	Ditto		
017871 " "	500	Kadumbini Dassee	February 1, 1873	Kadumbini Dassee.	
000254 " "	1,000	Ditto	Ditto	Ditto.	
020284 " "	500	Ditto	Ditto	Ditto.	
011099 " "	2,000	Ditto	Ditto	Ditto.	
021705 " "	1,000	Unnoda Churn Bhuttacharji	August 1, 1872	Unnoda Churn Bhuttacharji Ditto.	
Ct. 18856 " "	500	Modoosooden Chunder	Ditto	Ditto.	
21611 " "	600	Nobin Chunder Dass	August 1, 1870	Nobin Chunder Dass.	
022862 " "	500	Modhoo Soodun Chowdry	August 1, 1873	Ditto.	
33666 " "	4,100	Motee Khanum	December 31, 1856	Bisheshar Persad*	Order No. 55.
038336 " "	1,000	W. T. Lindsay	February 1, 1875	John Lindsay, Administrator of W. T. Lindsay.	
016542 " "	10,700	H. Palmer	August 1, 1878	The Revd. Robert Milford Taylor, R.M. Taylor, Jr., and Alicia Mary Taylor.	
Ct. 14713 " "	500	Anoop Chunder Moolcund	August 1, 1858	Bazoonjee Furdonjee.	
050370 " "	1,000	The Chartered Mercantile Bank of India, London, and China.	August 1, 1878	V. Kristnama Chetty.	
056453 " "	2,000	Ditto	Ditto	Ditto.	
056371 " "	1,000	Ditto	Ditto	Ditto.	
056372 " "	1,000	Ditto	Ditto	Ditto.	
080145 " "	1,000	The Agra Bank, Limited	Ditto	Ditto.	
063895 " "	1,000	The Bank of Bombay	Ditto	Ditto.	
059414 " "	1,000	The Oriental Bank Corporation.	Ditto	Ditto.	
058152 " "	100	The Bank of Bombay	February 1, 1879	Surgeon H. D. Mussani.	
065207 " "	100	The Chartered Mercantile Bank of India, London, and China.	Ditto	Ditto.	
065211 " "	100	Ditto	Ditto	Ditto.	
1133 " "	500	Kallypodo Mookerjee, deceased	February 1, 1862	Sowdamini Dabee.	
6970 " "	1,000	The Executive Commissariat Officer, Fort William.	Ditto	Ditto.	
040945 " "	2,000	The Bank of Bengal	February 1, 1878	Mohomed Wujhoollah Khan.	
077070 " "	500	Sitanath Mytee	February 1, 1879	Sitanath Mytee	Order No. 18.
017528 " "	500	Digamburry Dassee	August 1, 1874	Digamburry Dassee	" 30.
112962 " "	500	Bank of Bengal		Collector of Bulandshahr	" 30.
3166 " "	500	Bama Cally Dabee	February 1, 1874	Bama Cally Dabee	" 51.
077312 " "	500	Suburban Municipality, Alipore.		Suburban Municipality, Alipore.	" 57.
066820 " "	100	Ditto		Ditto	" 57.
052975 " "	100	Ditto		Ditto	" 57.
051136 " "	100	Ditto		Ditto	" 57.
010804 " "	500	Ditto		Ditto	" 57.
069450 " "	100	Ditto		Ditto	" 57.
057135 " "	100	Ditto		Ditto	" 57.
057133 " "	100	Ditto		Ditto	" 57.
090485 " "	2,000	Ditto		Ditto	" 57.
077377 " "	300	Ditto		Ditto	" 57.
017477—14115 "	5,000	Jaffer Ali Khan	August 1, 1881	Jaffer Ali Khan.	
017479 " "	2,000	Ditto	Ditto	Ditto	" 69.
032555 " "	5,000	Bank of Bengal	August 1, 1882	J. L. Gallot.	
20762 " 1854-55	500	D. McCulluch	June 30, 1859	Shiboo Soondary Dassi.	
2883—17627 "	500	Obhoy Churn Dutt	Ditto	Ditto.	
026294 " "	50,000	H. B. Goodall	December 31, 1873	H. B. Goodall.	
024455 " "	10,000	Ditto	Ditto	Ditto.	
024456 " "	1,000	Ditto	Ditto	Ditto.	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
027593 " "	2,000	[illegible]	[illegible]	[illegible]	
029887 " "	5,000	Major J. W. Heggan	Ditto	The Delhi and London Bank, Limited.	
38714 " "	4,000	Nobokristo Ghose, deceased	December 31, 1865	Monomohun Ghose and Saroda Soondary Dassi.	
17950 " "	1,500	Ditto	Ditto	Ditto.	
7532 " "	500	Ruggoonath Succaba, deceased	December 31, 1867	Morabha Saccaram.	
772—18295 "	1,000	Boly Chand Dutt	June 30, 1866	Boly Chund Dutt.	
001886 " "	1,000	Moolchand Premjee & Co.	June 30, 1875	Captain F. J. Palmer.	
008379 " "	500	Ghosh Chunder Mitter	June 30, 1872	Unnoda Churn Bhuttacharjee.	
016140 4% 1854-55	500	Rakhal Doss Bhuttacharjee	June 30, 1872	Rakhal Chunder Bhuttacharjee.	
016168 " "	1,000	Obhoy Churn Bhuttacharjee	Ditto	Obhoy Churn Bhuttacharjee.	
009231 " "	1,000	Ditto	Ditto	Ditto.	

* Renewed on bond.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	₹				
10927—11615 4% 1854-55	500	The Executive Commissariat Officer, Gwalior.	June 30, 1865	Rebecca Johnstone.	
9815 of Lo88/6	500	The Administrator General, Administrator to the Estate of H. Randolph.	June 30, 1874	Tara Kissur Mookerjee.	
36507 "	2,000	Bullakedass Khemchand	December 31, 1863	Veejachand Keekachand.	
39958 "	1,000	Ditto	December 31, 1862	Ditto.	
6392—26308 "	1,000	Ditto	Ditto	Ditto.	
011009 " "	1,000	The Administrator General, Bengal.	December 31, 1877	The Deputy Commissioner of Delhi, Administrator of G. D. E. Dorris.	
1868—9358 "	500	The Deputy Commissary General, Upper Circle.	December 31, 1861	Sowdamini Dabee.	
041413 4% 1865	500	Goolab Shunker Doobey	November 1, 1872	Goolab Shunker Doobey	Case No. 400.
058157 " "	500	The National Bank of India, Limited.	May 1, 1874	Opendro Nauth Mitter.	
011620 " "	1,000	J. W. Smyth	November 1, 1869	J. W. Smyth.	
011621 " "	1,000	Ditto	Ditto	Ditto.	
011622 " "	1,000	Ditto	Ditto	Ditto.	
011623 " "	1,000	Ditto	Ditto	Ditto.	
011624 " "	1,000	Ditto	Ditto	Ditto.	
055948 " "	2,000	Bevole Nath Halder	May 1, 1873	Revole Nath Halder.	
2009 " "	1,000	Bank of Hindustan, China, and Japan, Limited.	May 1, 1865	Khetter Mohun Nag.	
020899 " "	500	Jebun Kristo Mullick	November 1, 1869	Doorga Churn Mullick.	
030158 " "	500	Dyal Chund Saloye	November 1, 1870	James Brown.	
1802 " "	500	Cossi Nath Mookerjee	May 1, 1873	Lucky Money Dassee.	
035154 " "	500	Meher Lal Shamunto	Ditto	Meher Lal Shamunto.	
068458 " "	1,000	W. T. Lindsay	May 1, 1875	John Lindsay, Administrator of W. T. Lindsay.	
068459 " "	1,000	Ditto	Ditto	Ditto.	
094140 " "	900	Deb Nath Sreemany	November 1, 1878	Dwarkanath Pyne*	Case No. 34.
095149 " "	500	Tarini Churn Ghose	May 1, 1877	Chotay Lall.	
099158 " "	500	Gourang Chunder Sircar	Ditto	Gourang Chunder Sircar.	
099159 " "	500	Ditto	Ditto	Ditto.	
107375 " "	700	Nogur Mull	November 1, 1878	The Executive Commissariat Officer, Umballa.	
086879 " "	1,000	Bulloverder Doss	Ditto	The Uncovenanted Service Bank, Limited.	
097595 " "	1,000	H. L. Tonnochee	May 1, 1876	H. L. Tonnochee.	
099542 " "	1,000	The Joint Administrators of Bhownagar State.	November 1, 1878	V. Kristnama Chetty.	
014095 " "	800	The Administrator General, Bengal.	November 1, 1877	The Deputy Commissioner of Delhi, Administrator of G. D. E. Dorris.	
018419 " "	800	Ditto	Ditto	Ditto.	
027720 " "	1,000	Chartered Mercantile Bank	Ditto	Lieut.-Col. A. Copland	Order No. 22.
027942 " "	500	Byramji Nusserwanje Sehi	May 1, 1878	Ditto	" 22
094745 " "	500	Executive Commissariat Officer, Morar.	Ditto	Ditto	" 22.
055526 " "	1,000	Tabitha Forester	May 1, 1873	Tabitha Forester	Case No. 422.
094817 " "	3,500	Officer in charge, Residency, Indore.		Officer in charge, Residency, Indore.	
155422 " "	1,000	Suburban Municipality, Alipore		Subarban Municipility, Alipore.	Order No. 57.
056787 " "	10,000	Ditto		Ditto	" 57.
056799 " "	2,000	Ditto		Ditto	" 57.
056788 " "	1,000	Ditto		Ditto	" 57.
056797 " "	1,000	Ditto		Ditto	" 57.
056796 " "	1,000	Ditto		Ditto	" 57.
056791 " "	1,000	Ditto		Ditto	" 57.
056798 " "	1,000	Ditto		Ditto	" 57.
056789 " "	500	Ditto		Ditto	" 57.
056790 " "	500	Ditto		Ditto	" 57.
056792 " "	500	Ditto		Ditto	" 57.
056793 " "	500	Ditto		Ditto	" 57.
056794 " "	500	Ditto		Ditto	" 57.
056795 " "	500	Ditto		Ditto	" 57.
056847 " "	500	Ditto		Ditto	" 57.
056848 " "	500	Ditto		Ditto	" 57.
049461 " "	500	Ditto		Ditto	" 57.
109021 " "	2,000	Ditto		Ditto	" 57.
131234 " "	500	Ditto		Ditto	" 57.
111627 " "	500	Ditto		Ditto	" 57.
049799 " "	500	Ditto		Ditto	" 57.
198933 " "	2,000	Controller of Military Accounts	May 1, 1884	Controller of Military Accounts.	" 77.
005806 4½% 1870	700	The Bank of Madras	January 15, 1872	Lalladhur Zavirchand.	
000996 " "	500	Chundy Churn Ghose	July 15, 1873	Chundy Churn Ghose.	
048736 " "	1,000	Shumboo Pundoorung	January 16, 1879	The Deputy Commissioner of Balaghat.	
056565 " "	10,000	The Bank of Madras	January 16, 1876	V. Thavasumatha Nadan.	
025359 " "	5,000	The Chartered Mercantile Bank of India, London, and China.	July 16, 1877	Davidas Pranjeevandas.	
008825 " "	500	J. W. Fordham	January 16, 1879	Sitanath Mytee	Order No. 18.
063269 " "	3,000	Aspinwall and Co	July 16, 1878	Aspinwall	" 29.

* Renewed on bond.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	₹				
033562 4½% 1872	1,000	P. Valloida Chetty	January 16, 1878	Aspinwall	Order No. 29.
033563 " "	1,000	Ditto	Ditto	Ditto	" 29.
033564 " "	1,000	Ditto	Ditto	Ditto	" 29.
000017	200	Bema Pershad	July 1, 1880	Deputy Commissioner of Jubbulpore, on behalf of the Debenture-holders specified opposite.	" 17.
000097 Nagpore-Raipur Railway Provincial Debenture Loan of 1879, 4½ per cent.	500	Nirunjun Pershad Sukul	Ditto	Ditto	" 17.
000098	500	Ditto	Ditto	Ditto	" 17.
000050	500	Doorga Pershad	Ditto	Ditto	" 17.
000167	500	Raja Mohip Singh	Ditto	Ditto	" 17.
000178	500	Sheodat Ram Sukul	Ditto	Ditto	" 17.
034126 Rd. 4% 1879	4,000	Triposore Shashagerow of Aska, Ganjam	September 15, 1885	Triposore Shashagerow of Aska, Ganjam.	Case No. 133/133.
A 009862 " "	2,000	The Bank of Bengal	July 16, 1880	The Inspector General of Police, N. W. P.	
				Ditto.	
A 005090 " "	5,000	The Agra Bank, Limited	Ditto	Ditto	
060633 " "	2,500	Nursingh Doss	July 16, 1881	Treasury Officer, Lahore, on behalf of Nursingh Doss.	Case No. 455.
019100 4½% 1879	3,500	Triposore Shashagerow of Aska, Ganjam.	September 15, 1885	Triposore Shashagerow of Aska, Ganjam.	Case No. 133/133.
033891 " "	1,000	J. A. Campbell	September 16, 1881	J. A. Campbell	Order No. 46.
000010 Non-transferable 5% Try-Note.	500	Gopi Kabai, Manager of Mundir Vithul Rukmai.	September 16, 1874	Gopi Kabai, Manager of Mundir Vithul Rukmai.	Now notified for discharge.
003488 5% 15 years' Debenture.	1,000	The Bank of Bengal	June 1, 1878	Moonshee Purbhodial.	

LEAVE AND APPOINTMENTS.

The 16th August, 1886.

No. 2541.—Babu Umacharan Chuckerbutty, Chief Superintendent in the Office of the Comptroller, Central Provinces, having been granted privilege leave for three months, made over charge of his duties and availed himself of the leave before noon on the 2nd August, 1886.

The 17th August, 1886.

No. 2580.—Mr. W. T. Piercy, Assistant Comptroller-General, proceeded on leave on medical certificate on the 12th July, 1886.

The 20th August, 1886.

No. 2672.—Mr. H. M. Kisch, B.C.S., Post Master General, Bengal, having been granted privilege leave for two months and thirty days, and Mr. E. Hutton having been appointed to officiate for him, Mr. Kisch made over and Mr. Hutton received charge of the said appointment after noon on the 14th August, 1886.

CODES.

The 17th August, 1886.

No. 2643.

CIVIL LEAVE CODE.

PAGE 175.

Section 79.

Rule 2.

Insert the following "Note" *under this Rule:*

"NOTE.—An application for furlough without medical certificate from a Covenanted Medical Officer subject to civil rules, serving in the Bengal Presidency or Burma, or directly under the Government of India, should be forwarded by the Local Government to the Surgeon-General with the Government of India for counter-signature and return to the Local Government."

The 20th August, 1886.

No. 2643.

CIVIL PENSION CODE.

PAGE 62.

Section 115.

Proviso.

Insert the following as an Exception under the Proviso:

Exception.—The rule in this proviso does not apply in the case of the following officers, if their age on entering the service did not exceed 28 years:

(1) Assistant Surgeons in the Bengal Presidency, who had taken a University degree, or had passed the First Arts Examination before commencing the study of Medicine;

(2) Assistant Surgeons in the Bombay Presidency, who had passed the previous examination in Arts before taking the Medical degree; and

(3) Assistant Surgeons in the Madras Presidency, who had passed the First Arts Examination before entering on the course for the degree of Licentiate in Medicine and Surgery, and those who had gone through the course for the degree of Bachelor of Medicine before entering the service.

PAGE 63.

Section 115.

Rule 2.

Add:

The orders in the footnote on page 62 do not apply also to the Officers described in the Exception to the Proviso, who may be appointed, if not more than 28 years of age.

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

The 19th August, 1886.

No. 2633.—In exercise of the powers conferred by Section 38 of Act II of 1886 (An Act for imposing a tax on income derived from sources other than agriculture), and in partial modification of the Notifications cited in the margin, the Governor-General in Council is pleased to rule that voluntary deposits in Railway Provident Funds and Savings Banks, which are held at the absolute disposal of the contributor or depositor, shall not be exempt from liability to assessment under the said Act.

No. 1042, dated 5th March, 1889.
No. 1383, dated 14th June, 1886.

No. 2635.—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to declare that the East Indian Railway Savings Bank shall be deemed to be a Service Fund within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No. 593 of 5th February, 1886.

PAPER CURRENCY.

The 18th August, 1886.

No. 2638.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st July, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,36,67,665	1,55,63,715	7,63,085	1,63,26,800
Allahabad	81,11,800	86,79,290	...	86,79,290
Lahore	81,81,625	75,22,435	...	75,22,435
Bombay	4,97,81,455	2,02,52,534	22,51,001	2,25,03,535
Kurrachee	54,00,925	87,77,700	6,600	87,84,300
Madras	1,31,73,060	1,27,05,545	2,50,000	1,29,55,545
Calicut	15,78,885	15,74,210	17,500	15,91,710
Rangoon	27,48,495	42,85,295	...	42,85,295
Total	14,26,43,910	7,93,60,724	32,88,186	8,26,48,910
Price paid for Government Securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act				5,99,95,000
GRAND TOTAL				14,26,43,910

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 20th August, 1886.

FURLOUGH AND LEAVE.

No. 559.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Captain J. S. Minter, R.A., Commissary of Ordnance, 3rd Class, (m. c.) for 182 days, under Article 824, Army Regulations, India, Volume I, Part I.

No. 560.—The undermentioned officer is granted leave out of India under the leave rules for the Staff Corps, with effect from the date on which he is struck off duty :—

Colonel G. C. Rowcroft, Bengal S. C., (p. a.) to the 10th August, 1887.

No. 561.—Lieutenant-Colonel F. Gellie, Bengal S. C., has been granted an extension of furlough (m. c.) for two months, by the Secretary of State for India.

LONDON GAZETTE.

No. 562.—The following extracts are published for general information :—

"London Gazette," dated the 16th July, 1886, *pages* 3444 *and* 3445.

"INDIA OFFICE;
16th July, 1886.

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

Colonel Alfred FitzHugh, C.B., Bengal Staff Corps. Dated 14th June, 1886.
Colonel James Black Reid, Madras Staff Corps. Dated 1st June, 1886.
Brigade-Surgeon William Henry Morgan, Madras Medical Establishment. Dated 19th May, 1886.
Brigade-Surgeon Henry Robert Lawrence McDougall, M.D., Bombay Medical Establishment. Dated 20th May, 1886.
Surgeon-Major Henry Elmsley Busteed, M.D., Madras Medical Establishment. Dated 1st June, 1886.
Inspecting Veterinary-Surgeon William Lamb, Bombay Veterinary Establishment. Dated 4th July, 1886.

Her Majesty has also approved of the undermentioned officer being permitted to resign the service :—

Captain Thomas Hope, Bombay Staff Corps. Dated 6th July, 1886.

The following officers have been granted a step of honorary rank on retirement :—

To be Major-Generals.

Colonel Alfred FitzHugh, C.B., Bengal Staff Corps. Dated 14th June, 1886.
Colonel James Black Reid, Madras Staff Corps. Dated 1st June, 1886.

To be Colonel.

Lieutenant-Colonel Henry Dawkins Eardley Wilmot Chester, Bengal Staff Corps. Dated 14th December, 1882.

To be Deputy Surgeons-General.

Brigade-Surgeon William Henry Morgan, Madras Medical Establishment. Dated 19th May, 1886.
Brigade-Surgeon Henry Robert Lawrence McDougall, M.D., Bombay Medical Establishment. Dated 20th May, 1886.

To be Brigade-Surgeons.

Surgeon-Major James Kelly, Bengal Medical Establishment. Dated 12th March, 1886.

Surgeon-Major Henry Elmsley Busteed, M.D., Madras Medical Establishment. Dated 1st June, 1886."

"London Gazette," dated the 20th July, 1886, *page* 3509.

"WAR OFFICE;
Pall Mall, 20th July, 1886.

MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels :—

Francis Beckford Middleton, Madras Staff Corps. Dated 4th May, 1886.
Edward Temple, Bengal Staff Corps. Dated 15th May, 1886.

* * * *

INDIAN STAFF CORPS.

To be transferred to the Unemployed Supernumerary List. Dated 1st July, 1886.

Major-General Sir John Watson, K.C.B., V.C., Bombay.

Colonel Edward Dandridge, Bengal, to be Major-General. Dated 1st July, 1886.

The undermentioned Colonels, Bengal, to be Major-Generals on the Unemployed Supernumerary List. Dated 1st July, 1886 :—

Frederick Cortlandt Anderson.
Montgomery Hunter.

INDIAN LOCAL SERVICE.

To be transferred to the Unemployed Supernumerary List. Dated 1st July, 1886 :—

Lieutenant-General George Reynolds Scott Burrows, Bombay Infantry.

Colonel Charles Annesley Benson, Madras Infantry, to be Major-General. Dated 1st July, 1886.

To be Lieutenant-General on the Unemployed Supernumerary List. Dated 1st July 1886 :—

Major-General Jonathan Augustus Spry Faulknor, Bombay Infantry."

PENSIONS.

No. 563.—Deputy-Commissary and Honorary-Captain Mathew Johnstone, Public Works Department, is transferred to the pension establishment.

PROMOTIONS.

No. 564.—The following promotions are made, subject to Her Majesty's approval :—

To be Colonels in the Army.

Lieutenant-Colonel Joseph Beauchamp Leggett, Madras Staff Corps,—16th August, 1886.
Lieutenant-Colonel Edgar Hastings Thomas, Madras Staff Corps,—16th August, 1886.
Lieutenant-Colonel John Macdougall, Madras Staff Corps,—20th August, 1886.

BENGAL STAFF CORPS.

To be Captain.

Lieutenant Kenneth Stewart Davison,—19th August, 1886.

MEDICAL DEPARTMENT.

To be Brigade-Surgeon.

Surgeon-Major Charles Peter Costello, *vice* Brigade-Surgeon J. H. Thornton, M.B., C.B., promoted. Dated 30th June, 1886.

No. 565.—ORDNANCE DEPARTMENT—

Sub-Conductor Andrew Davidson, on probation, is confirmed in his present grade, with effect from the 21st January, 1886.

No. 566.—VOLUNTEER CORPS—

Shillong Volunteer Rifle Corps.

Lieutenant Edward Stack to be Captain.

RETIREMENTS.

No. 567.—Surgeon-Major Alexander Gibb Grant, M.B., has been permitted to retire from the service, with effect from the 18th August, 1886, subject to Her Majesty's approval.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 38.—Captain F. Warden, Her Majesty's Indian Marine, is granted furlough out of India (m. c.) for six months, with effect from the 13th May, 1886, under rule VII of Marine Circular No. 16 of 1884.

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 20th August, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 14th and the 20th August, 1886 :—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Royal Irish Fusiliers ...	Lieutenant G. N. Molesworth...	18th July, 1886	Chirat ...	...	

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 14th August, 1886.

No. 210.—The Governor-General in Council is pleased to make the following promotions and reversion of Executive and Assistant Engineers attached to the several Local Administrations, with effect from the dates specified:

Names.	From	To	With effect from	Nature of promotion.
Rowland, A. ...	Assistant Engineer, 2nd Grade.	Assistant Engineer, 1st Grade.	28th Feb., 1886.	Permanent.
Sweet, W. McM. ...	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	15th May, 1886.	Temporary.
Donnan, J. ...	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	1st June, 1886.	Temporary.
Donnan, J. ...	Executive Engineer, 4th Grade, *temporary rank.*	Assistant Engineer, 1st Grade.	18th June, 1886.	.....
Laugharne, Captain M., R.E.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	20th June, 1886.	Sub. *pro tempore.*
Coode, M. P. ...	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	20th June, 1886.	Sub. *pro tempore.*
Wyatt, J. C. ...	Executive Engineer, 4th Grade, *temporary rank.*	Executive Engineer, 4th Grade.	20th June, 1886.	Sub. *pro tempore.*
Donnan, J. ...	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	20th June, 1886.	Temporary.
Richard, H. J. ...	Executive Engineer, 1st Grade, sub. *pro tem.*	Executive Engineer, 1st Grade.	5th July, 1886.	Permanent.
Bholanath Doss ...	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	5th July, 1886.	Sub. *pro tempore.*
Higgins, A. F. ...	Executive Engineer, 2nd Grade, sub. *pro tem.*	Executive Engineer, 2nd Grade.	5th July, 1886.	Permanent.
Ewing, R. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	5th July, 1886.	Sub. *pro tempore.*
Coode, M. P. ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 3rd Grade.	5th July, 1886.	Permanent.
Gilbert, W. R. ...	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	5th July, 1886.	Sub. *pro tempore.*
Smart, O. G. ...	Executive Engineer, 4th Grade, sub. *pro tem.*	Executive Engineer, 4th Grade.	5th July, 1886.	Permanent.
Leefe, C. O. ...	Executive Engineer 4th Grade, *temporary rank.*	Executive Engineer, 4th Grade.	5th July, 1886.	Sub. *pro tempore.*
Litster, D. M. ...	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	5th July, 1886.	Temporary.
Bhagat Sing, *Sirdar Bahadur.*	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	21st July, 1886.	Sub. *pro tempore.*
Swinnerton, R. A. W. ...	Executive Engineer, 4th Grade, *temporary rank.*	Executive Engineer, 4th Grade.	21st July, 1886.	Sub. *pro tempore.*

No. 211.—Mr. A. R. Becher, Examiner, Public Works Accounts, Bengal, is appointed to officiate as Examiner of Accounts, Eastern Bengal State Railway, in addition to his own duties, during the absence of Mr. F. P. Quinlan on privilege leave, or until further orders.

The 16th August, 1886.

No. 212.—The Governor-General in Council is pleased to make the following promotions to and in the classes of Chief and Superintending Engineers, with effect from the dates specified:

Names.	From	To	With effect from	Nature of promotion.
Luard, Colonel C. H., R.E.	Chief Engineer, 2nd Class, sub. *pro tem.*	Chief Engineer, 2nd Class	19th May, 1886.	Permanent.
Ward, Colonel D., R.E. ...	Chief Engineer, 3rd Class, sub. *pro tem.*	Chief Engineer, 3rd Class	19th May, 1886.	Special.
Steel, Colonel J. P., R.E. ...	Superintending Engineer, 1st Class, sub. *pro tem.*	Superintending Engineer, 1st Class.	19th May, 1886.	Permanent.
Harrison, Major C. W. I., R.E.	Superintending Engineer, 2nd Class.	Superintending Engineer, 2nd Class.	19th May, 1886.	Permanent.
Storey, H. F. ...	Superintending Engineer, 3rd Class.	Superintending Engineer, 3rd Class.	20th May, 1886.	Special.
Browne, Colonel J., C.B., C.S.I., R.E.	Superintending Engineer, 1st Class, *temporary rank.*	Superintending Engineer, 1st Class.	5th July, 1886.	Sub. *pro tempore.*
Wright, J. W. ...	Superintending Engineer, 2nd Class, sub. *pro tem.*	Superintending Engineer, 2nd Class.	5th July, 1886.	Permanent.
Brockman, W. D. ...	Superintending Engineer, 2nd Class, *temporary rank.*	Superintending Engineer, 2nd Class.	5th July, 1886.	Sub. *pro tempore.*
Dowden, Colonel T. F., R.E.	Superintending Engineer, 3rd Class, sub. *pro tem.*	Superintending Engineer, 3rd Class.	5th July, 1886.	Special.
Higham, T. ...	Superintending Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 3rd Class.	1st August, 1886.	Sub. *pro tempore.*

The 20th August, 1886.

No. 213.—Mr. A. V. Heath, Assistant Engineer, 1st Grade, State Railways, is permitted, at his own request, to resign his appointment in the Public Works Department, with effect from the date on which he may be relieved of his duties.

No. 215.—The services of Major R. T. Frere, R.E., Executive Engineer, 2nd Grade, State Railways, are replaced at the disposal of the Military Department, Bombay, with effect from the 25th July, 1886

TELEGRAPH.

The 20th August, 1886.

No. 214.—Mr. E. Hand, Assistant Superintendent, 1st Grade, Indian Telegraph Department, is appointed to officiate as Superintendent, 5th Grade, with effect from 1st August, 1886, until further orders.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 35.] SIMLA, SATURDAY, AUGUST 28, 1886.

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

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

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

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

Nothing for publication.

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

The Upper Burma Laws Bill.
The Suits Valuation Bill.
The Indian Evidence Act, 1872, Amendment Bill.
The Dekkhan Agriculturists' Relief Bill.
The Jhansi and Morar Bill.
The Native Passenger Ships Bill.

SUPPLEMENT No. 35.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 25th August, 1886.

No. 289.—*Appointment.*—Mr. H. S. Beadon, B.A., of the Bengal Civil Service, to officiate as Judge and Commissioner of the Assam Valley Districts, during the absence on privilege leave of Mr. H. Luttman-Johnson, C.S., or until further orders.

MEDICAL.

The 27th August, 1886.

No. 433.—The services of Brigade-Surgeon C. J. J. Jackson, M.D., are replaced at the disposal of the Government of Bengal.

JUDICIAL.

The 27th August, 1886.

No. 1179.—*Appointments.*—Mr. P. C. Sen, Barrister-at-Law, officiating Assistant to the Government Advocate, Rangoon, to officiate as Judge of Moulmein, during the absence on furlough of Mr. D. G. Macleod, or until further orders.

Mr. B. Cowasjee to officiate as Assistant to the Government Advocate, Burma, *vice* Mr. P. C. Sen.

PATENTS.

The 23rd August, 1886.

No. 1025.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 183 *of* 1885.—John Ishan Sarkar, C.E., of Grant Rampore, District Kherie, Oudh, for improvements in hand reaping machines.

No. 30 *of* 1886.—Satcoury Bysack, of No. 348, Upper Chitpore Road in Calcutta, for a paddy and other grain husking and cleaning machine.

No. 84 *of* 1886.—David Wilson, of Grays in the County of Essex, England, Manager of works, for improvements in the manufacture of telegraph poles, columns, pillars, flagstaffs, signal-posts for railways, lamp-posts, fence-posts, and other posts, rolls for engineering and other purposes

chimneys for factories, pipes for conveying liquids or gases and other like tubular articles, railway and tramway sleepers, door-steps, lintels, window-sills, building blocks, and tanks, casks and drums for containing liquid, semi-liquid and solid matters.

FORESTS.

The 27th August, 1886.

No. 761 *F.*—Mr. M. Muttannah, Sub-Assistant Conservator of Forests and officiating Assistant Conservator of the 3rd Grade in Coorg, is transferred to the Central Provinces.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

GOVERNMENT OF BENGAL.

NOTIFICATION.

JUDICIAL DEPARTMENT.

Calcutta, the 4th August, 1886.

In exercise of the powers conferred by Section 3 of the Scheduled Districts Act, 1874, His Honour the Lieutenant-Governor of Bengal is pleased, with the previous sanction of the Governor-General in Council, to declare that the undermentioned Acts are in force in the district of Darjeeling:

Act IX of 1861 (An Act to amend the law relating to minors).

Act XXI of 1866 (The Native Converts' Marriage Dissolution Act, 1866).

By order of the Lieut.-Govr. of Bengal,

F. B. PEACOCK,
Chief Secretary to the Government of Bengal.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th August, 1886.

No. 1692 *G.*—Consequent on the grant of three months' privilege leave to Mr. R. I. Bruce, C.I.E., Political Agent of the 1st Class, the following promotions are made in the Graded List of the Political Department, with effect from the 26th July, 1886:—

Lieutenant-Colonel A. W. Roberts, Political Agent of the 3rd Class, and officiating Political Agent of the 2nd Class, to officiate as a Political Agent of the 1st Class.

Captain H. M. Temple, Political Assistant of the 1st Class, and Political Agent of the 3rd Class, sub. *pro tem.*, to officiate as a Political Agent of the 2nd Class.

The 25th August, 1886.

No. 1697 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Ghalib Bey as Consul-General for Turkey at Bombay.

No. 1700 *G.*—The following extract from Force Orders issued on the 10th March, 1886, by Colonel F. W. Boileau, Commandant, Deoli Irregular Force, is confirmed:—

Lieutenant Sutton Jones is attached to the Force from this date, pending further orders.

The 26th August, 1886.

No. 1713 *G.*—Lieutenant J. Ramsay, S. C., officiating Political Assistant of the 3rd Class, and Assistant to the Governor-General's Agent in Rajputana, is posted as an Assistant to the Governor-General's Agent in Central India with effect from the date of assuming charge.

The 27th August, 1886.

No. 1991 *E.*—The following Order of Her Majesty in Council, published in the *London Gazette*, of the 2nd July, 1886, is republished for general information:—

AT the Court at *Windsor*, the 25th day of *June*, 1886.

PRESENT:

The QUEEN'S Most Excellent Majesty.

Lord President.	Earl of Rosebery.
Lord Steward.	Mr. Fowler.

WHEREAS by the "Extradition Acts, 1870 and 1873, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870, by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such Law continues in force there and no longer:

And whereas in accordance with section 18 of "The Extradition Act, 1870," the Legislature of the Dominion of Canada has, by laws passed in the years 1877 and 1882, and respectively styled "The Extradition Act, 1877," and "An Act to Amend the Extradition Act, 1877," made provision for carrying into effect within the Dominion the surrender of fugitive criminals who are in, or are suspected of being in, the Dominion:

And whereas a Treaty was concluded on the twentieth day of September, one thousand eight hundred and eighty, between Her Majesty and the President of the Republic of the Equator, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

"HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Republic of Ecuador, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances be reciprocally delivered up; Her Britannic Majesty and the President of Ecuador have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Frederick Douglas Hamilton, Esquire, her Minister Resident at Ecuador;

"And his Excellency the President of Ecuador, General Cornelio E. Vernaza, Minister of Foreign Affairs and of the Interior;

"Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

"ARTICLE I.

"It is agreed that Her Britannic Majesty's Government and that of Ecuador shall, on requisition made in their name by their respective Diplomatic Agents, deliver up to each other reciprocally any persons who, being accused or convicted of any of the crimes hereinafter specified, committed within the jurisdiction of the requiring Party, shall be found within the territories of the other Party:—

"1. Murder, or attempt or conspiracy to murder.
"2. Manslaughter.
"3. Counterfeiting or altering money, or uttering counterfeit or altered money.
"4. Forgery, counterfeiting, or altering, or uttering what is forged or counterfeited or altered.
"5. Embezzlement or larceny.

"6. Obtaining money or goods by false pretences.
"7. Crimes against bankruptcy law.
"8. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company made criminal by any law for the time being in force.

"9. Rape.
"10. Abduction.
"11. Child stealing.
"12. Burglary or housebreaking.

"13. Arson.
"14. Robbery with violence.
"15. Threats by letter or otherwise with intent to extort.

"16. Piracy by law of nations.
"17. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

"Su Magestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, y Su Excelencia el Présidente de la República del Ecuador, habiendo juzgado conveniente para la mejor administracion de justicia, y para prevenir los crímenes dentro de sus respectivos territorios y jurisdicciones, que las personas acusadas ó convictas de los crímenes enumerados en seguida, y que estando fugitivas de la justicia deban, bajo ciertas circunstancias, ser entregadas recíprocamente; Su Magestad la Reina de la Gran Bretaña e Irlanda y el Presidente del Ecuador han nombrado sus Plenipotenciarios respectivos para celebrar un Tratado con este fin, es decir:

"Su Magestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, all Señor Federico Douglas Hamilton (Escudero), su Ministro Residente en el Ecuador;

"Y su Excelencia el Presidente del Ecuador, al Señor General Cornelio E. Vernaza, Ministro del Interior y de Relaciones Exriores;

"Quienes, despues de haberse comunicado sus plenos poderes, y encontrádolos en buena y debida forma, han convenido y estipulado los Artículos siguientes:—

"ARTICULO I.

"Se ha convenido en que el Gobierno de Su Magestad Británica y el del Ecuador deberán, prévio pedimento hecho en su nombre por sus respectivos Agentes Diplomáticos, entregarse recíprocamente cualesquiera personas que siendo acusadas ó convictas de cualquiera de los crímenes puntualizados en seguida, cometidos dentro de la jurisdiccion de la parte solicitante, sean encontrados dentro del territorio de la otra parte:—

"1. Asesinato, ó tentativa ó conspiracion para asesinar.
"2. Homicidio.
"3. Falsificacion, ó alteracion de moneda, ó circulacion de moneda falsificada ó alterada.
"4. Falsificacion, contrahacimiento, ó alteracion, ó circulacion de lo falsificado, contrahecho ó alterado.
"5. Hurto, ocultacion de bienes de una herencia aun no aceptada por el heredero, ó ratería.
"6. Obtener moneda ú otros efectos por medio de falsos pretextos.
"7. Crímenes contra las leyes de la bancarrota.
"8. Fraude por un individuo libre bajo fianza, banquero, agente, factor, síndico ó curador, director, miembre ó empleado público de alguna compañía, declarado criminal por ley vijente en ese tiempo.

"9. Rapto.
"10. Abduccion.
"11. Robo de niños.
"12. Robo nocturno, ó entrada en una casa con violencia con el objeto de robar.
"13. Incendio intencional.
"14. Robo con violencia.
"15. Amenazas por escrito ó de cualquier otra manera con el objeto de cometer algun acto de extorsion.
"16. Piratería segun el derecho de gentes.
"17. Hundimiento ó destruccion de una embarcacion en el mar, ó tentativa ó conspiracion con este objeto.

"18. Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

"19. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the captain or master.

"Provided that the surrender shall be made only when, in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial if the crime had been there committed; and, in the case of a person alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he had been convicted.

"ARTICLE II.

"In the dominions of Her Britannic Majesty, other than the foreign or colonial possessions of Her Majesty, the manner of proceeding shall be as follows:—

"1. In the case of a person accused:—

"The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by some person recognized by the Secretary of State as a Diplomatic Representative of the Republic of Ecuador, accompanied by a warrant or other equivalent judicial document for the arrest of the accused, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against him in Ecuador, together with duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the said acts, and a description of the person claimed, and any particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

"On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

"When the fugitive shall have been apprehended in virtue of such warrant, he shall be brought before the Police Magistrate who issued it, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoners if the crime of which he is accused had been committed in England, the police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender; sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

"After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the Government of Ecuador.

"18. Asaltos á bordo de un buque en alta mar, con el intento de quitar la vida ó de causar graves daños corporales.

"19. Rebelion ó tentativa de rebelion ejecutada por dos ó mas personas á bordo de un buque en alta mar, contra la autoridad del capitan ó patron.

"Con tal que la entrega, en el caso de una persona acusada, se haga únicamente cuando se puntualice la perpetracion del crímen de manera que las leyes del pais en que sea hallado el fugitivo ó persona acusada justificaren su captura y enjuiciamento si allí se hubiese cometido el crímen; y en el caso en que se declare convicta á una persona en mérito de pruebas que, segun las leyes del pais en que ella sea hallada, bastarian para tenerla por convicta.

"ARTICULO II.

"En los dominios de Su Magestad Británica distintos de las posesiones coloniales ó extranjeras de Su Magestad, el procedimiento será como sigue:—

"1°. En el caso de una persona acusada:—

"El pedimento de entrega se hará al Principal Secretario de Estado de Negocios Extranjeros de Su Magestad, por cualquiera persona reconocida por el Secretario de Estado como un Agente Diplomático de la República de Ecuador, acompañado de un testimonio ú otro documento judicial equivalente, para proceder al arresto del acusado, expedido por un Juez ó Magistrado debidamente autorizado para conocer de los actos deque ha sido acusada la persona en el Ecuador, juntamente con las deposiciones debidamente autenticadas ó relaciones hechas con juramento ante un Juez ó Magistrado, manifestando con claridad dichos actos, y una descripcion de la persona reclamada, y todos los particulares que conduzcan á identificarla. Dicho Secretario de Estado trasmitirá los documentos expresados al Principal Secretario de Estado en el despacho del Interior de Su Magestad, quien por una órden firmada y sellada de su mano hará saber á algun Magistrado de Policía de Lóndres que tal demanda ha sido hecha, y le requerirá, si hubiere causa suficiente, para que expida la cédula de arresto contra el fugitivo.

"Con el recibo de la órden del Secretario de Estado, y con la produccion de suficiente prueba en opinion del Magistrado que justificase la expedicion del auto si el crímen hubiese sido cometido en el Reino Unido, expedirá en consecuencia la respectiva cédula.

"Cuando el fugitivo hubiere sido aprehendido en virtud de tal auto, será conducido ante el Magistrado de Policía que lo expidió, ó ante otro de igual clase de Lóndres. Si la prueba que deba entónces producirse fuere tal que justificase, segun las leyes de Inglaterra, el sometimiento á juicio del preso, si el crímen de que hubiese sido acusado lo hubiese cometido en Inglaterra, el Magistrado de Policía le someterá á prision para esperar el decreto de entrega expedido por el Secretario de Estado, enviando inmediatamente al Secretario de Estado un certificado de la prision praticada, y un informe del caso.

"Despues de expirado el periodo de detencion del preso, que nunca debe ser de ménos de quince dias, el Secretario de Estado, por órden firmada y sellada de su mano, ordenará que el criminal fugitivo sea entregado á la persona que esté debidamente antorizada para recibirle de la parte del Gobierno del Ecuador.

"2. In the case of a person convicted:—

"The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the recognized Diplomatic Representative, in support of his requisition, shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

"After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*. If he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case the Court may at once order his delivery to the person authorized to receive him, without the order of a Secretary of State for his surrender, or commit him to prison to await such order. A like proceeding shall be observed towards criminals in prison in Ecuador.

"ARTICLE III.

"In the Republic of Ecuador the manner of proceeding shall be as follows:—

"1. In the case of a person accused:

"The requisition for the surrender shall be made to the Minister for Foreign Affairs of Ecuador by the Minister or other Diplomatic Agent of Her Britannic Majesty, accompanied by a warrant for the arrest of the accused, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against him in Great Britain, together with duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the said acts, and a description of the person claimed, and any other particulars which may serve to identify him.

"The said documents shall be transmitted to the Minister Secretary of State for the Interior Department, who shall then, by order under his hand and seal, signify to some Police Magistrate that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

"On the receipt of such order from the Minister Secretary of State, and on the production of such evidence as would justify the issue of the warrant if the crime had been committed in Ecuador, he shall issue his warrant accordingly.

"When the fugitive shall have been apprehended in virtue of such warrant he shall be brought before the Police Magistrate who issued it, or some other authority of the same class. If the evidence to be then produced shall be such as to justify, according to the law of Ecuador, the committal for trial of the prisoner if the crime of which he is accused had been committed in Ecuador, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender, sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

"2°. En el caso de una persona convicta:—

"El curso del procedimiento será el mismo que en el de una persona acusada, excepto que el auto que sea trasmitido por el Agente Diplomático reconocido, en apoyo de su solicitud, manifestará con claridad el crímen del cual la persona reclamada haya sido convicta, y relacionará el hecho, lugar, y fecha de su conviccion. La prueba que deba producirse ante el Magistrado de Policía debe ser tal que, en conformidad con las leyes de Inglaterra, probare que el preso fuese convicto del crímen que se le acusa.

"Despues de que el Magistrado de Policía haya puesto en prision á la persona acusada ó convicta para esperar la órden de un Secretario de Estado para su entrega, dicha persona tendrá derecho de pedir un escrito de *habeas corpus*. Si ella lo efectuare así, su entrega debe ser diferida hasta despues de la decision de la Corte sobre el pedimento de dicho escrito, y aun entónces tendrá lugar solamente si la decision fuese adversa al recurrente. En este último caso puede la Corte ordenar la immediata entrega á la persona autorizada para recibirle, sin órden del Secretario de Estado sobre dicha entrega, ó someterlo á prision para aguardar la órden. Igual procedimiento so observará respecto de los delincuentes puestos en prision en el Ecuador.

"ARTICULO III.

"En la República del Ecuador, el procedimiento será como sigue:—

"1°. En el caso de una persona acusada:

"La peticion para la entrega se hará al Ministro de Relaciones Exteriores del Ecuador por el Ministro ú otro Agente Diplomático de Su Magestad Británica, acompañada de un auto de arresto del acusado expedido por un Juez ó Magistrado debidamente autorizado para conocer de los actos de que se le acusare en la Gran Bretaña, junto con las deposiciones bien autenticadas, ó relaciones hechas con juramento ante dicho Juez ó Magistrado, manifestando con claridad los actos expresados, y una descripcion de la persona reclamada y otras particularidades que puedan servir para identificarla.

"Dichos documentos se transmitirán al Ministro Secretario de Estado en el Departamento del Interior, quien entónces, por órden firmada y sellada de su mano, hará saber á algun empleado de Policía que tal demanda ha sido hecha, y le requerirá, si hubiere causa suficiente, para que expida el mandamiento de arresto contra el fugitivo.

"Con el recibo de la órden del Ministro Secretario de Estado, y con la produccion de suficiente prueba que justifique la expedicion del auto si el [illegible] prision.

"Cuando el fugitivo hubiere sido aprehendido en virtud de tal boleta, será conducido ante el empleado de Policía que lo expidió ó ante otro de igual clase. Si la prueba que deba entónces producirse fuere tal que justificase, segun las leyes del Ecuador, el sometimiento á juicio del preso, si el crímen de que hubiese sido acusado lo hubiese cometido en el Ecuador, el empleado de Policía le someterá á prision para esperar el decreto de entrega expedido por el Secretario de Estado, enviando inmediatamente á este un certificado de la prision practicada y un informe del caso.

"After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the Government of Her Majesty.

"2. In the case of a person convicted:—

"The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Minister or other Diplomatic Agent in support of his requisition shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced before the Magistrate charged with the investigation of the case shall be such as would, according to the laws of Ecuador, prove that the prisoner was convicted of the crime charged.

"ARTICLE IV.

"A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London, and that he shall be discharged, if within thirty days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country, in the manner directed by Articles II and III of this Treaty.

"The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty, committed on the high seas, on board any vessel of either country, which may come into any port of the other.

"ARTICLE V.

"If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal, or within two months after the decision of the Court, upon the return to a writ of *habeas corpus* in the United Kingdom, he shall be discharged from custody, unless sufficient cause be shown to the contrary.

"ARTICLE VI.

"When any person shall have been surrendered by either of High Contracting Parties to the other, such person shall not, until he has been restored, or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered.

"ARTICLE VII.

"In any case where an individual convicted or accused in Ecuador of any of the crimes described in the present Treaty, and who shall have taken refuge in the United Kingdom, shall have obtained naturalization there, such naturalization shall not prevent the search for, arrest, and surrender of such individual to the Ecuatorian authorities, in conformity with the said Treaty.

"In like manner the surrender shall take place on the part of Ecuador in any case where an individual accused or convicted in England of any of the same crimes who shall have taken refuge in Ecuador shall have obtained naturalization there.

"ARTICLE VIII.

"No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the party upon whom it is made to be one of a political character, or if he prove to the satisfaction of the Police Magistrate, or of the Court before which he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender has, in fact, been made with a view to try or to punish him for an offence of a political character.

"ARTICLE IX.

"Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the fact of conviction, shall be received in evidence in proceedings in the dominions of the other if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken.

"Provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

"ARTICLE X.

"The surrender shall not take place if, since the commission of the acts charged, the accusation, or the conviction, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the country where the accused shall have taken refuge.

"ARTICLE XI.

"If the individual claimed by one of the two Contracting Parties, in pursuance of the present Treaty, should be also claimed by one or several other Powers, on account of crimes committed upon their territory, his surrender shall, in preference, be granted in compliance with that demand which is earliest in date.

"ARTICLE XII.

"If the individual claimed should be under prosecution, or in custody, for a crime or offence committed in the country where he may have taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

"In case he should be proceeded against or detained in such country on account of obligations contracted towards private individuals, his

"Despues de expirado el periodo de detencion del preso, que nunca debe ser de ménos de quince dias, el Secretario de Estado, por órden firmada y sellada de su mano, ordenará que el criminal fugitivo sea entregado á la persona que esté debidamente autorizada para recibirle de parte del Gobierno de Su Magestad Británica.

"2°. En el caso de una persona convicta:—

"El curso del procedimiento será el mismo que en el de una persona acusada, excepto que el auto que deba ser trasmitido por el Ministro ú otro Agente Diplomático en apoyo de su pedimento, deberá manifestar claramente el crímen del que la persona reclamada ha sido convencida, y determinar el hecho, lugar, y fecha de su conviccion. Las pruebas que deban producirse ante el Magistrado encargado de la investigacion del caso deben ser tales que, segun las leyes del Ecuador, probaren que el preso fuese convicto del crímen del que se le acusa.

"ARTICULO IV.

"El criminal fugitivo puede sin embargo ser aprehendido por un auto expedido por cualquiera Magistrado de Policía ú otra autoridad competente en cada uno de los dos paises, con tales informaciones ó quejas y pruebas, ó despues de tales procedimientos que en opinion de la persona que expida el auto, justificasen la expedicion de un auto si el crímen hubiese sido cometido ó el prisionero convicto en aquella parte de los dominios de las dos Partes Contratantes en la cual el Magistrado ú otra autoridad competente ejerza jurisdiccion; sin embargo que en el Reino Unido el acusado, en tal caso, será enviado con la brevedad posible ante un Magistrado de Policía en Lóndres, y que será puesto en libertad, si dentro de treinta dias no se hubiese hecho una solicitud para la entrega, por el Agente Diplomático de su país de la manera prescrita en los Artículos II y III de este Tratado.

"Las mismas reglas se observarán en los casos de personas acusadas ó convictas de cualquiera de los crímenes especificados en este Tratado, cometidos en alta mar ó abordo de cualquiera embarcacion de uno de los dos paises que pueda entrar á uno de los puertos del otro.

"ARTICULO V.

"Si el fugitivo criminal que ha sido sometido á prision no fuere entregado ó llevado á fuera en el término de dos meses despues del arresto, ó dentro de dos meses despues de la decision de la Corte sobre el escrito de *habeas corpus* en el Reino Unido ó en el Ecuador, será puesto en libertad, á ménos que causa suficiente se demostrare en contrario.

"ARTICULO VI.

"Cuando alguna persona hubiere sido entregado por una de las Altas Partes Contratantes á la otra, tal persona, mientras no haya sido devuelta ó haya tenido una oportunidad de volver al pais de donde fué entregada, no podrá ser sometida á juicio ni juzgada por ningun delito cometido en el otra pais, anteriormente á la entrega, á no ser por el delito particular por cuya causa fué entregada.

"ARTICULO VII.

"En cualquiera caso en que un convicto ó acusado en el Ecuador de alguno de los crímenes detallados en el presente Tratado, y que se hubiere refugiado en el Reino Unido y obtenido naturalizacion allí, tal naturalizacion no impedira la busca, arresto y entrega del individuo á las autoridades del Ecuador, en conformidad con dicho Tratado. De igual manera la entrega se verificará de parte del Ecuador, en cualquiera caso en que un individuo acusado ó convicto en Inglaterra de cualquiera de los mismos delitos se hallare refugiado en el Ecuador y hubiere obtenido allí naturalizacion.

"ARTICULO VIII.

"Ninguna persona acusada ó convicta será entregada, si el delito por el cual se demanda su entrega se estima por la parte á quien se solicita ser de carácter político, ó si la persona probare á satisfaccion del Magistrado de Policía ó de la Corte ante la cual es conducido en *habeas corpus*, ó del Secretario de Estado, que el pedimento de su entrega ha sido, en efecto, hecho con la mira de juzgarle y castigarle por un delito de carácter político.

"ARTICULO IX.

"Los autos, deposiciones ó relaciones bajo juramento, expedidos ó tomados en los dominios de cualquiera de las dos Altas Partes Contratantes, las copias de ellos y certificados ó documentos judiciales que establecen el hecho de la conviccion, serán recibidos en prueba en los procedimientos que se sigan en los dominios de la otra, siempre que se encuentren firmados ó certificados por un Juez, Magistrado ó alguacil del pais de donde han sido expedidos ó tomados.

"Con tal que dichos autos, deposiciones, relaciones, copias, certificados, y documentos judiciales sean autenticados con el juramento de algun testigo, ó sellados con el sello oficial de Ministro de Justicia ó de algun otro Ministro de Estado.

"ARTICULO X.

"La entrega no se efectuará si, desde la comision de los actos imputados, ó desde la acusacion ó conviccion, el lapso del tiempo hubiese eximido al delincuente del enjuiciamiento ó del castigo, segun las leyes del país en donde el acusado se hallare refugiado.

"ARTICULO XI.

"Si el individuo reclamado por una de las Partes Contratantes, en ejecucion del present Tratado, fuere [illegible] reclamado por una ó [illegible] en su territorio, la entrega se hará con preferencia á aquella cuyo reclamo se, haya hecho con fecha anterior.

"ARTICULO XII.

"Si el individuo reclamado estuviere enjuiciado, ó en custodia, por un crímen ó delito cometido en el pais donde se haya refugiado, su entrega puede ser diferida hasta que hubiere sido puesto en libertad, en el debido curso legal.

"En caso de que se hallare encausado ó detenido en dicho pais por causa de obligaciones contraidas con individuos particulares, su entrega

surrender shall nevertheless take place, the injured party retaining his right to prosecute his claims before the competent authority.

"ARTICLE XIII.

"Every article found in the possession of the individual claimed at the time of his arrest shall be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to everything that may serve as proof of the crime. It shall take place even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

"ARTICLE XIV.

"Each of the two Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons whom it may consent to surrender in pursuance of the present Treaty.

"ARTICLE XV.

"The stipulations of the present Treaty shall be applicable to the foreign or colonial possessions of the two High Contracting Parties.

"The requisition for the surrender of a fugitive criminal who has taken refuge in a foreign or colonial possession of either Party, shall be made to the Governor or chief authority of such possession by the chief Consular Officer of the other at the seat of Government; or, if the fugitive has escaped from a foreign or colonial possession of the Party on whose behalf the requisition is made, by the Governor or chief authority of such possession.

"Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or chief authorities, who, however, shall be at liberty either to grant the surrender, or to refer the matter to their Government.

"Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Ecuatorian criminals who may take refuge within such Colony, on the basis as nearly as may be, of the provisions of the present Treaty.

"ARTICLE XVI.

"The present Treaty shall come into operation two months after the exchange of the ratifications. Due notice shall in each country be given of the day.

"Either Party may at any time terminate the Treaty on giving to the other six months' notice of its intention.

"ARTICLE XVII.

"The present Treaty shall be ratified, and the ratifications shall be exchanged at the capital of Ecuador within eight months after the approbation of the Legislative Power according to the laws of each country.

se verificará, no obstante, reservándose la parte agraviada su derecho para continuar sus reclamos ante la autoridad competente.

"ARTICULO XIII.

"Tudo objeto encontrado en poder del individuo reclamado, al tiempo de su arresto, será recaudado para entregarlo junto con su persona cuando deba verificarse su entrega. Tal devolucion no se limitará á los artículos obtenidos por robo ó quiebra fraudulenta, sino que se extenderá á todas las cosas que puedan servir como prueba del delito. Esto se verificará aun cuando, despues de ordenada la entrega de la persona, no hubiere tenido efecto por causa de la fuga ó muerte del individuo reclamado.

"ARTICULO XIV.

"Cada una de las dos Partes Contratantes costeará los gastos ocasionados por el arresto dentro de su territorio, la detencion y la remision á su frontera, de las personas que consienta en entregar en conformidad del presente Tratado.

"ARTICULO XV.

"Las estipulaciones del presente Tratado serán aplicables á las posesiones coloniales ó extrangeras de las dos Altas Partes Contratantes.

"La peticion de extradicion de un criminal fugitivo que se hubiere refugiado en una colonia ó posesion extrangera de cualquiera de las Partes, se hará al Gobernador ó autoridad principal de tal posesion ó colonia, por el principal Agente Consular de la otra Parte en el asiento del Gobierno; ó si el fugitivo se ha fugado de una posesion extrangera ó colonial de la Parte en cuyo favor se ha hecho la peticion, por el Gobernador ó autoridad principal de dicha posesion ó colonia.

"Tales peticiones pueden ser despachadas, sujetándose siempre con la mayor estrictez posible á las preseripciones de este Tratado por los respectivos Gobernadores ó autoridades principales, quienes, sin embargo, podrán, ó conceder la entrega, ó referir á su Gobierno el asunto en cuestion.

"Su Magestad Británica podrá, no obstante, hacer especiales arreglos en las colonias Inglesas ó posesiones extrangeras, para la entrega de los criminales Ecuatorianos que se hayan refugiado dentro de tal colonia ó posesion bajo las bases mas posiblemente exactas á las que se prescriben en le presente Tratado.

"ARTICULO XVI.

"El presente Tratado comenzará á surtir sus efectos dos meses despues del cange de las ratificaciones. En cada país se dará el correspondiente aviso del dia.

"Cualquiera de las Partes puede en cualquier tiempo terminar el Tratado, dando á la otra el aviso de su intencion con seis meses de anticipacion.

"ARTICULO XVII.

"El presente Tratado será ratificado, y cangeadas las ratificaciones en la capital del Ecuador dentro de ocho meses despues de aprobado por el Poder Legislativo, en conformidad á las leyes de cada pais.

"In witness whereof the respective Plenipotentiaries have signed the same in duplicate, and have affixed thereto the seal of their arms.

"Done at Quito, capital of the Republic of Ecuador, the 20th September, one thousand eight hundred and eighty.

"(L.S.) FRE^c. DOUGLAS HAMILTON.
"(L.S.) CORNELIO E. VERNAZA."

"En testimonio de lo cual los Plenipotenciarios respectivos firman la presente Convencion, dos de un tenor, y ponen sus sellos.

"Hecha en Quito, capital de la República del Ecuador, á veiente de Setiembre, de mil ocho cientos ochenta.

And whereas the ratifications of the said Treaty were exchanged at Quito, on the nineteenth day of February, one thousand eight hundred and eighty-six.

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the second day of July, one thousand eight hundred and eighty-six, the said Acts shall apply in the case of the Equator, and of the said Treaty with the Republic of the Equator.

Provided always, and it is hereby further ordered that the operation of the said Acts shall be suspended within the Dominion of Canada so far as relates to the Republic of the Equator and to the said Treaty, and so long as the provisions of the Canadian Acts aforesaid continue in force, and no longer.

C. L. Peel.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

Simla, the 24th August, 1886.

No. 2732.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

July 1886.

(Lakhs of Rupees.)

[For the explanation of these heads, see *Gazette of India*, dated 22nd December, 1883, Part I, page 497.]	In July		To end of July		Whole year.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals, Preliminary 1885-86.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	1,13	93	7,29	7,40	23,32	23,15
Opium	72	75	2,00	2,84	9,23	8,94
Salt	46	55	2,10	2,26	6,39	6,34
Stamps	36	34	1,33	1,33	3,99	3,66
Excise	40	37	1,46	1,46	4,14	4,15
Provincial Rates	10	14	1,03	1,03	2,01	2,98
Customs	8	9	30	30	1,17	1,20
Assessed Taxes	13	7	31	37	1,34	50
Forest (Madras and Bombay only)	2	2	8	8	42	43
Registration	3	3	11	12	31	31
Tributes from Native States	3	4	14	14	71	70
Other Civil Revenue	22	21	91	92	3,20	3,13
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	3,74	3,54	18,14	18,37	56,83	55,49
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 21	— 20	— 1,10	— 1,23	— 3,82	— 3,81
Opium	— 2	— 2	— 1,74	— 2,00	— 2,05	— 3,05
Other Civil Expenditure	— 1,71	— 1,69	— 6,59	— 6,89	— 22,45	— 20,99
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 1,94	— 1,91	— 9,43	— 10,12	— 28,92	— 27,85
Extraordinary Receipts	...	...	...	...	...	+ 2,17
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues)	+ 27	+ 9	+ 1,28	+ 10	+ 49	+ 91
Forest, Telegraph, Marine (Net as above)	...	...	— 7	— 19	— 1	— 33
Guaranteed and Subsidized Railways (Net as above)	+ 23	+ 31	+ 1,75	+ 1,91	+ 4,07	+ 4,99
Do. Repayment of surplus profits, &c.	...	...	— 4	...	— 42	— 47
Military Receipts	+ 6	+ 8	+ 25	+ 28	+ 83	+ 1,13
Military Issues	— 1,06	— 1,16	— 4,37	— 5,41	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts	+ 33	+ 26	+ 1,69	+ 1,23	— 2,35	+ 4,28
„ „ Issues	— 96	— 50	— 2,80	— 2,12		— 5,97
East Indian Railway Receipts	+ 33	+ 34	+ 1,55	+ 1,49	+ 2,80	+ 4,18
„ „ Issues	— 10	— 10	— 44	— 43		— 1,35
Ordinary Branches Receipts	+ 28	+ 16	+ 77	+ 51	— 5,44	+ 1,70
„ „ Issues	— 49	— 57	— 2,11	— 2,54		— 7,58
TOTAL NON-CIVIL DEPARTMENTS	— 81	— 1,09	— 2,54	— 5,17	— 13,02	— 13,29
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments)	...	...	— 1,06	— 6	— 2	— 48
Mint Certificates and Bullion Advances (Net as above)	+ 29	— 5	— 21	+ 13		+ 37
Exchange on Remittance Account	— 20	— 9	— 71	— 53	— 4,55	— 33
Council Bills paid (including Telegraphic) at Rs. 10 per £	— 53	— 38	— 2,62	— 3,02	— 13,33	— 11,16
Other Debt heads (Net as above)	— 26	— 30	+ 5	+ 22	+ 1,23	— 1,50
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 70	— 82	— 4,55	— 3,26	— 16,67	— 16,31
GRAND TOTAL RECEIPTS AND ISSUES	+ 29	— 28	+ 1,62	— 18	— 1,78	+ 21
Opening Cash Balance in Treasuries and Presidency Banks	14,08	12,64	12,75	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks	14,37	12,36	14,37	12,36	10,62	12,75

CODES.

The 23rd August, 1886.

No. 2693.

CIVIL PENSION CODE.

PAGE 33.

Section 70.

Rule 2.

Insert the following Exception under this Rule:

"*Exception.*—The services of subordinates of Treasurers in the Punjab, including Tahsildars and Photadars, who were in employ on the 23rd August, 1886, qualify, provided they were

(1) appointed by district officers;
(2) discharging duties and receiving pay regulated under conditions laid down by Government; and
(3) other than mere servants of Treasurers liable to be removed whenever a change might take place in the incumbency of the office of a Treasurer."

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

EXEMPTIONS, &C.

The 23rd August, 1886.

No. 2688.—Whereas under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November, 1880, the Municipality of Coonoor, Madras, has paid into the Government Treasury the sum of Rs. 35 as composition for the stamp duty chargeable on a sum of Rs. 7,000 which the said Municipality was authorised to borrow, and which has been raised by the issue of debentures dated the 1st April, 1886, and numbered 1 to 14, each of which is for Rs. 500, therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the above mentioned debentures from payment of any stamp-duty with which they might otherwise be chargeable, whether on issue, renewal, subdivision, or consolidation.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

AMENDMENTS, &C.

The 24th August, 1886.

No. 2727.—In exercise of the powers conferred by Sections 9 and 56 of the Indian Stamp Act, 1879, the Governor-General in Council directs that the following shall be added to Rule 10 (*b*) of the Rules promulgated by Notification in this Department, No. 1288, dated the 3rd March, 1882:

"The Superintendent in the Office of the Superintendent of Stamps, Lahore, is empowered to initial any label or labels, and to attach his usual signature to any instrument immediately under the labels, during the absence of the Superintendent of Stamps from Lahore."

D. BARBOUR,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 27th August, 1886.

APPOINTMENTS.

No. 568.—With reference to G. G. O. No. 188 of 1886, the Governor-General in Council is pleased to appoint Colonel A. T. Cox, Madras Staff Corps, Commandant, 15th Madras Infantry, to the command of a brigade in Upper Burma, with the temporary rank of Brigadier-General (2nd Class), *vice* Brigadier-General R. Griffith, Madras Staff Corps, with effect from the date on which he may take up the duties of his appointment.

No. 569.—NATIVE ARMY—

15th Bengal Cavalry.

The following direct appointment is made, with effect from the 19th July, 1886:—

Hakdád Khan to be Jemadar.

15th Bengal Infantry.

Jemadar Fateh Ali Khán, appointed on probation in G. G. O. No. 404 of 1884, is confirmed in that rank, with effect from the 27th July, 1884.

No. 570.—ORDNANCE DEPARTMENT—

The tenure of the appointment of Lieutenant-Colonel T. Walker, R.A., Commissary of Ordnance, 1st Class, in the Ordnance Department, is extended to the 12th April, 1891.

No. 571.—STAFF CORPS—

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

Lieutenant Oliver Carleton Armstrong, Royal Irish Rifles, Squadron Officer, 14th Bengal Lancers,—26th January, 1883.

Lieutenant Augustus Blair Mayne, Leinster Regiment, officiating Squadron Officer, 2nd Regiment, Central India Horse,—8th April, 1885.

Lieutenant Alexander Loch Stuart Ogilvie, Worcestershire Regiment, Wing Officer, 28th Bengal Infantry,—28th April, 1885.

No. 572.—The undermentioned officers appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India:—

BENGAL STAFF CORPS.

Lieutenant H. A. Coddington, Royal Irish Fusiliers.
Lieutenant N. C. Taylor, West Yorkshire Regiment.
Lieutenant R. B. Low, Royal Irish Regiment.
Lieutenant F. E. Bradshaw, Royal Irish Rifles.

MADRAS STAFF CORPS.

Lieutenant K. J. Buchanan, Royal Marine Light Infantry.
Lieutenant A. C. Baldwin, Royal Scots.
Lieutenant W. C. Barratt, Royal Berkshire Regiment.
Lieutenant J. A. G. Rainsford, South Lancashire Regiment.

Lieutenant T. G. C. Reynolds, Royal Inniskilling Fusiliers.
Lieutenant A. L. Gallie, Gordon Highlanders.
Lieutenant F. J. Nelson, South Lancashire Regiment.
Lieutenant B. W. Marlow, Gloucestershire Regiment.

BOMBAY STAFF CORPS.

Lieutenant M. S. Stewart, Royal Scots.
Lieutenant A. L. Pilleau, East Kent Regiment.
Lieutenant J. R. Hill, Cheshire Regiment.
Lieutenant G. S. Morris, East Yorkshire Regiment.

No. 573.—VOLUNTEER CORPS—

Mussoorie Volunteer Rifle Corps.

Mr. William Considine to be Lieutenant, *vice* Lieutenant J. Eaglesome, who has resigned.

FURLOUGH AND LEAVE.

No. 574.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel G. Alexander, Bengal S. C., Deputy Commissioner, 3rd Grade, Burma, (m. c.) for one year,—99 days under rules IX and XV and the remaining period under rule XIV, clause (2), of the regulations of 1868.
Major M. A. Alves, R.E., Executive Engineer, 1st Grade, Military Works Department, (m. c.) for one year, under rules IX and XV of the regulations of 1868.
Captain W. Pitt, R.E., Executive Engineer, 3rd Grade, officiating Deputy Consulting Engineer, State Railways, Public Works Department, (p. a.) for two years, under rule IX of the regulations of 1868, embarking on or after the 8th September, 1886.
Surgeon-Major H. Johnstone, M.D., (m. c.) for one year, under rules IX and XV of the regulations of 1868.

No. 575.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Captain C. C. Ellis, R.E., (p. a.) for eighty days.
Lieutenant T. H. Smith, Bengal S. C., (p. a.) for one month.
Surgeon H. C. Hudson, (m. c.) for three months.

LONDON GAZETTE.

No. 576.—The following extract is published for general information :—

"*London Gazette,*" *dated the 23rd July,* 1886, *page* 3565.

"INDIA OFFICE;
23rd July, 1886.

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

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Harry Benn Borradaile, from the King's Own Borderers. Dated 19th November, 1884, but to rank from 26th April, 1881.
Lieutenant Harry Francis Holland, from the Dorsetshire Regiment. Dated 27th December, 1884, but to rank from 1st July, 1881.
Lieutenant John Fisher, from the Norfolk Regiment. Dated 10th December, 1884, but to rank from 10th March, 1883.
Lieutenant Herbert Lionel Showers, from the Norfolk Regiment. Dated 12th February, 1885, but to rank from 12th May, 1883."

PROMOTIONS.

No. 577.—The following promotion is made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Major.

Captain Edward Baynes Nixon,—21st August, 1886.

No. 578.—NATIVE ARMY—

18th Bengal Infantry.

Havildar Rájman to be Jemadar, *vice* Jemadar Nand Rám, invalided, with effect from the 25th June, 1886.

26th Bengal Infantry.

Jemadar Atar Singh (1) to be Subadar, and Havildar Lál Singh to be Jemadar, *vice* Subadar Nahar Singh, deceased, with effect from the 1st June, 1886.

MILITARY WORKS DEPARTMENT.

APPOINTMENTS.

No. 579.—The following officers are appointed to the Military Works Department as Assistant Engineers, 2nd Grade, sub. *pro tem.* :—

Lieutenant E. D. Haggitt, R.E.
Lieutenant R. T. R. Lawrence, R.E.

PROMOTIONS.

No. 580.—The following promotion is made in the Engineer Establishment of the Military Works Department, with effect from the 4th March, 1886 :

Name.	From	To	Nature of promotion.
Major G. Hildebrand, R.E.	Executive Engineer, 1st Grade.	Superintending Engineer, Class III.	Supernumerary.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 23rd August, 1886.

No. 216.—With reference to Public Works Department Notification No. 182, dated 9th July, 1886, Captain A. Hildebrand, R.E., Examiner of Accounts, is posted to the Office of the Examiner of Public Works Accounts, Central Provinces.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 36.] SIMLA, SATURDAY, SEPTEMBER 4, 1886.

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

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The General Clauses Bill.
The Civil Procedure Code Amendment Bill.

SUPPLEMENT No. 38.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS—PUBLIC.

Simla, the 1st September, 1886.

No. 1313.—Privilege leave of absence for two months and five days is granted to the Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D., Director-General of Statistics to the Government of India, with effect from the 20th September next, or from any subsequent date on which he may avail himself of it.

The 2nd September, 1886.

No. 1325.—Under the provisions of Section 27 of the Indian Arms Act, XI of 1878, the Governor-General in Council is pleased to exempt the Mahant of Tirupati in the North Arcot District of the Madras Presidency, and his retainers, from the operation of all prohibitions and directions contained in Sections 13, 14, 15 and 16 of that Act, other than those referring to cannon, articles designed for torpedo service, war rockets, and machinery for the manufacture of arms and ammunition, subject to such orders as the Local Government may issue regarding the number of retainers to be included within this order of exemption.

ESTABLISHMENTS.

The 2nd September, 1886.

No. 298.—His Excellency the Governor-General in Council is pleased, under the 24th and 25th Vic., Cap. 67, Section 26, to grant the Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E., an Ordinary Member of the Council of the Governor-General of India, leave of absence on medical certificate for a period of six months, with effect from the 15th instant or any other date on which he may avail himself of it.

No. 300.—*Appointment.*—Colonel H. M. Repton, Deputy Commissioner, 2nd Class, in the Central Provinces, to officiate as Deputy Commissioner, 1st Class, *vice* Colonel M. R. Ricketts.

MEDICAL.

The 3rd September, 1886.

No. 448.—With reference to Home Department Notifications No. 543, dated 13th October, 1885, and No. 221, dated 31st May, 1886, the services of the undermentioned Medical Officers are placed permanently at the disposal of the Government of the North-Western Provinces and Oudh :—

Surgeon G. M. Nixon.
Surgeon J. F. Maclaren, M.B.

JUDICIAL.

The 3rd September, 1886.

No. 1270.—Her Majesty's Secretary of State has granted an extension of leave for two months on medical certificate to Mr. A Phillips, Barrister-at-Law, Standing Counsel for the Presidency of Fort William in Bengal.

No. 1275.—Mr. L. P. D. Broughton, Administrator-General of Bengal, is granted leave of absence for one year, with effect from the date on which he may avail himself of it.

Mr. F. J. Marsden, Barrister-at-Law, Chief Presidency Magistrate, Calcutta, to officiate as Administrator-General of Bengal during the absence of Mr. Broughton on leave, or until further orders.

ECCLESIASTICAL.

The 2nd September, 1886.

No. 233.—*Appointment.*—The Reverend A. W. R. Quinlan, Chaplain of Moradabad, to be Chaplain of Nowgong, Central India, with effect from the 13th August, 1886.

PATENTS.

The 30th August, 1886.

No. 1055.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 38 *of* 1885.—James Clark Bunten, Iron Founder, and Angus Murray, Engineer, both of Glasgow, in the County of Lanark, Scotland, for improvements in sleepers and chairs for railways.

No. 37 *of* 1886.—Alfred Savill Tomkins, and Frank Arthur Cracknall, both of No. 61, Mark Lane, in the City of London, England, for improvements in apparatus for heating kilns, for drying malt, grain, and other materials.

No. 66 *of* 1886.—Annie Mathers, Nurse, Moulmein, for an ointment for the cure of colds, coughs, neuralgia, rheumatism, and sores, the ointment to be named "Payoneegsee."

No. 74 *of* 1886.—Eduard Schmidt, of Karlsruhe, in the Great Dukedom of Bade, for improvements in the manufacture of fire-bars.

No. 95 *of* 1886.—Victor Müller, Tea planter, Panipoota Tea Factory, District Durrang, Tezpore, Province Assam, for the "Protector Rainwater-Abductor."

No. 133 *of* 1886.—Alfred Savill Tomkins, of No. 61, Mark Lane, in the City of London, England, Captain in the Victoria Rifles, for a combined tent and waggon.

No. 135 *of* 1886.—James Lyle, of Paisley, in the County of Renfrew, Scotland, Engineer, for improvements in spray lamps.

No. 142 *of* 1886.—The Flachstuch Gesellschaft, of Cologne, in the German Empire, Manufacturers, for improved mechanism applicable to looms for producing fabrics having unspun plant-stalks as a weft.

No. 143 *of* 1886.—Nathaniel Berry, of No. 135, City Road, in the County of Middlesex, England, Pianoforte Manufacturer, for improvements in the construction of the bodies or cases of pianofortes.

FORESTS.

The 3rd September, 1886.

No. 780 *F.*—With reference to the Notification by the Government of the North-Western Provinces and Oudh No. $\frac{1745}{11-145-2-34}$, dated the 6th May, 1886, the services of Mr. A. F. Broun, officiating Deputy Conservator of Forests, 4th Grade, are replaced at the disposal of that Government, with effect from the 15th July last.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 1st September, 1886.

No. 1739 *G.*—Surgeon P. D. Pank, Civil Surgeon, Bickaneer, is granted privilege leave for eighty-nine days, with effect from the 8th September, 1886, or the subsequent date on which he may avail himself of it.

No. 1741 *G.*—Surgeon-Major D. P. Macdonald M.D., Medical Officer, 11th (Prince of Wales' Own) Bengal Lancers, is appointed to the medical charge of the Bundelkhand Political Agency, in addition to his other duties, with effect from the 28th July, 1886, *vice* Surgeon P. Mullane, proceeded on duty to Burma.

No. 1743 *G.*—Pandit Jya Lal, officiating Extra Assistant Commissioner at Ajmere, is appointed to officiate as Attaché to the Governor-General's Agent in Central India, with effect from the date of assuming charge, during the absence on furlough of Sahibzada Wahiduddin, or until further orders.

The 2nd September, 1886.

No. 1746 *G.*—The privilege leave granted by Foreign Department Notification, No. 1513G., dated the 29th July, 1886, to Colonel J. C. Berkeley, Resident of the 2nd Class, and Governor-General's Agent at Baroda, is extended by one month from the 8th September, 1886.

No. 1748 *G.*—Captain C. Herbert, Political Assistant of the 1st Class, sub. *pro tem.* and Assistant to the Governor-General's Agent in Rajputana, is appointed to be Assistant Commissioner of Merwara, with effect from the 16th August, 1886.

No. 1751 *G.*—Mr. L. W. King, C.S., Political Agent of the 3rd Class, sub. *pro tem.* and Assistant Commissioner of Ajmere, is granted privilege leave for three months, with effect from the 15th September, 1886, or the subsequent date on which he may avail himself of it.

In continuation of this leave, Mr. King is also granted examination leave for two months, under Rule 3, Section 78 of the Civil Leave Code.

The 1st September, 1886.

No. 3125 *I.*—The Governor-General in Council is pleased to invest the officer holding for the time being the appointment of Agent to the Governor-General at Baroda with the powers of a Sessions Judge, as described in the Code of Criminal Procedure; and to direct that the said powers be exercised within the limits of the Cantonment of Baroda.

No. 3128 *I.*—The Governor-General in Council is pleased to invest Lieutenant-Colonel W. S. Peat, Second Assistant to the Governor-General's Agent at Baroda, with the ordinary powers of a Magistrate of the First Class, as described in the Code of Criminal Procedure, and with the additional powers specified in Schedule IV of the Code as powers with which a Magistrate of the First Class may be invested by the Local Government; and to direct that the said powers be exercised within the limits of the Cantonment of Baroda.

The 2nd September, 1886.

No. 3143 *I.*—The Governor-General in Council is pleased to extend to the Hyderabad Assigned Districts the provisions, so far as they may be applicable, of the Local Authorities Loan Act, 1879, as amended by Act XV of 1885.

No. 3147 *I.*—The Governor-General in Council has received with much satisfaction the intelligence that the undermentioned Chiefs of the Mahi Kantha in the Bombay Presidency have abolished all transit duties hitherto levied in their respective territories:

The Chief of Mansa.
" " Amliara.
" " Katosan.
" " Ilol.
" " Keroli
" " Prempur.
" " Hapa.
" " Dedhrota.
" " Kherawara.
" " Tajpuri.
" " Dherol.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 1st September, 1886.

No. 2874.—Mr. T. W. Rawlins, officiating Accountant-General and Commissioner of Paper Currency, Bombay, having returned from privilege leave, resumed charge of those offices from Mr. A. F. Cox, and Mr. A. F. Cox resumed charge of the duties of Deputy Accountant-General, Bombay, from Mr. C. E. Crawley, before noon on the 24th August, 1886. Mr. Crawley resumed charge of the duties of Assistant Accountant-General, Bombay, on the same day.

CODES.

The 31st August, 1886.

No. 2841.

CIVIL PENSION CODE.

PAGE 120.

Appendix A. Form G.

Substitute the following for the heading of columns 2, 6, 10 and 14:

"Number exposed to risk, namely, Half the sum of the numbers on the roll at the beginning and at the end of the year as shown in lines 4 and 9 of Form F."

Add the following as a footnote to the words "Number died in" *in columns 3, 7, 11 and 15 of this Form:*

"The number to be entered in this column is the number of reported deaths (line 11 of Form F), *plus* the number of lapses (line 12 of Form F), *minus* the number of renewals (line 6 of Form F)."

The 1st September, 1886.

No. 2879.

CIVIL PENSION CODE.

PAGE 43.

Section 91.

Substitute the following for the Exception under this Rule:

"Watandars (Hereditary District Officers) and their deputies in the Kaira Collectorate and in the undermentioned talukas of the Panch Mahals, namely, Godhra, Kálol, and Dohad and the Petás of Hálol and Jhalod, if transferred to qualifying service, count their previous service."

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

No. 2929.—Under Section 38, Act II of 1886, the Governor-General in Council is pleased to make the following Rule:

Rule.

The official allowance which an Agent of a Prince or State in India in alliance with Her Majesty, who has been duly accredited to represent the Prince or State for political purposes in any place within the limits of British India, receives, as such Agent, in British India from the Prince or State, shall be exempt from liability to assessment under Act II of 1886,

No. 2933.—Under Section 38, Act II, 1886, the Governor-General in Council has been pleased to make the following Rule:

Rule.

Sums paid by way of subscription or premium to the Royal Artillery Marriage Society or to the Bombay Mutual Life Assurance Society shall be exempt from liability to the tax under Act II of 1886 in the same manner as if they were paid to an Insurance Company in respect of an insurance or deferred annuity described in Section 5, sub-section (1), clause (*g*), of that Act.

D. BARBOUR,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 3rd September, 1886.

APPOINTMENTS.

BURMA FIELD FORCE.

No. 581.—In continuation of G. G. O. No. 280 of 1886, the Governor-General in Council sanctions, as a temporary measure, the formation of three additional brigades in Upper Burma, with staff as follows:—

Cavalry Brigade.

Brigadier-General R. C. Stewart, Quartermaster-General, Madras Army. } Commanding.
Captain A. B. Fenton, 4th Madras Cavalry. } Brigade-Major.
Major N. F. FitzG. Chamberlain, 2nd Central India Horse. } D. A. A. & Q. M. Genl.

Fourth Brigade.

Brigadier-General C. J. East, *h. p.* } Commanding.
Captain A. G. B. Ternan, 44th Bengal (Goorkha) Light Infantry. } Brigade-Major.
Captain B. E. Spragge, South Yorkshire Regiment. } D. A. A. & Q. M. Genl.

Fifth Brigade.

Colonel W. S. A. Lockhart, C.B., Bengal Infantry, with the temporary rank of Brigadier-General (2nd Class). } Commanding.
Major P. D. Jeffreys, Connaught Rangers. } Brigade-Major.
Captain A. W. L. Bayly, 21st Bombay Infantry. } D. A. A. & Q. M. Genl.—

With effect from the date of embarkation for Burma.

No. 582.—The following appointments to the Burma Field Force are sanctioned:

Colonel J. Hills, C.B., Royal (late Bombay) Engineers, to be Commanding Royal Engineer;

Captain F. T. N. Spratt, R.E., Military Works Department, to be Brigade-Major of Royal Engineers;

Major W. P. Symons, South Wales Borderers, Assistant-Adjutant General for Musketry, Madras Army, to be Commandant, Corps of Mounted Infantry;

Lieutenant G. V. Burrows, Madras S. C., Wing Officer, 14th Madras Infantry, to be Staff Officer, Corps of Mounted Infantry,—

With effect from date of joining.

No. 583.—BRIGADE STAFF—

Brigadier-General (with temporary rank) F. B. Norman, C.B., Bengal S. C., to be a Brigadier-General on the establishment, *vice* Major-General E. Dandridge, who vacates his command on promotion. Dated 1st September, 1886.

No. 584.—HYDERABAD CONTINGENT—

Colonel W. J. Bell, Madras S. C., Commandant, 2nd Cavalry, Hyderabad Contingent, to officiate as Commandant of the Hyderabad Contingent, with the temporary rank of Brigadier-General, *vice* Colonel T. H. Way, proceeding to Burma on field service with his regiment, and during the absence of Brigadier-General J. W. McQueen, C.B., Commanding Punjab Frontier Force. Dated 29th August, 1886.

No. 585.—COMMISSARIAT DEPARTMENT—

Lieutenant A. B. C. Williams, Sub-Assistant Commissary-General, 2nd Class, on probation, is confirmed in that appointment, with effect from the 12th May, 1885.

No. 586.—MEDICAL DEPARTMENT—

Brigade-Surgeon (now Deputy Surgeon-General) J. H. Thornton, C.B., M.B., Indian Medical Service, Bengal Establishment, to be Deputy Surgeon-General, with temporary rank, for the period during which he held the appointment of Principal Medical Officer at Suakin, *viz.*, from the 4th June to the 15th November, 1885.

STAFF CORPS.

No. 587.—Lieutenant Eric John Eagles Swayne, Welsh Regiment, Wing Officer, 16th Bengal Infantry, having completed eighteen months from date of appointment, on probation, is admitted to the Bengal Staff Corps, from the 13th November, 1884, subject to the confirmation of the Secretary of State for India.

No. 588.—The undermentioned officers, appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India:—

BENGAL STAFF CORPS.

Lieutenant L. Coape-Smith, Royal Inniskilling Fusiliers.

MADRAS STAFF CORPS.

Lieutenant J. H. B. Beresford, Royal Inniskilling Fusiliers.
Lieutenant H. St. G. Thomas, Royal Sussex Regiment.
Lieutenant E. W. L. Holt, Duke of Cornwall's Light Infantry.
Lieutenant R. M. Mann, 6th Dragoons.
Lieutenant T. S. Young, South Lancashire Regiment.

BOMBAY STAFF CORPS.

Lieutenant K. H. Eddis, Royal West Kent Regiment.

No. 589.—VOLUNTEER CORPS—

Naini Tal Volunteer Rifle Corps.

Mr. Thomas Taylor to be Lieutenant, to complete the establishment.

FURLOUGH AND LEAVE.

No. 590.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Captain the Hon'ble M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, officiating Deputy Superintendent, 4th Grade, Survey of India, (p. a.) for one year, under rule IX of the regulations of 1868.

No. 591.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Lieutenant J. E. Nixon, Bengal S. C., 18th Bengal Cavalry, (p. a.) for 121 days.
Lieutenant A. G. Peyton, Bengal S. C., 9th Bengal Lancers, (p. a.) for one year.
Surgeon-Major O. T. Duke, M.B., 16th Bengal Cavalry, (m. c.) for one year.
Surgeon G. Jameson, (p. a.) for 182 days.

No. 592.—Sub-Assistant Apothecary T. H. Bonnar is granted furlough in India (m. c.) for 327 days, under rule VI of the regulations of 1875, with effect from the 4th February, 1886.

No. 593.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel J. B. Sparks, Bengal S. C., (p. a.) for 212 days.
Major T. Shepherd, Bengal S. C., (p. a.) for ninety-one days.
Captain A. L. Mein, R.E., (p. a.) for one year.
Lieutenant A. C. Batten, Bengal S. C., (m. c.) for two months.

No. 594.—Colonel T. J. Watson, Bengal S. C., is granted an extension of leave out of India (p. a.) for 183 days, under the leave rules for the Staff Corps.

G. G. O. No. 549 of 1886 is cancelled.

JUDICIAL.

No. 595.—With reference to G. G. O. No. 495 of 1886, G. G. O. No. 417 of 1883, extending the provisions of Article 166, Indian Articles of War (Act V of 1869), to the outposts of Thul-Chotiali, Sharigh and Sibi, is cancelled.

PROMOTIONS.

No. 596.—Under the provisions of the Royal Warrant of the 10th November, 1881, the names of the following officers are moved up on the Indian Gradation List:—

Major-General A. B. Little, Bombay S. C., is placed on the list of Lieutenant-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Lieutenant-General G. R. S. Burrows, Bombay Infantry, on the 1st July, 1886.

Major-General J. L. Nation, C.B., Bengal S. C., is placed on the list of Lieutenant-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General Sir J. Watson, K.C.B., V.C., Bombay S. C., (whose name is borne on the list of Lieutenant-Generals of the Indian Army), on the 1st July, 1886.

Colonel G. A. Laughton, Bombay S. C., is placed on the list of Major-Generals, in consequence of the promotion of Major-General A. B. Little, Bombay S. C., to the rank of Lieutenant-General on the 1st July, 1886.

Colonel Sir H. H. Gough, K.C.B., V.C., Bengal S. C., is placed on the list of Major-Generals, in consequence of the death of Colonel T. C. Georges, Madras S. C., (whose name is borne on the list of Major-Generals of the Indian Army), on 11th July, 1886.

No. 597.—NATIVE ARMY—

13th Bengal Infantry.

Jemadar Pír Khán to be Subadar, *vice* Subadar Búta Singh, invalided;
Jemadar Mastán Singh to be Subadar, *vice* Subadar Gopál Singh, invalided;
Havildar Jáimal Singh to be Jemadar, *vice* Jemadar Pír Khán, promoted;
Havildar Rahím Khán to be Jemadar, *vice* Jemadar Mastán Singh, promoted,—

with effect from the 1st May, 1886.

14th Bengal Infantry.

Jemadar Híra Singh to be Subadar, *vice* Subadar Hazúra Singh, invalided;
Havildar Chanda Singh to be Jemadar, *vice* Jemadar Híra Singh, promoted,—

with effect from the 1st May, 1886.

Havildar Búdh Singh to be Jemadar, *vice* Jemadar Jáimal Singh, invalided, with effect from the 10th July, 1886.

22nd Bengal Infantry.

Havildar Mangal Singh to be Jemadar, *vice* Jemadar Sapúran Singh, transferred to the Burma Police, with effect from the 8th August, 1886.

28th Bengal Infantry.

Jemadar Sher Singh to be Subadar, *vice* Subadar Alla Singh, invalided;
Jemadar Gopál Singh to be Subadar, *vice* Subadar Warriám Singh, invalided;
Havildar Mall Singh to be Jemadar, *vice* Jemadar Sher Singh, promoted;
Havildar Dewa Singh to be Jemadar, *vice* Jemadar Gopál Singh, promoted;
Havildar Kalandar Khán to be Jemadar, *vice* Jemadar Munsoo, invalided,—

with effect from the 1st May, 1886.

45th Bengal Infantry.

Havildar Bagga Singh to be Jemadar, *vice* Jemadar Maktúla, invalided, with effect from the 1st May, 1886.

Havildar Gahal Singh to be Jemadar, *vice* Jemadar Bogh Singh, deceased, with effect from the 18th June, 1886.

No. 598.—COMMISSARIAT DEPARTMENT—

Sub-Conductor James Ettridge to be Conductor;

Sergeant Ethelred Elder Hutchins to be Sub-Conductor,—

with effect from the 5th June, 1886, *vice* Conductor E. Wadsworth, pensioned.

ORDNANCE DEPARTMENT.

No. 599.—The undermentioned Sub-Conductors on probation, are confirmed in their present grade, with effect from the dates specified :—

Frederick Clarke,—1st January, 1886.
William Smith, 1st January, 1886.
Thomas Martin, 9th February, 1886.

No. 600.—Sub-Conductor James Packer to be Conductor;

Store-Sergeant Alfred Charles Williams to be Sub-Conductor, on probation,—

with effect from the 8th August, 1886, *vice* Conductor J. Kirk, pensioned.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 30th August, 1886.

No. 217.—Mr. C. A. Bull, Executive Engineer, 1st Grade, State Railways, is appointed Engineer-in-Chief of the Cuddapah-Nellore State Railway.

The 31st August, 1886.

No. 218.—Mr. R. S. Strachey, Assistant Engineer, 1st Grade, North-Western Provinces and Oudh, temporarily employed in the Accounts Branch as Deputy Examiner, is retransferred to the Engineer Establishment and posted to British Burma.

No. 219.—With reference to Public Works Department Notification No. 40, dated the 15th February, 1886, Mr. G. B. Reynolds, Deputy Manager, Umaria Colliery, is appointed Manager, *vice* Mr. J. Y. Davidson, until further orders.

No. 220.—With reference to Public Works Department Notification No. 343, dated the 19th December, 1885, Mr. C. L. Taylor, Traffic Candidate, is appointed to Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, with effect from the 1st July, 1886.

No. 221.—Mr. J. J. Lenehan, Deputy Examiner, is transferred from the Office of the Examiner of Telegraph Accounts to that of the Examiner of Accounts, Eastern Bengal Railway.

The 1st September, 1886.

No. 222.—Mr. A. B. Gatherer, Executive Engineer, 1st Grade, is transferred from Hyderabad to Assam.

No. 223.—The following is published for general information :—

No. 1347G., dated 30th August, 1886.

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

Addition of a period not exceeding three years to the pensionable service of Civil Engineers, who were appointed to the Department as Assistant Engineers, 1st Grade.

Read again—

Despatch from Secretary of State, No. 71P.W., dated 13th November, 1884.
Public Works Department Resolution No. 1442G., dated 13th December, 1884.
Despatch from Secretary of State, No. 14P.W., dated 23rd April, 1885.

RESOLUTION.—In the Despatch of November, 1884, read in the preamble, the Secretary of State for India sanctioned a period not exceeding three years being added to the pensionable service of Civil Engineers, who were appointed to the Department as Assistant Engineers, 1st Grade, after they had left other employment in India, on the same conditions that the concession had previously been sanctioned for Civil Engineers, who were appointed to the Department with initial rank higher than that of 1st Grade Assistant Engineer; these conditions were—

i. That they were appointed before the 1st November, 1873.

ii. That they did not receive a bonus on leaving the service of a Guaranteed Railway Company.

In giving publicity to His Lordship's sanction in Rule V of Public Works Department Resolution No. 1442G., dated 13th December, 1884, the conditions attached to the grant of the concession were omitted.

His Excellency in Council is pleased to order the words "After they had left other employ in India" to be expunged from the Rule, the Secretary of State having in the Despatch of the 23rd April, 1885, quoted in the preamble, authorised the extension of the concession to all Civil Engineers appointed to the 1st Grade of Assistant Engineers on entering the Department, provided the conditions laid down are fulfilled.

Rule V of the Resolution now read again is accordingly reconstructed as follows:

V.—Civil Engineers, who were appointed before 1st November, 1873, to the Department as Assistant Engineers, 1st Grade, will be allowed on account of previous experience

to add to their pensionable service a period not exceeding three years, provided such previous experience was not acquired before the age of 25. This concession will not, however, be granted to any officer taken over, directly or indirectly, from one of the Guaranteed Railway Companies, who received a bonus on leaving the service of the Company.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments, Administrations and Officers noted on the margin, and that it be published in the *Gazette of India* and in all local official Gazettes.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General for Central India, Rajputana, and Biluchistan.
The Accountant-General, Public Works Department.
The Inspector-General of Military Works.
The Director-General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

The 3rd September, 1886.

No. 225.—*Corrigendum.*—In Public Works Department Notification No. 209, dated 11th August, 1886, making certain promotions of Executive and Assistant Engineers attached to State Railways, *for* "Leemond, W. A.," *read* 'Lesmond, W. A."

TELEGRAPH.

The 2nd September, 1886.

No. 224.—*Erratum.*—In Public Works Department Notification No. 205, dated 7th August, 1886, *for* "Mr. E. Dawson," *read* "Mr. E. Dowson."

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 37.] [illegible]A, SATURDAY, SEPTEMBER 11, 1886.

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

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

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

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

Nothing for publication.

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

The Jhansi and Morar Bill.
The Native Passenger Ships Bill.
The Glanders and Farcy Act, 1879, Amendment Bill.
The General Clauses Bill.
The Civil Procedure Code Amendment Bill.

SUPPLEMENT No. 37.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 9th September, 1886.

No. 1375.—Under the provisions of Section 27 (*b*) of the Indian Arms Act, 1878, the Governor-General in Council cancels so much of this Department Notification No. 518, dated the 6th March, 1879, as exempts kyedangyis in Lower Burma from the operations of all prohibitions and directions contained in Sections 13, 14, 15, and 16 of the Indian Arms Act, and again subjects kyedangyis to the operation of such prohibitions and directions.

No. 1376.—The Governor-General in Council is pleased, under Section 17 of the Indian Arms Act, 1878, to direct that the following clause shall be added to the conditions printed on the back of Forms VI and VII of the forms of licenses published with Notification No. 518, dated the 6th March, 1879, when such licenses are granted in Lower Burma:

"The license-holder shall not sell arms or ammunition to any Asiatic without the permission in writing of a Magistrate of the 1st Class or of the District Superintendent of Police, and shall not sell in any one year to any Asiatic more than one pound of gunpowder and 100 caps without the sanction of the District Magistrate or of the Subdivisional Officer."

EXAMINATIONS.

The 8th September, 1886.

No. 36.—Mr. R. C. Stevenson, an Assistant Commissioner in Burma, having obtained a Degree of Honor in Burmese in the 1st Division, has been presented with the authorized donation of Rs. 4,000.

JUDICIAL.

The 10th September, 1886.

No. 1317.—The services of Mr. G. E. Porter, C.S., are replaced at the disposal of the Government of Bengal, with effect from the 13th instant.

ECCLESIASTICAL.

The 6th September, 1886.

No. 236.—Her Majesty's Secretary of State has permitted the Reverend B. Morrell, M.A., a Senior Chaplain on the Bengal Ecclesiastical Establishment, to retire from the service on medical certificate, with effect from the 15th instant.

No. 238.—Her Majesty's Secretary of State has permitted the Reverend F. V. Knox, M.A., a Junior Chaplain on the Bengal (Lahore) Establishment, to resign his appointment, with effect from the 19th instant.

PATENTS.

The 6th September, 1886.

No. 1131.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 40 *of* 1886.—Frederick de la Fontaine Williams, of No. 6, Jeffrey's Square, in the City of London, England, Merchant, for manufacture of an illuminant appliance for gas and other burners.

No. 47 *of* 1886.—Eugene Charles Schrottky, Technical and Agricultural Chemist, at present of Mozufferpore, in the District of Tirhoot, for the improvement of indigo manufacture.

No. 92 *of* 1886.—Lieutenant-Colonel G. D. A. Jackson, G.L.C., Executive Engineer, and Conductor T. Gray, Sub-Engineer of Dum-Dum, for a machine to facilitate the bending and making of sheets of iron such as are used for joining and covering the edges of iron sheets used in roofing in the manner known as the Nynee Tal system of roof covering.

No. 109 *of* 1886.—Edmonds Mulock, of the Junior United Service Club, London, England, a Colonel in Her Majesty's Forces, Companion of the Bath, for improvements in apparatus for working punkahs.

No. 118 *of* 1886.—Harry Murray and Alexander Paterson, both residents of Soparie Baugh Road, Parel, Bombay, India, for improvements in visible drop Lubricators for oiling the moving parts of steam and other Engines.

No. 130 *of* 1886.—Eugene Charles Schrottky, Technical and Agricultural Chemist of Mozufferpore, in the District of Tirhoot, for the improvement of Indigo manufacture.

No. 136 *of* 1886.—Thomas Rodger, Engineer, Thomas Black, Accountant, and Robert Crawford, Ironmonger, all of Dunedin, in the Colony of New Zealand, for improved self emptying hopper waggons for ballasting on railways.

No. 138 *of* 1886.—Thomas Rodger, Engineer, Thomas Black, Accountant, and Robert Crawford, Ironmonger, all of Dunedin, in the Colony of New Zealand, for an improved plough for spreading and trimming ballast on Railways.

FORESTS.

The 10th September, 1886.

No. 805 *F.*—In supersession of the Notification of this Department No. 702F., dated the 13th ultimo, it is hereby notified that the following temporary promotions are made during the absence on seventy-three days' privilege leave of Mr. A. L. Home, Conservator of Forests of the 3rd (officiating 2nd) Grade in Bengal:—

Mr. E. G. Chester, Deputy Conservator of Forests of the 3rd Grade in Bengal, to officiate in the 3rd Grade of Conservators and to have charge of the Forest Department in Bengal, from the 9th June to the 20th August, 1886 (inclusive).

Mr. H. C. Hill, officiating Conservator of Forests of the 3rd Grade in the Punjab, to officiate in the 2nd Grade of Conservators, from the 21st June to the 12th August, 1886 (inclusive), *vide* Notifications No. 513F., dated the 19th June, and No. 604F., dated the 23rd July, 1886.

Mr. W. R. Fisher, B.A., officiating Conservator of Forests of the 3rd Grade, in charge of the School Circle in the North-Western Provinces and Oudh, to officiate in the 2nd Grade of Conservators, from the 13th to the 20th August, 1886 (inclusive), *vide* Notification No. [illegible]3F., dated the 19th June, 1886.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 7th September, 1886.

No. 661—671-7 *G.*—The services of Mr. C. S. Bayley, Under-Secretary to the Government of India in the Revenue and Agricultural Department, are placed at the disposal of the Foreign Department.

The 10th September, 1886.

No. 682—691-9 *G.*—Mr. W. R. Lawrence, C.S., Under-Secretary to the Government of the Punjab, is appointed to be Under-Secretary to the Government of India in the Revenue and Agricultural Department, substantively *pro tempore*, with effect from the 13th instant, during the absence of Mr. C. S. Bayley, or until further orders.

C. J. LYALL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th September, 1886.

No. 1782 *G.*—Mr. C. S. Bayley, B.C.S., Under-Secretary to the Government of India in the Revenue and Agricultural Department, is appointed to be a Political Agent of the 3rd Class, sub. *pro tem.*, and is posted as Assistant Commissioner in Ajmere, with effect from the date of joining.

The 10th September, 1886.

No. 1793 *G.*—With the approval of Her Majesty's Government, the Governor-General in Council is pleased to recognise provisionally the appointment of Chevalier Finzi as Consul for Italy at Rangoon.

The 7th September, 1886.

Proclamation issued by the Government of India in the Foreign Department.

No. 2080 *E.*—In exercise of the powers vested in him by the Statute 28 & 29 Vic., cap. 17, section 4, and in supersession of the Proclamations cited marginally, the Governor-General in Council is pleased to declare that the settlement of Aden and its dependencies, including the villages of Shaikh Othman, Imád and Hiswah, the Island of Perim, and Little Aden, are and shall be subject to the Government of Bombay.

Nos. 762-E. and 430-F., dated respectively the 24th April, 1883, and the 13th February, 1884.

The 9th September, 1886.

No. 3244 *I.*—In modification of the Notification of the Government of India in the Foreign Department, No. 2252 I., dated the 7th August, 1883, it is hereby declared that in Section 13 of the Indian Limitation Act, XV of 1877, for the words "British India" the words "the territories of Mysore (including the Civil and Military Station of Bangalore) and British India" shall be read.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 8th September, 1886.

No. 3002.—Mr. E. Grant, Chief Superintendent in the Office of the Comptroller of Burma, having returned from privilege leave, resumed charge of his duties from Mr. W. G. Clague before noon on the 16th August, 1886.

The 10th September, 1886.

No. 3065.—The following grade promotion and reversions among officers of the Account Department are hereby notified:—

With effect from the 26th July, 1886, in consequence of the departure on privilege leave of Mr. W. H. Dobbie—

Mr. M. Oung to officiate as Enrolled Officer, Class IV.

With effect from the 22nd August, 1886, in consequence of the return from privilege leave of Mr. T. W. Rawlins—

Mr. E. J. Sinkinson to cease to officiate as Accountant-General, Class II, and to officiate as Accountant-General, Class III.

Mr. A. F. Cox to cease to officiate as Accountant-General, Class III, and to officiate as Enrolled Officer, Class II.

Mr. F. De H. Latpent to cease to officiate as Enrolled Officer, Class II, and to officiate as Enrolled Officer, Class III.

Mr. C. E. Crawley to cease to officiate as Enrolled Officer, Class III, and to officiate as Enrolled Officer, Class IV.

Mr. M. Oung to cease to officiate as Enrolled Officer, Class IV, and to officiate as Enrolled Officer, Class V.

Mr. R. C. Chapman to continue to officiate as Enrolled Officer, Class IV, during Mr. Dobbie's absence on privilege leave.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 10th September, 1886.

APPOINTMENTS.

BURMA FIELD FORCE.

No. 601.—In continuation of G. G. O. No. 582 of 1886, the following appointments are made in the Burma Field Force:—

Colonel W. Carey, R.A., to command the Artillery.

Captain C. M. Haggard, R.A., to be Brigade-Major of Artillery.

No. 602.—The undermentioned officers have been appointed to the Burma Field Force for special service:—

Captain E. B. J. Vaughan, 6th Punjab Infantry, Punjab Frontier Force.
Captain F. M. Rundall, 9th Bengal Infantry.
Captain G. N. Mayne, King's Own Borderers.
Lieutenant E. D. Pickard-Cambridge, Bedfordshire Regiment.
Lieutenant H. L. Custance, 2nd Goorkha Regiment.
Lieutenant P. A. N. St. L. Wood, 28th Bombay Infantry.
Lieutenant G. H. Arbuthnot, 3rd Madras Light Cavalry.
Lieutenant E. B. Hawkes, Royal Sussex Regiment.
Lieutenant S. Willcock, Gloucestershire Regiment.

No. 603.—COMMISSARIAT DEPARTMENT, TRANSPORT BRANCH—

The undermentioned officers are appointed Sub-Assistant Commissaries-General for Transport, 2nd Class, temporarily, for service in Burma:—

Major J. T. Cumming, Madras S. C., 4th Cavalry, Hyderabad Contingent.
Captain H. R. Saunders, West Riding Regiment.
Lieutenant F. A. Wilkinson, Royal Fusiliers.
Lieutenant G. P. Ranken, Wing Officer, 24th Bengal Infantry.

No. 604.—QUARTERMASTER-GENERAL'S DEPARTMENT—

Colonel H. Collett, C.B., Bengal S. C., Deputy Adjutant General, to officiate as Quartermaster-General in India, *vice* Major-General E. F. Chapman, C.B., Aide-de-Camp to the Queen, on furlough. Dated 4th September, 1886.

No. 605.—ADJUTANT-GENERAL'S DEPARTMENT—

Colonel P. H. F. Harris, Bengal S. C., Commandant, Administrative Battalion, Presidency Volunteers, to officiate as Deputy Adjutant-General, *vice* Colonel H. Collett, C.B. Dated 4th September, 1886.

No. 606.—HYDERABAD CONTINGENT—

1st Cavalry.

Surgeon C. Mallins, M.B., Medical Officer, 1st Infantry, to be Medical Officer, *vice* Brigade-Surgeon G. D. Riddell, whose services have been replaced at the disposal of the Government of Madras. Dated 10th September, 1886.

1st Infantry.

Surgeon F. J. Doyle, officiating Medical Officer, 3rd Infantry, to be Medical Officer, *vice* Surgeon C. Mallins. Dated 10th September, 1886.

No. 607.—PERSONAL STAFF—

In continuation of G. G. O. No. 152 of 1886, the following appointment has been made on the personal staff of His Excellency the Commander-in-Chief in India :—

Captain and Brevet-Major I. S. M. Hamilton, Gordon Highlanders, to be Aide-de-Camp. Dated 9th March, 1886.

FURLOUGH AND LEAVE.

No. 608.—The undermentioned officers are granted leave, out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Lieutenant H. H. F. Fagan, Bengal S. C., 10th (The Duke of Cambridge's Own) Bengal Lancers, (p. a.) for one year. (This cancels the furlough granted to him in G. G. O. No. 314 of 1886.)—Pension service,—eight years and ten days.

Surgeon J. G. Hancock, 5th Punjab Cavalry, Punjab Frontier Force, (m. c.) for 182 days. —Pension service,—nine years and sixty-eight days.

No. 609.—Major L. T. Bishop, Bengal S. C., 2nd Punjab Cavalry, Punjab Frontier Force, is granted leave in and out of India (m. c.) for one year, under the leave rules for the Staff Corps, with effect from the date of his being struck off duty.—Pension service,—twenty years and 192 days.

No. 610.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant-Colonel C. A. Baylay, Bengal S. C., (m. c.) for two months.

Major J. B. Watts, Bengal S. C., (m. c.) for two months.

Captain A. W. Brooke, Bengal S. C., (m. c.) for three months.

Sub-Assistant Apothecary J. Morton, (m. c.) for six months.

Sub-Conductor S. Craig, Commissariat Department, (m. c.) for two months.

LONDON GAZETTE.

No. 611.—The following extract is published for general information :—

"*London Gazette," dated the 10th August,* 1886, *page* 3856.

"WAR OFFICE;

Pall Mall, 10th August, 1886.

MEMORANDA.

INDIAN STAFF CORPS.

The undermentioned Colonels have been transferred to the Unemployed Supernumerary List :—

Lionel Chase Barton, Bombay. Dated 24th July, 1886.

Octavius Ludlow Smith, Bengal. Dated 30th July, 1886."

PENSIONS.

No. 612.—First Grade Assistant-Apothecary William Hutton is transferred to the pension establishment.

No. 613.—Sergeant George William Harvey, late Bazar Sergeant at Agra, is admitted to a pension of *2s. 11½d.* per day, with effect from the date on which he ceased to receive effective pay.

PROMOTIONS.

No. 614.—The following promotions are made, subject to Her Majesty's approval :—

To be Colonel in the Army.

Lieutenant-Colonel Lacy Bowring Bance, Madras S. C.,—10th September, 1886.

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major and Brevet-Lieutenant-Colonel George Robert James Shakespear,—7th September, 1886.

Lieutenants to be Captains. Dated 10th September 1886.

Edward William Fane Martin.
Arthur Arnold Barrett.
Hugh Roddam Tate.
Howard Goad.
John Eccles Nixon.
John Mark Anthony Retallick.
James Alexander Bell.
Eaton Aylmer Travers.
Cecil Barry Brownlow.
George Augustus Williams.
Walter Cook.
Alan Coddington Batten.
Ernest William Cunliffe.
Laurence Julius Elliott Bradshaw.

INDIAN ARMY.

To be Lieutenant-Colonel.

Major William Ironside Bax, General List, Infantry—4th September, 1886.

No. 615.—NATIVE ARMY—

7th Bengal Cavalry.

Ressaidar Ali Khan to be Ressaldar, Jemadar Ahmad Ali to be Ressaidar, and Duffadar Kalandar Khan to be Jemadar, *vice* Ressaldar Ghúlám Ali, invalided,—with effect from the 25th May, 1886.

No. 616.—PUNJAB FRONTIER FORCE—

2nd Punjab Infantry.

Havildar Chét Singh to be Jemadar, *vice* Jemadar Silbahn Singh, transferred to the Burma Police,—with effect from the 14th May, 1886.

RETIREMENTS.

No. 617.—Colonel Charles James Hughes, Bengal S. C., is permitted to retire from the service, with effect from the 26th September, 1886, subject to Her Majesty's approval.

REWARDS.

ORDER OF MERIT.

No. 618.—The Governor-General in Council is pleased to admit Subadar Mahomed Dawood, 2nd Madras Lancers, to the 3rd Class of the Order of Merit, for an act of conspicuous gallantry at Lethingie, Burma, on the 2nd January, 1886, in saving the life of a British soldier, who was at the time disarmed and attacked by two of the enemy.

No. 619.—The Governor-General in Council is pleased to admit No. 312, Havildar Sripal Singh, 4th Bengal Infantry, to the 3rd Class of the Order of Merit, for conspicuous gallantry in leading a charge, at a critical time, at the action at Poottha, Upper Burma, on the 1st February, 1886.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 10th September, 1886.

Statement of Deposits on account of Estates between the 7th August and the 10th September, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Thomas Joseph Willans ...	Major ...	Royal Engineers	4th July, 1886	Will left	2,646 13 5	...	10th November, 1886.

Executors.—*Brother,*—W. H. Willans, Esq., care of Messrs. Cox and Co., London, and Dr. E. G. Butler, brother-in-law, 147, Cromwell Road, South Kensington, London.
Executrix.—Mrs. F. Willans, care of Dr. Butler, 147, Cromwell Road, South Kensington, London.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 6th September, 1886.

No. 226.—Honorary Lieutenant W. Marr, Assistant Engineer, 3rd Grade, Burma, is promoted to Assistant Engineer, 2nd Grade, with effect from 1st March, 1886.

The 7th September, 1886.

No. 227.—With the concurrence of the Bombay Government, the Senior Deputy Consulting Engineer for Railways, Bombay, is, as a temporary arrangement and until further orders, invested with the powers of a Consulting Engineer for Railways in respect to the system of Railways belonging to or worked by the Bombay, Baroda and Central India Railway Company.

No. 228.—With reference to Notification No. 227 of this date, the Governor-General in Council is pleased to appoint the Senior Deputy Consulting Engineer for Railways at Bombay while holding such powers to be an Inspecting Officer under Section 3A of Act IV of 1879 as amended by Act IV of 1883 in respect to the system of Railways administered by the Bombay, Baroda and Central India Railway Company.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 38.] SIMLA, SATURDAY, SEPTEMBER 18, 1886.

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

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SUPPLEMENT No. 38.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 16th September, 1886.

No. 14.—The Governor-General under the authority vested in him by the Statute 24 and 25 Vic., Cap. 67, Section 10, has been pleased to reappoint the Hon'ble Babu Peari Mohan Mukerji to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations, with effect from the 12th instant.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS—JUDICIAL.

Simla, the 16th September, 1886.

No. 1374.—The services of Mr. J. P. Grant, Bengal Civil Service, are replaced at the disposal of the Government of Bengal, with effect from the 13th instant.

PORT BLAIR.

The 13th September, 1886.

No. 620.—Mr. M. V. Portman, Extra Assistant-Superintendent, 1st Class, Port Blair and the Nicobars, is granted furlough for one year, with effect from 1st November, 1886, or any subsequent date on which he may avail himself of it.

The 16th September, 1886.

No. 633.—Colonel T. Cadell, V.C., Chief Commissioner of the Andaman and Nicobar Islands and Superintendent of Port Blair and the Nicobars, is granted privilege leave of absence for a period of three months, with effect from the 5th November, 1886, or any subsequent date on which he may avail himself of it.

Lieutenant-Colonel R. J. Wimberley, Deputy Superintendent of Port Blair and the Nicobars, to officiate as Chief Commissioner of the Andaman and Nicobar Islands and Superintendent of Port Blair and the Nicobars, during the absence of Colonel Cadell on leave, or until further orders.

EDUCATION.

The 14th September, 1886.

No. 332.—*Appointment.*—Mr. Vishnu Moreshwar Mahajani, M.A., officiating Head Master of the Akola High School, to be Educational Inspector, Hyderabad Assigned Districts, *vice* Mr. Bajaba Ramchandra Pradhan, deceased.

PATENTS.

The 13th September, 1886.

No. 1140.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 129 *of* 1886.—Arthur Ross Wilson, Associate Member of the Institute of Civil Engineers of London, at present residing at Balaiwalee, Bijnour District, in the North-West Provinces of India, for the dredging and excavating of sand, stones and other material out of harbours, rivers, wells, or other foundations of bridges, dock-walls and other works.

No. 144 *of* 1336.—William Knowles, of Hartford Mill, Great Lever, and Round Hill Mills, Bolton, both in the County of Lancaster, England, for automatically opening and closing drain taps or valves employed in cylinders of steam engines.

No. 150 *of* 1886.—William Tosh, British Engineer, at present residing at the Great Western Hotel, Bombay, but ordinarily residing at Glasgow in Scotland, for packing for the stuffing boxes of Piston Rods and of other Rods requiring packing of a similar nature.

No. 153 *of* 1336.—John Glass Sandeman, Gentleman, and Percival Everitt, Engineer, both of London, England, for improved apparatus for delivering prepaid goods.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th September, 1886.

No. 1801 *G.*—Colonel H. M. B. Burlton, lately officiating Cantonment Magistrate, Neemuch, is granted special leave on urgent private affairs, with effect from the 4th July to the 30th November, 1886, under Sections 2 and 78 of the Civil Leave Code.

No. 1807 *G.*—Major A. H. S. Neill, Second-in-Command, 2nd Regiment, Central India Horse, is appointed to officiate as Political Agent, Western Malwa, in addition to his other duties, during the absence on one month's privilege leave, of Colonel C. Martin, C.B., or until further orders.

The 16th September, 1886.

No. 1815 *G.*—The following Extract from Force Orders, issued on the 20th August, 1886, by Colonel F. W. Boileau, Commandant of the Deoli Irregular Force, is confirmed:—

Lieutenant G. S. Jones, officiating Adjutant, officiates as Second-in-Command and Squadron Officer, *vice* Lieutenant-Colonel Greenfield, proceeded on furlough, from this date, in addition to his own duties.

No. 1817 *G.*—The following Extract from Regimental Orders, issued on the 24th August, 1886, by Major O'M. Creagh, V.C., Commandant of the Merwara Battalion, is confirmed:—

Lieutenant J. A. Bell, officiating Second-in-Command, having this day reported his departure to join the Deoli Irregular Force as Second-in-Command, agreeably to *Gazette of India*, Part I, Foreign Department Notification, No. 1655G., dated 19th August, 1886, Lieutenant G. H. J. Moore will perform the duties of Second-in-Command, in addition to his own, or until the arrival of Captain Collins.

The 17th September, 1886.

No. 1827 *G.*—Mr. E. G. Colvin, C. S., Political Assistant of the 2nd Class, sub. *pro tem.*, is appointed to be First Assistant to the Governor-General's Agent in Rajputana.

The 16th September, 1886.

No. 3329 *I.*—In continuation of Foreign Department Notification No. 4070I., dated the 15th December, 1885, the Governor-General in Council is pleased to extend the provisions of Act II of 1885 (An Act to amend the Negotiable Instruments Act, 1881) to the Civil and Military Station of Bangalore.

No. 3331 *I.*—Under the provisions of Section 138 of the Negotiable Instruments Act, XXVI of 1881 (as amended by Act II of 1885), the Governor-General in Council is pleased to appoint the undermentioned persons to perform the functions of Notaries Public under that Act within the limits of the Civil and Military Station of Bangalore:—

Mr. G. Madden, Agent, Bank of Madras, Bangalore.

Mr. J. W. Hayes, (Senior) Advocate, Bangalore.

The 17th September, 1886.

No. 3358 *I.*—The Governor-General in Council is pleased to extend the Prisoners' Act Amendment Act, IX of 1882, to the Hyderabad Assigned Districts, with effect from the 1st January, 1883, subject to the following modifications:—

In Section 1, *for* "British India," *read* "the Hyderabad Assigned Districts."

In Section 2, *for* "British India," *read* the Hyderabad Assigned Districts," and *for* "Local Government," in both places in which those words occur, *read* "Resident at Hyderabad."

No. 3360 *I.*—(1) Under Section 33 of the Prisoners' Act, V of 1871, as modified by the Prisoners' Act Amendment Act, IX of 1882, and as extended to the Hyderabad Assigned Districts, the Governor-General in Council is pleased to appoint the Central Jail at Akola to be a place to which prisoners sentenced in those districts to transportation shall be sent.

(2) This Notification shall be deemed to have had effect from the 1st January, 1883.

No. 3362 *I.*—The Governor-General in Council is pleased to extend the Prisoners' Act, V of 1871, as amended by Acts IX of 1882 and X of 1886, Section 25, and so far as it may be applicable, to the Cantonment of Secunderabad, with effect from the 1st January, 1883.

No. 3364 *I.*—(1) Under Section 33 of the Prisoners' Act, V of 1871, as modified by the Prisoners' Act Amendment Act, IX of 1882, and as extended to the Cantonment of Secunderabad, the Governor-General in Council is pleased to appoint the Central Jail at Akola to be a place to which prisoners sentenced in the Cantonment of Secunderabad to transportation shall be sent.

(2) This Notification shall be deemed to have had effect from the 1st January, 1883.

The 17th September, 1886.

No. 2164 *E.*—The following Treaty of Friendship, Commerce, and Navigation between Her Majesty and the Republic of the Equator is published for general information:—

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN HER MAJESTY AND THE REPUBLIC OF THE EQUATOR.

SIGNED AT QUITO, OCTOBER 18, 1880.

[*Ratifications exchanged at Quito, February* 19, 1886.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of the Equator, being desirous of extending and facilitating the relations of commerce between their respective territories and subjects and citizens, have resolved to conclude a Treaty for that purpose, and have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,—Frederic Douglas Hamilton, Esquire, Her Minister Resident to the Republic of the Equator;

And his Excellency the President of the Republic of the Equator,—General Cornelio E. Vernaza, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

There shall be perpetual friendship between the dominions and subjects of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and the Republic of the Equator and its citizens.

ARTICLE II.

There shall be between all the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects and citizens of each of the two Contracting Parties, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which other foreigners are, or may be, permitted to come, and shall, throughout the whole extent of the dominions and possessions of the other, enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation which are or may be enjoyed by native subjects or citizens generally.

ARTICLE III.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article the produce or manufacture of the dominions and possessions of the Republic of the Equator,

Su Majestad la Reina dei Reino Unido de la Gran Bretana é Irlanda, y la República del Ecuador, deseando extender y facilitar las relaciones de comercio entre sus respectivos territorios y súbditos y ciudadanos, han resuelto concluir un Tratado para aquel efecto, y han nombrado como sus respectivos Plenipotenciarios, á saber:

Su Majestad la Reina del Reino Unido de la Gran Bretana é Irlanda, al Señor Federico Douglas Hamilton, Escudero, su Ministro Residente en la República del Ecuador; y

Su Excelencia el Presidente de la República del Ecuador, al Señor General Cornelio E. Vernaza, Ministro de Relaciones Exteriores;

Quienes, después de comunicarse sus respectivos plenos poderes, hallándolos en buena y debida forma, han convenido y concluido los siguientes Artículos:—

ARTICULO I.

Habrá perfecta amistad entre la República del Ecuador y sus ciudadanos y los dominios y súbditos de Su Majestad la Reina del Reino Unido de la Gran Bretana é Irlanda, sus herederos y sucesores.

ARTICULO II.

Habrá entre todos los dominios y posesiones de las dos Altas Partes Contratantes recíproca libertad de comercio y navegacion. Los ciudadanos y súbditos de cada una de las Partes Contratantes respectivamente tendrán libertad para entrar libre y seguramente con sus buques y cargamentos á todos los parajes, puertos y rios de las posesiones y dominios de la otra, á los cuales se permite ó se permitiere entrar á otros extranjeros, y gozarán en toda la extencion de las posesiones y dominios antedichos, en materia de comercio y navegacion, de los mismos derechos, privilejios, libertades, favores, inmunidades, exenciones que generalmente gozan ó gozaren los nacionales.

ARTICULO III.

No se impondrán otros ó mas altos derechos á la importacion en los dominios y posesiones de la República del Ecuador de cualesquiera artículos naturales ó manufacturados de los dominios y posesiones de Su Majestad Británica,

from whatever place arriving, and no other or higher duties shall be imposed on the importation into the dominions and possessions of the Republic of the Equator of any article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than are or shall be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the two Contracting Parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

de cualquier paraje que llegaren, que los que se pagan ó pagaren por semejantes artículos, cuando sean productos naturales ó manufacturados de cualquier otro pais extranjero; ni se impondrán otros ó mas altos derechos á la importacion en los dominios y posesiones de Su Majestad Británica, de cualesquieras artículos naturales ó manufacturados de los dominios y posesiones de la República del Ecuador, de cualquier paraje que llegaren, que los que pagan ó pagaren por semejantes artículos cuando sean productos naturales ó manufacturados de cualquier otro pais extranjero; ni se impondrá prohibicion alguna á la importacion de los productos naturales ó manufacturados de los dominios y posesiones de una de las dos Partes Contratantes en los dominios y posesiones de la otra, que no se extiendan á la importacion de iguales artículos cuando sean productos naturales ó manufacturados de cualquiera otro pais.

ARTICLE IV.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

ARTICULO IV.

No se impondrán otros ó mas altos derechos ó impuestos en los dominios y posesiones de cualquiera de las Partes Contratantes, á la exportacion de cualesquiera artículos para los dominios y posesiones dela otra, que los que pagan ó pagaren por la exportacion de iguales artículos para cualquier otro pais extranjero; ni se impondrá prohibicion alguna á la exportacion de cualesquiera artículos de los dominios y posesiones de cualquiera de las dos Partes Contratantes á los dominios y posesiones de la otra que no se extiendan igualmente á la exportacion de iguales artículos para cualquiera otra nacion.

ARTICLE V.

Goods, in respect of which import duties shall have been paid upon the importation thereof by a subject or citizen of either country at a port of the United Kingdom or the Republic of the Equator, shall not be liable to the payment of any further import duty, in the event of such goods being conveyed by sea to any other port of the United Kingdom or Republic; provided, always, that both in the United Kingdom and in the Republic of the Equator such reshipments shall have been made in conformity with the laws of the two countries respectively for the regulation of the coasting trade.

ARTICULO V.

Las mercaderías respecto de las cuales se hubiesen pagado derechos de entrada sobre su importacion por un súbdito ó ciudadano de cualquier pais en un puerto del Reino Unido ó de la República del Ecuador, no estarán sujetas al pago de otro derecho de entrada, en el caso de que tales mercaderías se conduzcan por mar á cualquier otro puerto de la República ó del Reino Unido; siempre que, tanto en la República del Ecuador como en el Reino Unido, se hubiesen hecho los reembarques en conformidad de las leyes que respectivamente hubiesen dado los dos paises para el arreglo del comercio de cabotaje.

ARTICLE VI.

Equality of treatment in regard to warehousing and to the transit trade, and also in regard to bounties, facilities, and drawbacks, shall be enjoyed by the subjects and citizens of the High Contracting Parties reciprocally.

ARTICULO VI.

Los ciudadanos y súbditos de las dos Altas Partes Contratantes gozarán de recíproca igualdad de trato en lo concerniente al depósito de mercaderías y al comercio de tránsito, y tambien en lo relativo á franquicias, abonos y descuentos de derechos de aduana.

ARTICLE VII.

All articles the produce or manufacture of the dominions and possessions of either of the Contracting Parties, or of any other country, which are or may be legally importable into the ports of the dominions and possessions of Her Britannic Majesty in British vessels, may likewise be imported into those ports in Equatorian vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in British vessels; and, reciprocally, all articles

ARTICULO VII.

Todos los artículos naturales ó manufacturados de los dominios y posesiones de cualquiera de las Partes Contratantes ó de cualquier otro pais que sean ó llegaren á ser legalmente importables en los puertos de los dominios y posesiones de la República del Ecuador en buques Ecuatorianos, podrán importarse tambien en dichos puertos en buques Británicos, sin que estén sujetos á otros ó mas altos derechos ó impuestos de cualquiera denominacion que los que se pagan ó pagaren por tales

the produce or manufacture of the dominions and possessions of either of the Contracting Parties, or of any other country, which are or may be legally importable into the ports of the dominions and possessions of the Republic of the Equator in Equatorian vessels, may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Equatorian vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

artículos siendo importados en buques Ecuatorianos; y reciprocamente los artículos naturales ó manufacturados de los dominios y posesiones de cualesquiera de las Partes Contratantes, ó de cualquiera otro país, que sean ó llegaren á ser legalmente importables en los puertos de los dominios y posesiones de Su Majestad Británica en buques Británicos podrán importarse tambien en dichos puertos en buques Equatorianos, sin que estén sujetos á otros ni mas altos derechos ó impuestos de cualquiera denominacion que los que se pagan ó pagaren por tales artículos importados en buques Británicos. Esta recíproca igualdad de trato se efectuará sin distincion, sea que tales artículos vayan directamente del lugar de su orígen ó de cualquier otro.

In the same manner there shall be perfect equality of treatment in regard to exportation; so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the High Contracting Parties, on the exportation of any article which is or may be legally exportable therefrom, without distinction whether such exportation shall take place in British or in Equatorian vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

Habrá, de la misma manera, perfecta igualdad de trato respecto de la exportacion; de suerte que se pagarán los mismos derechos y se permitirán las mismas franquicias y descuentos en los dominios y posesiones de las dos Altas Partes Contratantes por la exportacion de cualesquiera artículos que sean ó llegaren á ser legalmente exportables en los dichos dominios y posesiones sin distincion, sea que la exportacion se haga en buques Ecuatorianos ó Británicos, y cualquiera que sea el lugar del destino, esto es, que sea un puerto de cualquiera de las Partes Contratantes ó de una tercera Potencia.

ARTICLE VIII.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country which shall not equally and under the same conditions be imposed in the like cases on the vessels of other nations.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICULO VIII.

Ningun derecho de tonelada, puerto, pilotaje, faro, cuarentena ú otros correspondientes á semejantes derechos de cualquiera naturaleza, bajo cualquiera denominacion que se exijan á nombre ó en beneficio de los funcionarios públicos, individuos particulares, corporaciones de cualquiera especie, se impondrán en los puertos de los dominios y posesiones de una de las dos partes sobre los buques del otro pais, que no se impongan igualmente y bajo las mismas condiciones, en casos semejantes á los buques de otras naciones.

Tal igualdad de trato se aplicará recíprocamente á los respectivos buques, de cualquiera puerto o paraje que arribaren, y sea cualquiera el lugar del destino.

ARTICLE IX.

It being understood that the general liberty of commercial communication conceded by both Contracting Parties to one another by the preceding Articles Nos. V, VI, and VII, shall in no way extend to the coasting trade of the two respective nations.

ARTICULO IX.

Estando entendido que la libertad general de comunicacion comercial concedida por ambas Partes Contratantes de la una á la otra por los precedentes Artículos V, VI, VII, no se estenderá por ninguna parte al cabotaje de las dos respectivas naciones.

ARTICLE X.

In all that regards the stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, the same privileges and immunities shall be conceded which have been conceded to the most-favoured nation.

ARTICULO X.

En todo lo concerniente á la parada, carga y descarga de buques en los puertos, bahías, digues, surjideros ó rios de los dominios y posesiones de los dos paises, se concederán los mismos privilejios é inmunidades que se hayan concedido á la nacion mas favorecida.

ARTICLE XI.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to Equatorian law are to be deemed Equatorian vessels, shall, for the purposes of this Treaty, be deemed British and Equatorian vessel respectively.

ARTICULO XI.

Todos los buques que segun las leyes Ecuatorianos deben ser considerados como buques Ecuatorianos, y todos los buques que segun las leyes Británicos deben ser considerados como buques Británicos, serán considerados como buques Ecuatorianos ó Británicos respectivamente para los efectos de este Tratado.

ARTICLE XII.

The High Contracting Parties agree that in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade of each country shall be placed in all respects by the other on the footing of the most-favoured nation.

ARTICLE XIII.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as native subjects or citizens in regard to trade-marks and designs of every description applicable to articles of manufacture.

ARTICLE XIV.

It shall be free for each of the two High Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents, to reside in the towns and ports of the dominions and possessions of the other.

Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted, in the usual form, by the Government to which they are sent.

They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or shall be, granted there to Consuls of the most favoured nation.

ARTICLE XV.

The subjects or citizens of each of the two High Contracting Parties, conforming themselves to the laws of the country—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, ware-houses, shops, and premises, which may be necessary for them.

3. They may carry on their commerce by wholesale or retail, either in person or by any agents whom they may think fit to employ.

4. They shall not be subject, in respect of their persons or property, or in respect of passports, licences, for residence or establishment, nor in respect of their commerce or industry, to any taxes, whether general or local, nor to imposts or obligations of any kind whatever, other or greater than those which are or shall be imposed upon native subjects.

ARTICLE XVI.

The citizens of the Equator shall enjoy in all the dominions and possessions of Her Britannic Majesty complete and unlimited liberty of conscience, and shall exercise their religion publicly or privately in their own dwelling-houses, or in the chapels or places of worship, appointed for that purpose in conformity with the system of toleration established in the dominions and possessions of Her Britannic Majesty.

ARTICULO XII.

Las Altas Partes Contratantes convienen en que en todas las materias relativas al comercio y navegacion, cualquier privilejio, favor ó inmunidad que una de las dos Partes Contratantes ha concedido en la actualidad ó pueda conceder en adelante á los ciudadanos ó súbditos de cualquier otro Estado, se extenderán inmediatamente y sin condicion á los ciudadanos ó súbditos de la otra Parte Contratante; siendo su intencion que el comercio de cada una de los dos paises se pondrá, en todos respectos, como él de la nacion mas favorecida.

ARTICULO XIII.

Los ciudadaños ó súbditos de cada una de las Partes Contratantes tendrán en los dominios y posesiones de la otra los mismos derechos que los nacionales respecto á las marcas de comercio, diseños de todo género aplicables á los artículos de manufactura.

ARTICULO XIV.

Será libre á cada una de las Altas Partes Contratantes el nombrar Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares, que residan en las ciudades y puertos de los dominios y posesiones de la otra.

Sin embargo, tales Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares no entrarán al ejercicio de sus funciones mientras no hubieren sido aprobados y admitidos en la forma acostumbrada por el Gobierno al cual feuren enviados.

Los enunciados funcionários ejercerán todas sus funciones y gozarán de todos los privilejios, exenciones, é inmunidades que esten concedidas ó que se concedieren á los Cónsules de la nacion mas favorecida.

ARTICULO XV.

Los ciudadanos ó súbditos de las dos Partes Contratantes, conformándose á las leyes del pais—

1. Tendrán plena libertad, lo mismo que sus familias, para entrar, viajar, ó residir en cualquiera parte de los dominios y posesiones de la otra Parte Contratante.

2. Se les permitirá alquilar, ocupar las casas, manufactorias, almacenes, tiendas, y posesiones que puedan ser les necesarios.

3. Podrán ejercer su comercio por mayor ó menor, ya sea por si ó por medio de cualesquiera agentes que crean conveniente emplear.

4. Nó estarán sujetos respecto de sus personas ó propiedades, ó respecto de pasaportes, licencias para residencia ó establecimiento, ni respecto de su comercio ó industria, á contribuciones algunas, sean generales ó locales, ni á impuestos ó cargas de cualquiera naturaleza, mas altas que las que paguen ó pagaren los nacionales.

ARTICULO XVI.

Los ciudadanos del Ecuador gozarán en todos los dominios y posesiones de Su Majestad Británica de una perfecta é ilimitada libertad de conciencia, y ejer citarán su relijion, pública ó privadamente, dentro de sus casas particulares ó en las capillas ó lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los dominios y posesiones de Su Majestad Británica.

The subjects of Her Britannic Majesty residing in the dominions and possessions of the Equator shall enjoy the most perfect and entire security of conscience, without being annoyed or disturbed on account of their religious belief, provided that this takes place with the decorum due to Divine worship, and with due respect to the established laws, usages, and customs.

They shall have entire liberty to bury their dead, in accordance with the religious ceremonies practised in their country, in the sepulchres and cemeteries already established, or which may be hereafter established and appointed for that purpose, and the sepulchres of the dead, in conformity with the old and existing practice, shall not be profaned in any wise nor upon any account; subjecting themselves, however, with regard to the places of burial, to the laws for the preservation of public health which are or may be in vigour in the Equator.

ARTICLE XVII.

The subjects and citizens of each of the two High Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall be equally exempted from all judicial and municipal charges and functions whatever, as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service; and, finally, from forced loans and military exactions or requisitions.

In regard, however, to judicial and municipal charges and functions, those shall be excepted which are consequent upon the possession of real property or of a lease; and in regard to military exactions and requisitions, those which all subjects of the country are or shall be liable to as landed proprietors, or as farmers, or as tenants or occupiers of public-houses, or houses of a similar character.

ARTICLE XVIII.

The subjects and citizens of each of the two Contracting Parties in the dominions and possessions of the other shall be at full liberty to acquire, possess, and dispose of every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to acquire and possess. They may acquire and dispose of the same, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner, under the same conditions as are established by the laws of the country for all foreigners. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents acting on their behalf, in the same manner and in the same legal forms as subjects or citizens of the country. In the absence of heirs and representatives the property shall be treated in the same manner as the like property belonging to a subject of the country under similar circumstances.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge, than is payable by subjects of the country. In every case the subjects and citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely, and without being

Los súbditos de Su Majestad Británica residentes en los dominios y posesiones del Ecuador gozarán de la mas perfecta y entera seguridad de conciencia, sin quedar por ello espuestos á ser molestados, inquietados, ni per turbados en razon de su creencia relijiosa, contal que lo hagan con el decoro debido al culto divino, respetando las leyes, usos y costumbres establecidas.

Tendrán tambien plena libertad para enterrar á sus muertos en la manera y con las ceremonias acostumbradas en su pais y en las sepulturas y cementerios que se hallasen ó quedesen en adelante establecidos y preparados para tal objeto; y los sepulcros de los muertos, en conformidad á la práctica antigua y actual, no serán profanados de modo alguno ni por ningun motivo; sujetándose, sin embargo, por lo que hace á los lugares de entierro, á las leyes sobre preservacion de la salud pública que estén ó puedan estar vigentes en el Ecuador.

ARTICULO XVII.

Los ciudadanos ó súbditos de las dos Altas Partes Contratantes en los dominios y posesiones de la otra estarán exentos de todo servicio militar compulsorio de cualquiera naturaleza, sea en el ejército, marina, guardia nacional ó milicia. Estarán tambien exentos de todos los cargos y funciones judiciales ó municipales de cualquiera especie, como tambien de todas las contribuciones, sean pecuniarias ó en especie, impuestas como compensacion del servicio personal; y finalmente, de préstamos forzosos y exacciones y requisiciones militares.

Sin embargo, respecto de los cargos y funciones judiciales ó municipales, se exceptuan los que sean efecto de la posesion de bienes raices ó de arrendamientos; y respecto de las exacciones y requisiciones militares, aquellos á que todos los nacionales estén ó estuvieren sujetos como propietarios de tierras ó como arrendatarios, ó como inquilinos, ú ocupantes de posadas ó de otras cosas semejantes.

ARTICULO XVIII.

Los ciudadanos y súbditos de cada una de las Partes Contratantes en los dominios y posesiones de la otra tendrán plena libertad para adquirir y poseer toda especie de propiedades que las leyes del pais permitan adquirir á los estranjeros de otra nacion cualquiera, sea por compra, donacion, combio, matrimonio, testamento, sucesion *ab intestato*, ó de cualquiera otra manera, y dispondrán de ellas bajo las mismas condiciones establecidas por las leyes del pais para todos los estranjeros.

Sus herederos ó representantes pueden suceder en tales propiedades y tomar posesion de ellas, ya sea en persona ó por medio de agentes que obren en su favor en la misma manera y en las mismas formas legales que los macionales. En falta de herederos y representantes, las propiedades se tratarán como las de un nacional en iguales circunstancias.

En ninguno de estas respectos pagarán por el valor de tales propiedades, otros ó mas altos impuestos, derechos ó gastos que los que pagan los nacionales. En todo caso se permitirá á los ciudadanos y súbditos de las Partes Contratantes el que puedan exportar su propiedad ó los productos de ella si hubiese sido vendida,

subjected on such exportation to pay any duty as foreigners, or any other or higher duties than those to which subjects of the country are liable under similar circumstances.

If any subject or citizen of either of the two High Contracting Parties shall die without will or testament in any of the territories, dominions or settlements of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to nominate curators to take charge of the property of deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country.

ARTICLE XIX.

The dwellings, manufactories, warehouses, and shops of the subjects and citizens of each of the two High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto, destined for purposes of residence or commerce, shall be respected. If there should be occasion to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, such measure shall be executed only in conformity with the legal warrant or order, in writing, of a Tribunal, or of the competent authority.

The subjects and citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights. They shall enjoy, in this respect, the same rights and privileges as subjects or citizens of the country, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions, according to the laws of the country.

ARTICLE XX.

Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather or by accident to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize, in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to their owners, or their agents, when claimed by them from the officers, British or Equatorian, as the case may be, who are by the laws or Government of their respective countries

libremente, y sin estar sujetos por tal exportacion á pagar derecho alguno como extranjeros, ó cualesquiera otros ó mas altos derechos que aquellos á que estén sujetos los nacionales en circunstancias semejantes.

Si muriese algun ciudadano ó súbdito de las dos Altas Partes Contratantes, sin otorgar testamento en los dominios y posesiones de la otra, el Cónsul-General ó Cónsul de la nacion á que perteneció el difunto, ó el representante del Cónsul-General ó Cónsul en su falta, tendrá derecho para nombrar curadores que se encarguen de las propiedades del fallecido, en cuanto lo permitan las leyes del pais, en beneficio de los herederos legítimos y de los acreedores del difunto, dando noticia oportuna de tal nombramiento á las autoridades del pais.

ARTICULO XIX.

Las habitaciones, manufactorias, almacenes y tiendas de los ciudadanos y súbditos de cada una de las Altas Partes Contratantes en los dominios y posesiones de la otra, y todos los predios pertenecientes á ellos destinados para residencia ó comercio, serán respetados. Si hubiera necesidad de rejistro ó de una visita domiciliaria en todas las habitaciones y posesiones, ó de examinar ó inspeccionar libros, papeles ó cuentas dichas medidas se ejecutarán en conformidad de la boleta ú órden legal dada por escrito por un Tribunal ó por la autoridad competente.

Los ciudadanos y súbditos de cada una de las dos Partes Contratantes en los dominios y posesiones de la otra tendrán libre acceso á las Cortes de Justicia para la prosecucion de sus causas y defenza de sus derechos, Gozarán en este respecto de los mismos derechos y privilejios que los nacionales, y tendrán tambien libertad para emplear en todas las causas á sus abogados, procuradores ó agentes de entre las personas admitidas al ejereicio de tales profesiones, segun las leyes del pais.

ARTICULO XX.

Cualquier buque de guerra ó mercante de una de las dos Altas Partes Contratantes que hubiere sido compelido por causa de temporal ú otro accidente fortuito á refugiarse en un puerto de la otra, podrá ser libremente reparado en dicho puerto y provisto de lo necesario y largado otra vez al mar, sin pagar otros derechos que los que se paguen en casos semejantes por un buque nacional. Sin embargo si el comandante de un buque mercante se viese en la necesidad de disponer de una parte de sus mercaderías para atender á sus expensas, estará obligado á conformarse á las regulaciones y tarifas del lugar á que hubiese entrodo.

Si algun buque de guerra ó nave mercante de una de las Altas Partes Contratantes escollase ó naufragase en las costas de lo otra, tal buque ó nave y todas sus partes y todo su moviliario y pertenencias, y todas las mercaderías que hubieren sido salvadas, incluyéndose las que hubiesen sido arrojadas al mar ó los productos de ellas, si hubiesen sido vendidas, como tambien los papeles encontrados á bordo de tales buques encallados ó naufragos, serán entregados á sus dueños ó á sus agentes, así que los reclamen de los empleados Ecuatorianos ó Británicos, segun el caso, quienes están por las leyes y Gobiernos de los respectivos paises encargados

entrusted with the protection, preservation, and custody of shipwrecked property; and if there are no such owners or agents on the spot, then the same shall be delivered by the above-named officers to the British or Equatorian Consul-General, Consul, or Vice-Consul, in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents, shall pay only the expenses incurred in the preservation of the property, together with the salvage, or other expenses, which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of water, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master, or other agent of the owner, is not present, or is present and requires it, be authorized to interpose, in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE XXI.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the merchant-vessels of their respective countries.

ARTICLE XXII.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the Ejuator, it is agreed that, if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the two Contracting Parties residing upon the coast shall be allowed six months, and those residing in the interior a year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects or citizens of either of the two Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws: and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, debts between individuals, public funds, and the shares of

de la proteccion, preservacion, y custodia de la propiedad naufraga. Y si no estuviesen en el lugar los tales dueños ó agentes, la entrega se hará por los supradichos empleados al Cónsul-General, Cónsul, ó Vice-Cónsul Ecuatoriano ó Británico, en cuyo distrito hubiese tenido lugar el naufragio ó baramiento, siendo reclamada dentro del plazo señalado por las leyes del pais; y los tales Cónsules, dueños, ó agentes, pagarán solamente las expensas causadas en la preservacion de la propiedad, junto con el precio de salvamento ú otras expensas que hubiesen sido pagables en caso igual de naufrajio de un buque nacional.

Los géneros y mercaderías salvados de naufrajio estarán exentos de todo derecho de aduanas, á no ser que se hubieren despachado para el consumo, en cuyo caso pagarán los derechos correspondientes como si hubieran sido importados en el buque nacional.

En el caso en que un buque hubiese entrado en peligro por causa de temporal, ó que hubiese encallado ó naufragado, los respectivos Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Cónsulares, estarán autorizados para interponer su autoridad, á fin de que se franquee á sus conciudadanos la asistencia necesaria, bien sea que el dueño ó comandante ú otro agente del dueño no esté presente, ó bien si estándolo, la solicita.

ARTICULO XXI.

Los Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Cónsulares de una de las Altas Partes Contratantes, residentes en los dominios y posesiones de la otra, recibirán de las autoridades locales el auxilio que puedan darles por la ley para la recuperacion de desertores de los buques mercantes de sus respectivos paises.

ARTICULO XXII.

Para la mejor seguridad del comercio entre los ciudadanos de la República del Ecuador y los súbditos de Su Majestad Británica, se ha convenido que si en algun tiempo, desgraciadamente, sucediere alguna interrupcion de la correspondencia comercial amistosa ó algun rompimiento entre las dos Altas Partes Contratantes, los ciudadanos ó súbditos de cualquiera de las Altas Partes Contratantes residentes en la costa tendrán seis meses para arreglar sus cuentas y disponer de su propiedad, y los que residen en el interior un año; y se les dará un salvoconducto para embarcarse en el puerto que ellos elijieren. Todos los ciudadanos ó súbditos de cualquiera de las dos Altas Partes Contratantes que estuvieren establecidos en los dominios ó territorios de la otra, en el ejercicio de algun tráfico ú ocupacion especial, tendrá el privilejio de permanecer allí y de continuar su tráfico, ú ocupacion sin ninguna especie de interrupcion, en pleno goce de su libertad y propiedad, mientras se conduzcan pacíficamente y no cometan ofenza contra las leyes; y sus bienes ó efectos de cualquiera denominacion que sean, ya esten bajo su propiedad, custodia o confiados á individuos particulares ó al Estado, no estarán sujetos á ocupacion ó secuestro, ni á ningunas otras cargas ó demandas que las que puedan hacerse sobre iguales efectos ó propiedades pertenecientes á los ciudadanos ó súbditos de la Potencia en que residan. En el mismo

companies, shall never be confiscated, sequestered, or detained.

ARTICLE XXIII.

The present Treaty of Commerce and Navigation, when ratified, shall be substituted for the Treaty of Friendship, Commerce, and Navigation concluded between the High Contracting Parties at Quito on the 3rd day of May, 185 . It shall remain in force for ten years from the date of the exchange of the ratifications, and further, until the expiration of twelve months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same, each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first nine years, or at any time afterwards.

ARTICLE XXIV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Quito in eight months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Quito, the eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty.

(L.S.) FREc. DOUGLAS HAMILTON.
(L.S.) CORNELIO E. VERNAZA.

caso, las deudas entre particulares, las públicas, y las acciones de compañias no serán nunca confiscadas, secuestradas, ó detenidas.

ARTICULO XXIII.

El presente Tratado de Comercio y Navegacion, despues de ratificado, reemplazará al Tratado de Amistad, Comercio y Navegacion concluido en Quito, entre las Altas Partes Contratantes, el dia 3 de Mayo, 1851. Permaneceráen vigor por diez años, contados desde la fecha del cange de las ratificaciones, y, además, hasta un año despues que cualquiera de las Partes Contratantes haya notificado á la otra su intencion de terminarlo, reservándose cada una de las Altas Partes Contratantes el derecho de hacer tal notificacion á la otra, al espirar los primeros nueve años, ó en cualquier tiempo despues.

ARTICULO XXIV.

El presente Tratado será ratificado, y las ratificaciones serán cangeadas en la ciudad de Quito, en el termino de ochos meses contados desde esta fecha, ó ántes si fuere posible.

En testimonio de lo cual los respectivos Plenipotenciarios lo han firmado y sellado con sus sellos.

Fecho en la ciudad de Quito, el dia diez y ocho de Octubre, del año de nostro Señor de mil ochocientos ochenta.

(L.S.) FREc. DOUGLAS HAMILTON.
(L.S.) CORNELIO E. VERNAZA.

Protocol.

Having met in the Ministry for Foreign Affairs of Ecuador, the Undersigned, Christian William Lawrence, Esq., Her Britannic Majesty's Minister Resident, and J. Modesto Espinosa, Minister for Foreign Affairs, authorized by their respective full powers, found in good and due form, in discussing the exchange of the ratifications of the Treaty of Friendship, Commerce, and Navigation, signed in Quito on the 18th of October, 1880, and approved by Her Britannic Majesty and by the Congress of Ecuador, have agreed to the present Protocol:

1. The stipulations of the aforesaid Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, with the exception of those hereinafter named, that is to say:

The Dominion of Canada,
New South Wales,
Victoria,
Tasmania.

2. A paper shall be drawn up in which after comparing the English and Spanish texts, the errors which had been made in copying them shall be corrected.

In witness whereof the Undersigned have signed the present Protocol, and have thereto affixed their seals.

Protocolo.

Reunidos en el Ministerio de Relaciones Exteriores del Ecuador, los Infrascritos, Christian W. Lawrence, Ministro Residente de Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, y J. Modesto Espinosa, Ministro de Relaciones Exteriores, autorizados por los respectivos plenos poderes, que han sido hallados en buena y debida forma, al tratar del cange de las ratificaciones del Tratado de Amistad, Comercio y Navegacion firmado en Quito el dia diez y ocho de Octubre de mil ochocientos ochenta, aprobado por Su Majestad Británica y por el Congreso Ecuatoriano del mismo año, han convenido en el presente Protocolo:—

1. Las estipulaciones del expresado Tratado se aplicarán á todas las Colonias y posesiones extranjeras de Su Majestad Británica, exceptuadas las que en seguida se mencionan, á saber:

El Dominio del Canadá,
La Galia Nueva Del Sud,
La Victoria,
La Tasmania.

2. En extender una acta en la cual se corregirán, comparando los textos Ingles y Castellano, los yerros que se han cometido al copiarlos.

En fé de lo cual los Infrascritos han firmado y sellado el presente Protocolo.

Done at Quito, the seventeenth day of July, one thousand eight hundred and eighty-five.

Hecho en Quito, á diez y siete de Julio de mil ochocientos ochenta y cinco.

(L.S.) C. W. LAWRENCE. (L.S.) J. MODESTO ESPINOSA.

Protocol.

On account of the disappearance from their respective archives of the Declaration signed on the 4th November, 1880, for the better understanding of the XVIth Article of the Treaty of Friendship and Commerce celebrated on the 18th October of the same year, the Undersigned, Plenipotentiaries of Her Britannic Majesty and of Ecuador, having ascertained the terms of said Declaration from official notes and a duly authorized copy, agree to ratify it, reproducing it in the following terms:—

"The Plenipotentiaries of Her Britannic Majesty and of Ecuador declare:

"That the usages, customs, and ceremonies referred to in the third paragraph of the XVIth Article of the Treaty made by them must be understood as applying solely to the interior of the cemeteries which British subjects possess or may acquire, that is to say, that said ceremonies shall not take place except within the walls of the Pantheons or places of burial."

(Signed) "CORNELIO E. VERNAZA.
"FEDERICO DOUGLAS HAMILTON."

In witness whereof the present Protocol was signed in Quito on the 21st day of July, 1885.

(L.S.) C. W. LAWRENCE.
(L.S.) J. MODESTO ESPINOSA.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

The 14th September, 1886.

No. 3121.

CIVIL PENSION CODE.

PAGE 1.

Section 11.

Substitute the word "Commissioned" *for* "Covenanted" *before* "Medical Officers" *in line 3 of this Section.*

CIVIL LEAVE CODE.

PAGES 175, 176, AND 177.

Section 79.

Substitute the word "Commissioned" *for* "Covenanted" *in line 2 of the Note under Rule 2, in line 2 of Rule 13, and in line 4 of Rule 14, under this Section.*

The 16th September, 1886.

No. 3173.

CIVIL LEAVE CODE.

PAGE 182.

SECTION 82.

RULE 1.

Add the following to this Rule:—

Furlough under Rules XI and XXV of the Military Furlough Rules of 1868 corresponds to special leave under this Section.

The 17th September, 1886.

No. 3187.

CIVIL PENSION CODE.

Appointment.

In the Notification by the Government of India in the Department of Finance and Commerce

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 16th September, 1886.

No. 3180.—Mr. D. M. Barbour, Secretary to the Government of India in the Department of Finance and Commerce, having been deputed to Europe on special duty, and Mr. J. F. Finlay having been appointed to officiate for him temporarily, Mr. Barbour made over and Mr. Finlay received charge of the said appointment after noon on the 13th September, 1886.

CODES.

The 11th September, 1886,

No. 3085.

DEFINITIONS.

PAGE [illegible] RULE [illegible]

Insert the following under the definition of "Rule of Proportions," *after the Heading* "Leave under the Rules in Chapters VI and X, Civil Leave Code":—

"Leave under the Rules of 1886 published in Clause 51 of the India Army Circular of the 30th April, 1886.

All Leave—The whole pensionable service.

(NOTE.—In calculating the charge to be borne by a Foreign Body and the British Government, the period of service, and not the aggregate salary drawn, is taken into account.)"

No. 2693, dated the 23rd August, 1886, published at page 509 of the *Gazette of India* of the 28th idem, *for* "Tahsildars" *read* "Tahvildars."

PAPER CURRENCY.

The 15th September, 1886.

No. 3202.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st August, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta .	5,60,32,500	1,72,60,237	8,73,973	1,81,34,210
Allahabad .	77,38,140	89,02,085	...	89,02,085
Lahore .	85,79,560	86,22,890	...	86,22,890
Bombay .	4,66,59,350	2,01,28,404	37,08,501	2,38,36,905
Kurrachee .	59,69,535	85,71,385	5,500	85,76,885
Madras .	1,62,47,630	1,05,17,850	2,30,000	1,07,47,850
Calicut .	15,02,520	14,32,280	22,500	14,54,780
Rangoon .	26,15,625	41,74,215	...	41,74,215
Total .	14,44,44,880	7,96,09,406	48,40,474	8,44,49,880
Price paid for Government Securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act				5,99,95,000
GRAND TOTAL				14,44,44,880

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 17th September, 1886.

APPOINTMENTS.

No. 620.—MILITARY ACCOUNT DEPARTMENT—

Lieutenant W. W. V. Pakenham, Madras S. C., Wing Officer and officiating Adjutant, 19th Madras Infantry, to be an Assistant Military Accountant, on probation, with effect from the 6th September, 1886, *vice* Lieutenant-Colonel C. J. Durand, retired.

No. 621.—PERSONAL STAFF—

The following appointment has been made on the Personal Staff of His Excellency the Commander-in-Chief in India, with effect from the 23rd July, 1886:—

Lieutenant W. M. Sherston, 2nd Battalion, Rifle Brigade, to be Aide-de-Camp, *vice* Captain R. Owen, 21st Hussars, who relinquishes the appointment.

No. 622.—STAFF CORPS—

Lieutenant Havelock Hudson, Northamptonshire Regiment, Squadron Officer, 19th Bengal Lancers, is admitted to the Bengal Staff Corps from the 4th January, 1885, subject to the confirmation of the Secretary of State for India.

FURLOUGH AND LEAVE.

No. 623.—The undermentioned officer is granted leave out of India under the Leave Rules for the Staff Corps, with effect from the date on which he is struck off duty:—

Lieutenant-Colonel J. R. McK. Homfray, General List, Infantry, (p. a.) for one year.—Pension service,—twenty-six years and 313 days.

No. 624.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel G. C. DePrée, Bengal S. C., (p. a.) for fifteen days.
Colonel J. Miller, Bengal S. C., (m. c.) for three months.
Lieutenant-Colonel R. Morris, Cavalry, (p. a.) for eighty-eight days.
Lieutenant-Colonel F. E. Wiggens, General List, Infantry, (m. c.) for three months.
Lieutenant H. Trevor, Bengal S. C., (m. c.) for three months.
Brigade-Surgeon H. Cayley, (m. c.) for three months.
Surgeon-Major W. Finden, (m. c.) for six months.
Honorary-Captain R. G. Davies, Public Works Department, (m. c.) for three months.

No. 625.—Colonel G. J. Pasley, Bengal S. C., is permitted to reside in England under G. G. O. No. 209 of 1882, drawing pay under Rule 1 of the leave rules for the Staff Corps.—Pension service,—over thirty years.

PROMOTIONS.

No. 626.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Alfred George Yaldwyn,—14th September, 1886.

INDIAN ARMY.

To be Lieutenant-Colonel.

Major Henry Arthur Fletcher, General List, Cavalry,—4th September, 1886.

No. 627.—NATIVE ARMY—

6th Bengal Infantry.

Jemadar Iláhi Khán to be Subadar, and Havildar Jahángír Bakhsh to be Jemadar, *vice* Subadar Ali Muhammad Khan, transferred to the Burmah Police,—with effect from the 1st July, 1886.

39th Bengal Infantry.

Jemadar Mangali to be Subadar, *vice* Subadar-Major Dhani Rám, invalided;
Jemadar Híra Singh to be Subadar, *vice* Subadar Mahbúb Bég, invalided;
Jemadar Prithi-pál Singh to be Subadar, *vice* Subadar Kalyán, invalided;
Havildar Kogha Singh to be Jemadar, *vice* Jemadar Daúlat Singh, invalided;
Havildar Jhibbú to be Jemadar, *vice* Jemadar Mangali, promoted;
Havildar Máúji to be Jemadar, *vice* Jemadar Híra Singh, promoted.
Havildar Sing Rám to be Jemadar, *vice* Jemadar Prithi-pál Singh, promoted,—

with effect from the 1st May, 1886.

Havildar Dúrga Pánde to be Jemadar, *vice* Jemadar Léna Singh, transferred to the Burmah Police,—with effect from the 16th June, 1886.

No. 628.—ORDNANCE DEPARTMENT—

The undermentioned Sub-Conductors on probation, are confirmed in their present grade, with effect from the 19th February, 1886:—

Alexander W. Shepherd.
George Carter.

RETIREMENTS.

No. 629.—Deputy Surgeon-General Alfred James Dale, M.B., has been permitted to retire from the service, with effect from the 23rd July, 1886, subject to Her Majesty's approval.

No. 630.—Deputy Surgeon-General John Brake is permitted to retire from the service, with effect from the 2nd September, 1886, subject to Her Majesty's approval.

REWARDS.

No. 631.—ORDER OF MERIT—

The Governor-General in Council is pleased to admit the undermentioned men to the 3rd Class of the Order of Merit:—

I.—For conspicuous gallantry during a reconnaissance made from Mansa, Upper Burma, on the 8th May, 1886, when suddenly attacked by greatly superior numbers; though two out of the five men of which the party consisted were shot down, they bravely held their ground, and inflicted heavy loss on the enemy—

No. 1569, Lance-Havildar Gomarján, } 26th Bengal Infantry.
" 2817, Sepoy Núr-Dín, } 26th Bengal Infantry.
" 2643, Sepoy Mírbáz Shah, } 26th Bengal Infantry.
" 2653, Sepoy Núr, } 26th Bengal Infantry.

II.—For conspicuous gallantry near Mansa, Upper Burma, on the 8th May, 1886, in defending Lieutenant MacCartie when severely wounded, and in shooting down the man who had wounded that officer—

No. 275, Sepoy Sáid Báz, 26th Bengal Infantry.

MARINE DEPARTMENT.

PROMOTIONS.

No. 30.—The following promotions are made in Her Majesty's Indian Marine, with effect from the 1st September, 1886:—

To be 2nd Grade Officers.

3rd Grade Officer Charles Trevor Horan.
" " Willoughby George Beauchamp.
" " Charles James Cope Kendall.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th September, 1886.

No. 229.—Under the provisions of Section 4 of the Northern India Ferries Act, No. XVII of 1878, the Governor-General in Council is pleased to declare that the Bharauli ferry on the River Jumna shall be deemed a public ferry from 1st October, 1886, and that for the purposes of the Act it is situated in the Delhi District of the Punjab.

The 14th September, 1886.

No. 230.—The Railway from Cherrapoonjee *vid* Therriaghat to Companygung will in future be designated the "Cherra-Companygung State Railway."

The 15th September, 1886.

No. 231.—Mr. E. A. Lee, Deputy Examiner of Accounts, in the Office of the Examiner of Guaranteed Railway Accounts, Bombay, is appointed to officiate as Examiner of Public Works Accounts, Rajputana, during the absence of Mr. W. G. Bayly, on privilege leave, or until further orders.

No. 232.—The services of Lieutenant J. E. Capper, R.E., Assistant Engineer, 1st Grade, Central Provinces, are temporarily placed at the disposal of the Military Department.

The 16th September, 1886.

No. 233.—Colonel H. A. Brownlow, R.E., Inspector-General of Irrigation and Deputy Secretary to the Government of India in the Public Works Department, is appointed to officiate as Secretary to the Government of India in that Department, during the absence on privilege leave of Colonel W. S. Trevor, V.C., R.E., or until further orders.

No. 234.—With reference to Public Works Department Notification No. 122, dated the 6th May, 1886, Mr. S. Finney, Class II, Superior Revenue Establishment of State Railways, is retransferred to the Establishment under the control of the Director-General of Railways.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 39.] SIMLA, SATURDAY, SEPTEMBER 25, 1886.

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

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PART I.

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

HOME DEPARTMENT.

PUBLIC.

PROCLAMATION.

Simla, the 25th September, 188

Whereas it is necessary for the purposes of the Statute 33 Vic., Cap. 3, Section 1, and of the Upper Burma Laws Act, 1886, Sections 1, 2, 3, 6, 7, 8 and 10, that Upper Burma should be under the administration of a Chief Commissioner;

And whereas it is expedient for other purposes that the whole of the Province of Burma as constituted by the Upper Burma Laws Act, 1886, Section 2, should be under the administration of the Chief Commissioner of the territory known formerly as British Burma and now as Lower Burma;

It is hereby proclaimed that the Governor-General in Council has, in exercise of the powers conferred upon him by the Statute 17 and 18 Vic., Cap. 77, Section 3, taken Upper Burma under his immediate authority and management with the sanction and approbation of the Secretary of State for India, and placed Upper Burma under the administration of the Chief Commissioner of Lower Burma, who shall henceforth be styled the Chief Commissioner of Burma.

By order of the Governor-General in Council,

A. P. MACDONNELL,

Offg. Secy. to the Government of India.

NOTIFICATIONS.—MEDICAL.

Simla, the 20th September, 1886.

No. 480.—The services of the undermentioned Commissioned Officers of the Indian Medical Service are temporarily placed at the disposal of the Military Department :—

Surgeon-Major B. Gupta, M.B.
Surgeon B. Doyle.
Surgeon T. H. Sweeny.
Surgeon L. A. Waddell, M.B.
Surgeon T. R. Macdonald, M.B.
Surgeon F. S. Peck.

JUDICIAL.

The 20th September, 1886.

No. 1389.—Mr. F. J. Marsden, Barrister-at-Law, received charge of the office of Administrator-General of Bengal from Mr. L. P. D. Broughton on the 1st instant.

PATENTS.

The 20th September, 1886.

No. 1186.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 116 *of* 1886.—Leon Camel, of Lyons in the Republic of France, for an apparatus for mechanically joining on the ends of filaments in reeling silk.

No. 117 *of* 1886.—Leon Camel, of Lyons in the Republic of France, for an improved arrangement of apparatus for reeling silk.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—FORESTS.

Simla, the 24th September, 1886.

No. 843 *F.*—In supersession of the Notification of the Home Department No. 252 F., dated the 9th April last, it is hereby notified that Mr. H. H. Davis, Deputy Conservator of Forests of the 2nd Grade in Bengal and officiating in the 1st Grade of Deputy Conservators, held the appointment of Deputy Conservator of the 1st Grade substantively *pro tempore* from the 11th November, 1885, to the 20th June, 1886 (inclusive), reverting to his officiating appointment in that grade on the 21st June, 1886; and that Mr. H. C. Hill, Deputy Conservator of the 2nd Grade in Burma and officiating Conservator of Forests in the Punjab, is appointed permanently to the 1st Grade of Deputy Conservators, with effect from the 21st June, 1886.

METEOROLOGY.

The 24th September, 1886.

No. 147—33-8 *–Meteo.*—Surgeon-Major W. Nolan, M.A., M.D., Superintendent of the Colaba Lunatic Asylum, who was appointed in Notification No. 118 of the 13th ultimo to officiate as Meteorological Reporter for Western India, having been granted one year's furlough by the Government of Bombay, Surgeon J. Parker, M.D., M. Ch. (Ireland), L.M. (Dublin), the officer appointed to act for him as Superintendent of the Colaba Lunatic Asylum, is also appointed to officiate as Meteorological Reporter for Western India, in addition to his own duties, during the absence on privilege leave of Mr. F. Chambers.

C. J. LYALL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th September, 1886.

No. 1859 *G.*—Hyder Ali Khan, Attaché to the Resident at Hyderabad, sub. *pro tem.*, is confirmed in that appointment, with effect from the 1st March, 1886.

The 20th September, 1886.

No. 3338 *I.*—The Governor-General in Council has received with much satisfaction the intelligence that the undermentioned Talukdars of the Mahikantha in the Bombay Presidency have abolished all transit duties hitherto levied in their respective estates :—

The Chief of Malpur.
" " " Ranasan.
" " " Walasna.
" " " Magodi.
" " " Dadhalia.
" " " Dabha.
" " " Wadagam.
" " " Waktapur.
" " " Mehmudpura.

The 23rd September, 1886.

No. 3442 *I.*—The Governor-General in Council is pleased to extend Act X of 1886 (an Act to amend the Code of Criminal Procedure, 1882, and certain other Acts), with the exception of sections 3, 4 and 20, and so much of section 12 as enacts the new section 475 A of the Code of Criminal Procedure, 1882, to the Cantonment of Secunderabad, subject to the following modifications, namely :—

(1) *For* "the Local Government," "that Government," and "a Local Government," wherever those words occur, *read* "the Resident of Hyderabad."
(2) In section 23, *for* "British India," wherever these words occur, *read* "the Cantonment of Secunderabad."
(3) In section 25, *for* "within the territories subject to the same Local Government," wherever those words occur, *read* "in the Hyderabad Assigned Districts."
(4) In the last clause of section 25, omit the word "other."

The 24th September, 1886.

No. 3457 *I.*—In exercise of the powers conferred by section 8 of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased to appoint the Reverend T. E. F. Morton, Pastor of the Methodist Episcopal Church, to be a Marriage Registrar in respect of the territories of the Native States in the Rajputana Agency.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

Simla, the 22nd September, 1886.

No. 3310.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

August 1886. (Lakhs of Rupees.)

[For the explanation of these heads, see *Gazette of India*, dated 22nd December, 1883, Part I, page 897.]	In August		To end of August		Whole year.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals, Preliminary 1885-86.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	51	48	7,81	7,97	23,32	23,15
Opium	91	85	3,81	3,69	9,23	8,94
Salt	44	37	2,62	2,63	6,39	6,34
Stamps	34	31	1,66	1,64	3,69	3,66
Excise	34	31	1,80	1,71	4,14	4,15
Provincial Rates	5	5	1,08	1,09	2,91	2,98
Customs	6	8	45	47	1,17	1,20
Assessed Taxes	16	4	47	41	1,34	50
Forest (Madras and Bombay only)	2	2	11	10	42	43
Registration	3	3	14	14	31	31
Tributes from Native States	5	3	19	18	71	70
Other Civil Revenue	30	34	1,26	1,26	3,20	3,13
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	3,21	2,91	21,40	21,29	56,83	55,49
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 47	— 48	— 1,57	— 1,71	— 3,82	— 3,81
Opium	— 28	— 37	— 2,01	— 2,29	— 2,65	— 3,05
Other Civil Expenditure	— 1,74	— 1,53	— 8,37	— 8,51	— 22,45	— 20,99
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 2,49	— 2,38	— 11,95	— 12,51	— 28,92	— 27,85
Extraordinary Receipts	...	...	...	...	...	+ 2,17
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues)	+ 29	+ 5	+ 1,56	+ 15	+ 49	+ 91
Forest, Telegraph, Marine (Net as above)	— 1	— 2	— 7	— 21	— 1	— 33
Guaranteed and Subsidized Railways (Net as above)	+ 28	+ 23	+ 2,03	+ 2,14	+ 4,07	+ 4,99
Do. Repayment of surplus profits, &c.	...	...	— 4	— 1	— 42	— 47
Military Receipts	+ 5	+ 5	+ 33	+ 34	+ 83	+ 1,13
Military Issues	— 1,02	— 1,07	— 5,43	— 6,49	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts	+ 38	+ 23	+ 2,16	+ 1,47	— 2,35	+ 4,28
" " Issues	— 55	— 42	— 3,47	— 2,54		— 5,97
East Indian Railway Receipts	+ 29	+ 27	+ 1,84	+ 1,76	+ 2,80	+ 4,18
" " " Issues	— 12	— 9	— 55	— 52		— 1,35
Ordinary Branches Receipts	+ 18	+ 13	+ 88	+ 64	— 5,44	+ 1,70
" " Issues	— 46	— 52	— 2,59	— 3,06		— 7,58
TOTAL NON-CIVIL DEPARTMENTS	— 69	— 1,16	— 8,35	— 6,30	— 13,02	— 13,89
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments)	...	...	— 1,08	— 6	— 2	— 48
Mint Certificates and Bullion Advances (Net as above)	— 4	— 13	— 26	...	...	+ 17
Exchange on Remittance Account	— 56	— 10	— 1,24	— 63	— 4,55	— 3,34
Council Bills paid (including Telegraphic) at Rs. 10 per £	— 96	— 32	— 3,58	— 3,34	— 13,33	— 11,16
Other Debt heads (Net as above)	— 40	— 1	— 25	+ 21	+ 1,23	— 1,30
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 1,96	— 56	— 6,41	— 3,82	— 16,67	— 16,31
GRAND TOTAL RECEIPTS AND ISSUES	— 1,93	— 1,19	— 31	— 1,37	— 1,78	+ 21
Opening Cash Balance in Treasuries and Presidency Banks	14,37	12,36	12,75	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks	12,44	11,17	12,44	11,17	10,62	12,75

LEAVE AND APPOINTMENTS.

The 24th September, 1886.

No. 3333.—Mr. W. T. Piercy having returned from leave on medical certificate, and having been posted as Assistant Comptroller-General, Paper Currency Department, assumed charge of that appointment before noon on the 11th September, 1886.

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 24th September, 1886.

APPOINTMENTS.

MEDICAL DEPARTMENT.

No. 632.—The following extract, paragraphs 1 and 2, from a letter from the Secretary of State for India, No. 216, dated 26th August, 1886, is published for general information:

"1. The undermentioned probationers for the Indian Medical Service, having completed a course of instruction at the Army Medical School, and being reported qualified, have been appointed Surgeons on the Bengal Establishment, their commissions as such bearing date the 1st April, 1886:—

William Grant Thorold.
Patrick Hehir.
Narendra Prasanna Sinha.
Charles Mactaggart.
Lionel John Pisani.
Basanta Kumar Basu.
John Fenton Evans.
William Rice Edwards.
Henry Fooks.
Arthur Cecil Deare.
Ernest Hudson.
George James Hamilton Bell.
Joseph Thomas Daly.
William Henry Banner Robinson.
Arthur William Dawson.
Henry Anderson Sheppard.

"2. They will be entitled to count as service for pension the period of their residence at the Army Medical School, *viz.*, from 1st April to 28th July, 1886, inclusive."

No. 633.—Brigade-Surgeon J. C. Morice, Indian Medical Service, Bengal Establishment, to be Deputy Surgeon-General, with temporary rank, during the absence of Deputy Surgeon-General G. Farrell on field service. Dated 6th September, 1886.

No. 634.—Brigade-Surgeon C. P. Costello, Indian Medical Service, Bengal Establishment, to be Administrative Medical Officer of the Quetta District, *vice* Brigade-Surgeon A. F. Bradshaw, proceeded to Egypt. Dated 5th September, 1886.

No. 635.—MILITARY ACCOUNT DEPARTMENT—

Colonel H. G. Saunders, Military Accountant, 1st Class, 2nd Grade, to be Military Accountant, 1st Class, 1st Grade;

Captain F. F. R. Burgess, Military Accountant, 2nd Class, 1st Grade, to be Military Accountant, 1st Class, 2nd Grade;

Captain W. R. LeG. Anderson, Military Accountant, 2nd Class, 2nd Grade, to be Military Accountant, 2nd Class, 1st Grade, *seconded*;

Lieutenant-Colonel F. W. Major, Military Accountant, 2nd Class, 2nd Grade, to be Military Accountant, 2nd Class, 1st Grade;

Lieutenant H. Melvill, Military Accountant, 3rd Class, to be Military Accountant, 2nd Class, 2nd Grade;

Lieutenant H. F. S. Ramsden, Assistant Military Accountant, to be Military Accountant, 3rd Class,—

with effect from the 17th August, 1886, *vice* Lieutenant-Colonel C. J. Durand, Military Accountant, 1st Class, 1st Grade, retired.

VOLUNTEER CORPS.

Mussoorie Volunteer Rifle Corps.

No. 636.—Mr. P. McTighe to be Lieutenant, *vice* Lieutenant Sheehan, who becomes supernumerary.

Burma State Railway Volunteer Corps.

No. 637.—Major H. Rigg to be Lieutenant-Colonel.

Major W. Innes, Eastern Bengal State Railway Volunteer Rifle Corps, to be Major, to complete the establishment.

FURLOUGH AND LEAVE.

No. 638.—Colonel C. W. R. Chester, Bengal S. C., is granted leave out of India, (p. a.) for one year, under the leave rules for the Staff Corps, with effect from the 2nd September, 1886.—Pension service,—over thirty years.

No. 639.—The undermentioned officer is granted leave out of India under the leave rules for the Staff Corps, with effect from the date on which he is struck off duty:—

Lieutenant G. R. Brown, Bengal S. C., 1st Battalion, 4th Goorkha Regiment, (p. a.) for one year.—Pension service,—seven years and 245 days.

No. 640.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Brigadier-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., Bengal S. C., (m. c.) for six months.

Lieutenant-Colonel F. W. Grant, Bengal S. C., (m. c.) for two months.

Lieutenant-Colonel H. Y. Murray, Cavalry, (p. a.) for twenty-one days.

Captain St. J. F. Michell, Bengal S. C., (m. c.) for three months.

Lieutenant W. J. Newell, Bengal S. C., (m. c.) for six months.

Lieutenant W. R. Little, Bengal S. C., (m. c.) for two months.

No. 641.—Captain T. F. T. Fowle, R.A., Ordnance Department, is granted leave in India, (p. a.) to the 31st October, 1886, in extension of that granted him in G. G. O. No. 414 of 1886.

LONDON GAZETTE.

No. 642.—The following extracts are published for general information:—

"*London Gazette*," *dated the 17th August*, 1886, *pages* 4008 *to* 4010.

"BUCKINGHAM PALACE,
17th August, 1886.

His Royal Highness the Duke of Connaught has been pleased to appoint Lieutenant-Colonel Arthur W. Becher, Bengal Cavalry, to be Equerry, *vice* Captain Sir Maurice Fitzgerald, Bart., Knight of Kerry, resigned."

* * * *

"WAR OFFICE;
Pall Mall, *17th August*, 1886.

MEMORANDA.

Deputy-Assistant Commissary Andrew Lyttle, Bengal Establishment, has been granted the honorary rank of Lieutenant. Dated 4th June, 1886."

"INDIA OFFICE;
17th August, 1886.

The Queen has approved of the retirement from the Service of the undermentioned Officers of the Staff Corps and Indian Military Forces:—

Colonel Charles James Jennings, Madras Staff Corps. Dated 1st July, 1886.

Colonel John Jacob, Bombay Staff Corps. Dated 8th June, 1886.

Lieutenant-Colonel Charles Hay, Bombay Staff Corps. Dated 23rd August, 1886.

Major Vincent Lewis Mathias, Madras Staff Corps. Dated 25th June, 1886.

Major Charles Theodore Echalaz, Bombay Infantry. Dated 1st June, 1886.

Deputy Surgeon-General Alfred James Dale, Bengal Medical Establishment. Dated 23rd July, 1886.

Surgeon-Major Alexander Gibb Grant, Bengal Medical Establishment. Dated 18th August, 1886.

The undermentioned Officer has been permitted to resign the Service:—

Surgeon Robert James Taafe, Bengal Medical Establishment. Dated 18th May, 1886.

The following Officers have been granted a step of honorary rank on retirement:—

To be Major-General.

Colonel Charles James Jennings, Madras Staff Corps. Dated 1st July, 1886.

To be Colonel.

Lieutenant-Colonel Charles Hay, Bombay Staff Corps. Dated 23rd August, 1886.

To be Lieutenant-Colonels.

Major Vincent Lewis Mathias, Madras Staff Corps. Dated 25th June, 1886.

Major Charles Theodore Echalaz, Bombay Infantry. Dated 1st June, 1886.

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

BENGAL STAFF CORPS.

To be Lieutenant-Colonels. Dated 8th June, 1886:—

Major Charles Edward Salkeld.
Major John Ronald Campbell.
Major Edward Harris Steel.
Major Frederick Alexander Wilson.
Major Vincent Rivaz.
Major and Colonel Arthur Conolly.

To be Major.

Captain Annesley John Garrett. Dated 29th May, 1886.

To be Captains.

Lieutenant Hugh Frederick Lyons-Montgomery. Dated 13th June, 1886.

Lieutenant Charles James Orr. Dated 23rd June, 1886.

BENGAL INFANTRY.

To be Lieutenant-Colonels.

Major Joseph George Thomson Carruthers. Dated 8th June, 1886.

Major Aislabie Landon. Dated 8th June, 1886.

Major Beville Grenville Vyvyan. Dated 8th June, 1886."

"*London Gazette*," *dated the 20th August*, 1886, *page* 4080.

"INDIA OFFICE;
20th August, 1886.

The Queen has approved the following Admissions to the Indian Medical Service:—

To be Surgeons. Dated 1st April, 1886:

BENGAL.

William Grant Thorold.
Patrick Hehir.
Narendra Prasanna Sinha.
Charles Mactaggart.
Lionel John Pisani.
Basanta Kumar Basu.
John Fenton Evans.
William Rice Edwards.
Henry Fooks.
Arthur Cecil Deare.
Ernest Hudson.
George James Hamilton Bell.
Joseph Thomas Daly.
William Henry Banner Robinson.
Arthur William Dawson.
Henry Anderson Sheppard."

PROMOTIONS.

No. 643.—The following promotions are made, subject to Her Majesty's approval:—

To be Colonels in the Army.

Lieutenant-Colonel Maurice Tweedie, Bombay S. C.,—20th September, 1886.

Lieutenant-Colonel William Nesbitt Wroughton, Madras S. C.,—23rd September, 1886.

BENGAL STAFF CORPS.

To be Captains.

Lieutenant John Graham Smith,—21st September, 1886.

Lieutenant Alexander Edward Pelham Burn,—21st September, 1886.

Lieutenant George William Younghusband,—21st September, 1886.

INDIAN ARMY.

To be Lieutenant-Colonels.

Major and Colonel John Howard Broome, General List, Infantry,—18th September, 1886.

Major Eric Colvin Sutherland Jackson, General List, Infantry,—20th September, 1886.

MEDICAL DEPARTMENT.

To be Deputy Surgeon-General.

Brigade-Surgeon George Farrell, *vice* Deputy Surgeon-General J. Brake, retired. Dated 2nd September, 1886.

No. 644.—NATIVE ARMY—

8th Bengal Infantry.

Havildar Sáhib Khan to be Jemadar, *vice* Jemadar Núr Sháh Ali, invalided, with effect from the 1st May, 1886.

Jemadar Ghúlám Jaláni to be Subadar, *vice* Subadar Rástam Khán, invalided;

Jemadar Jwála Singh to be Subadar, *vice* Subadar Jawáhír Singh, invalided;

Havildar Nihál Singh to be Jemadar, *vice* Jemadar Jwála Singh, promoted;

Havildar Ahmadzái Khán to be Jemadar, *vice* Jemadar Ghúlám Jaláni, promoted,—

with effect from the 6th August, 1886.

38th Bengal Infantry.

Jemadar Khúbi to be Subadar, *vice* Subadar Bahádur Singh, transferred to the 2nd Battalion, 4th Goorkha Regiment;

Jemadar Kallú to be Subadar, *vice* Subadar Púran Singh, transferred to the 2nd Battalion, 4th Goorkha Regiment;

Havildar Búdha to be Jemadar, *vice* Jemadar Jangbír Muggar, transferred to the 2nd Battalion, 4th Goorkha Regiment;

Havildar Khúsyál Singh to be Jemadar, *vice* Jemadar Santbír, transferred to the 2nd Battalion, 4th Goorkha Regiment;

Havildar Rájráp to be Jemadar, *vice* Jemadar Khúbi, promoted,—

with effect from the 26th May, 1885.

No. 645.—ORDNANCE DEPARTMENT—

Store-Sergeant William Blazey, Gun Carriage Factory, Madras, to be Sub-Conductor, on probation, with effect from the 13th August, 1886, *vice* Sub-Conductor J. F. Tripp, seconded.

RETIREMENTS.

No. 646.—Colonel Frederick Wheeler, Bengal S. C., is permitted to retire from the service, subject to Her Majesty's approval. Dated 24th September, 1886.

No. 647.—Brigade-Surgeon Robert Sander Bateson is permitted to retire from the service, with effect from the 1st September, 1886, subject to Her Majesty's approval.

REWARDS.

No. 648.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officers to the 1st Class of the Order of British India, with effect from the dates specified:—

MADRAS.

To the 1st Class, with the title of Sirdar Bahadur.

Subadar-Major Hússain Khán, *Bahádur*, 15th Madras Infantry, *vice* pensioned Subadar-Major Shaik Muctoom, *Sirdar Bahadur*, deceased,—8th May, 1886.

Subadar-Major Golab Khan, *Bahadur*, 25th Madras Infantry, *vice* pensioned Subadar-Major Latchman Sing, *Sirdar Bahadur*, deceased,—18th June, 1886.

Subadar Rajahlingam, *Bahadur*, Queen's Own, Madras Sappers and Miners, *vice* pensioned Subadar Gúlám Nabbí, *Sirdar Bahadur*, deceased,—1st July, 1886.

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 24th September, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 21st August and the 24th September, 1886:

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Army Veterinary Department.	Veterinary-Surgeon F. Garratt	16th September, 1886.	Meerut ...	...	

Statement of Deposits on account of Estates between the 11th and the 24th September, 1886.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Claude Frank Boileau (*a*)	Lieutenant ...	South Yorkshire Regt.,—attached to 2nd Bengal Infantry.	29th March, 1886.	No will found.	Rs. A. P. 1,389 2 6	...	24th November, 1886.

(*a*) *Next-of-kin—Father*,—Colonel F. W. Boileau, Commandant, Deoli Irregular Force, Deoli.

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 17th September, 1886.

No. 235.—Mr. R. A. Way, Executive Engineer, 2nd Grade, sub. *pro tem.*, State Railways, is appointed to act as Engineer-in-Chief and Manager of the Tirhoot State Railway, during the absence of Mr. H. Bell on privilege leave, or until further orders.

The 20th September, 1886.

No. 238.—Colonel A. J. Filgate, R.E., Accountant-General and Deputy Secretary to the Government of India in the Public Works Department, having vacated his appointment under Rule III of Public Works Department Resolution No. 293, dated 3rd September, 1880, is reappointed to that post, with effect from 19th September, 1886.

The 21st September, 1886.

No. 239.—Mr. G. F. Mathew, C.I.E., Class II, Superior Revenue Establishment of State Railways, Traffic Department, is granted extraordinary leave for twelve months under Section 134 of the Civil Leave Code, in extension of the leave for twelve months notified in Bombay Government Notification No. 18 (Railway), dated 5th November, 1885.

No. 240.—Messrs. R. L. Campbell and H. T. Gwyther, Executive Engineers, 4th Grade, *temporary rank*, State Railways, are transferred from the Establishment under the Chief Commissioner of Assam to that under the Director-General of Railways.

No. 241.—Mr. P. Duncan, Executive Engineer, 3rd Grade, State Railways, whose services have been lent to the Indian Midland Railway Company, is granted furlough for twelve months, with the necessary subsidiary leave, under Sections 132 and 136 of the Civil Leave Code.

The 23rd September, 1886.

No. 242.—Mr. J. Durrand, Sub-Engineer, 1st Grade, attached to State Railways, is promoted to the Honorary rank of Assistant Engineer, 1st Grade.

No. 243.—Mr. H. W. Warden, Executive Engineer, 2nd Grade, officiating Deputy Consulting Engineer for Railways, Madras, is appointed to officiate as Deputy Consulting Engineer for Railways, Bombay.

The 24th September, 1886.

No. 244.—The services of Mr. J. W. Brassington, Executive Engineer, 2nd Grade, Rajputana, on his return from furlough, are placed temporarily at the disposal of the Government of Madras.

TELEGRAPH.

The 20th September, 1886.

No. 236.—Mr. C. E. Pitman, C.I.E., Superintendent, 3rd Grade, Indian Telegraph Department, is, on return from privilege leave, appointed to officiate as a Superintendent, 2nd Grade, with effect from 29th August, 1886.

No. 237.—Consequent on the officiating promotion of Mr. C. E. Pitman, C.I.E., on return from privilege leave, to Superintendent, 2nd Grade, from 29th August, 1886, Mr. W. Williams, officiating Superintendent, 2nd Grade, reverted to his substantive rank of Superintendent, 3rd Grade, from that date.

H. A. BROWNLOW, *Colonel, R.E.*,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 40. SIMLA, SATURDAY, OCTOBER 2, 1886.

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

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

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The Oudh Rent Act, 1886.

PART V.—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—
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SUPPLEMENT No. 40.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 1st October, 1886.

No. 15.—Whereas the Secretary of State for India has by resolution in Council declared the provisions of the 33rd of Vic., chap. 3, sec. 1, to be from and after the 1st October, 1877, applicable to the territories forming the Chief Commissionership of Coorg;

And whereas the Chief Commissioner of Coorg has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken the draft and reasons into consideration and has approved of the draft, and the same has received the Governor General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

REGULATION No. IV OF 1886.

A Regulation to Validate certain decrees and orders made by Parpattigars in Coorg.

WHEREAS certain Parpattigars who were invested under section 10 of the Coorg Courts Regulation, 1881, with power to try and determine suits within local limits defined under that section, have exercised that power beyond those limits, and in that exercise of the power made decrees and orders which for the avoidance of litigation it is expedient to validate; II of 1881.

It is hereby enacted as follows:—

1. When a decree or order made by any of those Parpattigars before the first day of July, 1885, would be deemed valid if it had been made in exercise of the power within the local limits defined under section 10 of the Coorg Courts Regulation, 1881, it shall not be deemed invalid or deprived of any of its effect by reason only of its having been made in exercise of the power beyond those limits. II of 1881.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS—ESTABLISHMENTS.

Simla, the 1st October, 1886.

No. 326.—The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E., an Ordinary Member of the Council of the Governor-General of India, reported his departure from Bombay by the S.S. *Clyde* on the afternoon of the 24th September, 1886,

on the leave granted to him under Home Department Notification No. 298, dated the 2nd idem.

No. 327.—Mr. W. Duthoit, D.C.L., Barrister-at-Law, is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st August, 1886.

JUDICIAL.

The 30th September, 1886.

No. 1430.—Under the provisions of Section 4 of Act XVIII of 1884 (The Punjab Courts Act, 1884), the Governor-General in Council is pleased to appoint Mr. J. D. Tremlett, M.A., C.S., Additional Judge of the Chief Court, Punjab, to be a Judge of that Court.

No. 1433.—In exercise of the power conferred by section 139 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881, as amended by Act II of 1885), the Governor-General in Council is pleased to make the following Rules for the guidance and control of Notaries Public appointed under that Act, and fixing the fees payable to those Notaries:—

1. Notaries Public shall, in transacting business under the Act, use the forms set forth in the Appendix to this Notification.

2. Besides recording declarations of payment for honour (section 113), Notaries Public shall, following the practice existing in the Presidency-towns, also register notings and protests made by them. No particular form of register is necessary for these purposes, but Notaries Public shall keep a substantial blank book in which to enter copies of all the letters which they may write presenting bills for acceptance or payment or better security; of all bills* noted, or protested, or paid for honour, together with all endorsements thereon (including that made by themselves, to the effect that the bill has been noted or protested for non-acceptance or non-payment or want of better security); and of all protests made by themselves and of all declarations made by payers for honour. Notaries Public shall further, after examination of each entry in the book, affix their signature thereto, and, where demand of acceptance or payment or better security was made by a clerk, shall cause him to affix his signature also to the entry relating to the demand.

3. The book shall be known as the Notarial Register, and the pages thereof shall be numbered consecutively.

4. Every Notary Public shall permit the District Judge or such officer as the Local Government from time to time appoints in this behalf to inspect his register at such times, not oftener than twice a year, as the District Judge or officer may fix.

5. When the original instrument is in an Oriental language, any noting or protest or entry in his register which has to be made, in respect of the instrument, by a Notary Public may be made either in that language or in English.

6. In making presentments of bills or notes, Notaries Public shall observe the provisions of Chapter V of the Act:

Provided that it shall not be necessary for a Notary Public to allow the drawee of a bill of exchange time for deliberation as provided by section 63.

7. Every Notary Public shall use a plain circular seal, bearing, if he has been appointed by name, his name and the name of the local area within which he has been appointed to exercise his functions and the circumscription "Notary Public," and, if he has been appointed by virtue of his office, the name of his office and of the local area within which he has been appointed to exercise his functions and the circumscription "Notary Public."

8. Every Notary Public shall have an office at such place within the local area for which he has been appointed as may be approved in this behalf by the District Judge.

* In cases where the language of the bill is unknown to the Notary Public, and where it is impossible to find any one acquainted with the language of the bill to copy it into the register, an entry in the register of an abstract of the bill will be sufficient.

9. Notaries Public shall charge fees at the rates mentioned below, namely:—

					Rs.	Rs.
(1) For noting an instrument—						
If the amount of the instrument does not exceed				...	1,000	2
If it exceeds	Rs.	1,000	but does not exceed	...	5,000	3
Ditto	Rs.	5,000	ditto	...	20,000	5
Ditto	Rs.	20,000	ditto	...	30,000	6
Ditto	Rs.	30,000	ditto	...	50,000	7
Ditto	Rs.	50,000	ditto	...	...	8
					Rs.	Rs.
(2) For protesting an instrument—						
If the amount of the instrument does not exceed				...	1,000	6
If it exceeds	Rs.	1,000	but does not exceed	...	5,000	7
Ditto	Rs.	5,000	ditto	...	20,000	10
Ditto	Rs.	20,000	ditto	...	30,000	11
Ditto	Rs.	30,000	ditto	...	40,000	12
Ditto	Rs.	40,000	ditto	...	50,000	13
Ditto	Rs.	50,000	ditto	...	60,000	14
Ditto	Rs.	60,000	ditto	...	70,000	15
Ditto	Rs.	70,000	ditto	...	80,000	16
Ditto	Rs.	80,000	ditto	...	90,000	17
Ditto	Rs.	90,000	ditto	...	1,00,000	18
Ditto	Rs.	1,00,000	...	...	...	22
(3) For recording a declaration of payment for honour						2-8
(4) Duplicate protests,—half the charge for the original.						

NOTE.—In addition to the above fees, travelling allowance, at the rate of three annas a mile by rail and eight annas a mile by road, may be charged when the Notary Public is required to attend at any place more than one mile from his office.

10. These Rules shall come into force on the first day of January, 1887.

APPENDIX.

I.

FORM OF NOTING.

(SEE SECTION 99.)

(To be made upon the instrument or upon a paper attached thereto, or partly upon each.)

Reference to page in Notarial Register.

Date of presentment and dishonour.

Reason, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured).

Date of Note (Sd.) *A. B.*,

Notary's Charges. Notary Public.

II.

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE.

(SEE SECTION 101.)

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of did, at (*in person*) (*by my clerk*) (*by registered letter*), cause due and customary presentment to be made to, and did demand acceptance of, the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto

annexed ") from *E.F.*, the person upon whom the said bill is drawn, to which demand he made answer (*state terms of answer, if any*) (or " to which demand he gave no answer "); wherefore I, the said Notary, at the request aforesaid by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest.
(Sd.) *A. B.*,
Notary Public.
M. N. } Witnesses.
O. P. }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

III.

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE WHEN THE DRAWEE CANNOT BE FOUND.

(SEE SECTION 101.)

(a) Where search was made by Notary Public in person or by his clerk.

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did (*in person*) (*by my clerk*), make due search at for *E. F.* in order to present to, and demand from, him acceptance of the bill of exchange hereto annexed (or " a literal transcript whereof and of everything written or printed thereupon is hereto annexed ") which is drawn upon the said *E. F.*, but was unable to find him; wherefore I, the said Notary, at the request aforesaid by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

(b) Where registered letter was sent to the drawee.

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did send by post a registered letter addressed to *E. F.* at , wherein I enclosed and demanded from him acceptance of the bill of exchange hereto annexed (or " a literal transcript whereof and of everything written or printed thereupon is hereto annexed ") which is drawn upon the said *E. F.*, but the letter was returned undelivered, because the said *E. F.* could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest.
(Sd.) *A. B.*,
Notary Public.
M. N. } Witnesses.
O. P. }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

IV.

FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT.

(SEE SECTION 101.)

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did cause due and customary presentment to be made at (*in person*) (*by my clerk*) (*by registered letter*) to and did demand payment of the promissory note (or bill of exchange, *as the case may be*) hereto annexed (or " a literal transcript whereof and of everything written or printed thereupon is hereto annexed ") from *E. F.*, the maker of the said promissory note (*or* drawee, *or* acceptor, of the said bill of exchange, *as the case may be*), to which demand he made answer (*state the terms of his answer, if any*) or (" to which demand he gave no answer "); wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*).

Which I attest.
(Sd.) *A. B.*,
Notary Public.
M. N. } Witnesses.
O. P. }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such payment was offered and effected.

V.

PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT WHEN THE MAKER, DRAWEE, OR ACCEPTOR (AS THE CASE MAY BE) CANNOT BE FOUND.

(SEE SECTION 101.)

(a) Where search was made by Notary Public in person or by his clerk.

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did (*in person*) (*by my clerk*) make due search at for *E. F.*, the maker (*or* drawee, *or* acceptor, *as the case may be*) in order to present to and demand from him payment of the promissory note (or " bill of exchange," as the case may be) hereto annexed (or " a literal transcript whereof and of everything written or printed thereupon is hereto annexed "), but was unable to find him; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*).

(b) Where registered letter was sent to the maker, drawee, or acceptor.

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did send by post a registered letter addressed to *E. F.* at , the maker (*or* drawee, *or* acceptor, *as the case may be*), wherein I enclosed and demanded from him payment of the promissory note (or " bill of exchange," *as the case may be*) hereto

annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), but the letter was returned undelivered because the said *E. F.* could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*).

Which I attest.

(Sd.) *A. B.*,

Notary Public.

M. N.
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such payment was offered and effected.

VI.

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY.

(SEE SECTION 101.)

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to *E. F.*, the person on whom the said bill is drawn, and whose acceptance appears thereon, and did demand better security for the payment thereof when the same should become payable in consequence of the said *E. F.* having become insolvent (or "his credit having been publicly impeached," *as the case may be*), to which demand he made answer (or "to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

M. N.
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

VII.

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY WHEN THE ACCEPTOR CANNOT BE FOUND.

(SEE SECTION 101.)

(a) Where search was made by Notary Public in person or by his clerk.

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did (*in person* (*by my clerk*) make due search at for *E. F.*, in order

to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to the said *E. F.*, the person on whom the said bill is drawn, and whose acceptance appears thereon, and demand better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached," *as the case may be*), but was unable to find him; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

(b) Where registered letter was sent to the acceptor.

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of *C. D.* of , did send by post a registered letter addressed to *E. F.* at , wherein I enclosed the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), and did by such letter demand from the said *E. F.*, the person on whom the said bill is drawn and whose acceptance appears thereon, better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached," *as the case may be*), but the said letter was returned undelivered because the said *E. F.* could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of *M. N.* and *O. P.*, witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

M. N.
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom and of the person for whom, and the manner in which, such acceptance was offered and effected.

VIII.

FORM OF NOTICE OF PROTEST TO DRAWER TO BE GIVEN BY A NOTARY PUBLIC.

(SEE SECTION 102.)

Take notice that a bill of exchange for (*here state the amount*) drawn by you under date the on and payable at has been dishonoured by non-acceptance (*or* non-payment, *as the case may be*) and protested, and that you will be held liable thereon.

(Sd.) *A. B.*,

Notary Public.

IX.

FORM OF NOTICE OF PROTEST TO INDORSER TO BE GIVEN BY A NOTARY PUBLIC.

(SEE SECTION 102.)

Take notice that a bill of exchange for (*here state the amount*) drawn by under date the on.

and payable at and bearing your indorsement has been dishonoured by non-acceptance (*or* non-payment, *as the case may be*) and protested, and that you will be held liable thereon.

(Sd.) *A. B.*,

Notary Public.

X.

FORM OF NOTARIAL ACT OF DECLARATION HAVING BEEN MADE BY A PAYER FOR HONOUR.

(SEE SECTION 113.)

On the day of 18 , I, *A. B.*, a Notary Public appointed under the Indian Negotiable Instruments Act, 1881, of , in (*here state the local area for which the Notary Public has been appointed*) in British India, do hereby certify that the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") (now protested for non-payment) was this day exhibited to *Y. Z.* of in the $\frac{\text{Presidency}}{\text{Province}}$ of , in British India (*or* to his agent in this behalf, *as the case may be*), who declared before me that he, the said *Y. Z.*, would pay the amount of the said bill under protest for the honour of (*here insert the name of the party for whose honour the payment is to be made*), holding the said (*here insert the name of the party for whose honour the payment is to be made*) and the drawer and all other proper persons responsible to him, the said *Y. Z.*, for the amount of the said bill and for all proper costs, interest, damages, and expenses; I have, therefore, in the presence of *M. N.* and *O. P.*, witnesses, granted this Notarial Act of honour accordingly.

Which I attest.

(Sd.) *A. B.*,

Notary Public.

M. N.
O. P. } Witnesses.

PATENTS.

The 27th September, 1886.

No. 1223.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 51 *of* 1886.—Walter Bushby and Arthur Westrop, of Messrs. Steuart and Company, No. 8, Old Court House Corner, Calcutta, for a New Buggy.

No. 76 *of* 1886.—William Hood Gilruth, late of Assam, at present of Calcutta, Tea Planter, for improvements in apparatus for drying tea leaves and the like, to be called "Gilruth's Harmatton Tea Dryer."

No. 80 *of* 1886.—Hugh Robert Stewart, of Ramleh, Alexandria, Egypt, Captain in the Royal Navy, for Improvements in Tents.

No. 110 *of* 1886.—Ernest Donner, Gentleman, at present residing at Harley's Road, No. 4, Madras, for Softening and Preparing Cocoons of Silkworms, notably Tusser and other hard species, preparatory to reeling or carding them.

No. 145 *of* 1886.—Henry Hamilton Remfry, Solicitor and Patent Agent, of No. 5, Fancy Lane, Calcutta, for Improvements of Pocket Sewing Machine.

No. 156 *of* 1886.—Martin Van Buren Ethridge, residing at No. 6, Staniford Street, in the City of Boston, County of Suffolk and State of Massachusetts, one of the United States of America, Gentleman, for Improvement in Stamp Cancelling and Post-marking Machines.

A. P. MACDONNELL,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th September, 1886.

No. 3509 *I.*—Resaldar-Major Isri Parshad, C.I.E., is appointed Honorary Attaché to the Agent to the Governor-General in Central India.

The 1st October, 1886.

No. 3538 *I.*—In modification of the Notification of the Government of India in the Foreign Department, No. 529 I., dated the 1st March, 1883, the Governor-General in Council is pleased to extend the provisions of Chapter XLV of the Code of Civil Procedure, so far as they are applicable, to the Civil and Military Station of Bangalore.

The 30th September, 1886.

No 2252 *E.*—Under the provisions of Section 2 of the Bengal Eastern Frontier Tracts Regulation I of 1873 (Regulation for the peace and government of certain districts in the Eastern Frontier of Bengal), the Governor-General in Council is pleased, in modification of Foreign Department Notification, No. 2772E., dated the 16th October, 1884, to revise, as below, the south-west portion of the Lakhimpur Inner Line:

From the confluence of the Buri Dehing with the Kerampani along the left bank of the Dehing river to its confluence with the Tirap river, thence along the left bank of the Tirap river to the point where it is joined by the Likhrakha, thence up the crest of the Waddo range and along the crest in a south-westerly direction crossing the Ledo river and proceeding to a point on the Namdang two-and-a-half miles south-west of the old site of the Jaihing village as marked on the Topographical map, thence in a north-westerly direction to the foot of the hills, thence along the foot of the hills to the Dirak river, thence along the Dirak river to its junction with the Dehing.

H. M. DURAND,

Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 28th September, 1886.

No. 3373.—The services of Surgeon F. F. MacCartie, at present employed as a Probationer in the Assay Department of the Bombay Mint, are replaced at the disposal of the Government of Bombay.

The 29th September, 1886.

No. 3393.—Mr. G. C. Walker, B.C.S., having been appointed to officiate as Under-Secretary to the Government of India in the Department of Finance and Commerce, assumed charge of that appointment before noon on the 23rd September, 1886.

CODES.

The 30th September, 1886.

No. 3427.

PAY AND ACTING ALLOWANCE CODE.

PAGE 268.

Section 5.

Insert the following as "Note (4)" *under this Section:*

["NOTE (4).—For the purposes of this Section, promotion to a higher grade of the same appointment is to be treated as promotion to a higher appointment."]

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

The 30th September, 1886.

No. 3438.—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council directs that in line 1 of each of the forms of certificate B and C appended to the Rules prescribed in Financial Notification No. 593, dated the 5th February, 1886, the name of the owner of the Securities shall be inserted after the words "Income of".

J. F. FINLAY,

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 1st October, 1886.

APPOINTMENTS.

No. 649.—PERSONAL STAFF—

The Viceroy and Governor-General has been pleased to make the following appointment on His Excellency's Personal Staff, with effect from the 20th September, 1886:—

To be Extra Aide-de-Camp.

Lieutenant L. G. F. Gordon, Royal Artillery.

No. 650.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India:—

BENGAL STAFF CORPS.

Lieutenant W. H. Goodair, 5th (Royal Irish) Lancers.

MADRAS STAFF CORPS.

Lieutenant C. E. Hendley, Welsh Regiment.
Lieutenant H. W. C. Colquhoun, Welsh Regiment.

BOMBAY STAFF CORPS.

Lieutenant E. R. Houghton, West Riding Regiment.

FURLOUGH AND LEAVE.

No. 651.—The undermentioned officers are granted leave out of India under the Leave Rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Colonel F. J. Keen, C.B., Bengal S. C., (p. a.) for one year. Pension-service,—over thirty years.

Colonel A. Battye, C.B., Bengal S. C., Commandant, 1st Battalion, 2nd (Prince of Wales' Own) Goorkha Regiment, (p. a.) for one year. Pension-service,—twenty-nine years and 161 days.

Captain B. Channer, Bengal S. C., 2nd (Queen's Own) Bengal Infantry, (m. c.) for one year. Pension-service,—eighteen years and 281 days.

Lieutenant A. N. Carr, Bengal S. C., 3rd Bengal Cavalry, (m. c.) for one year. Pension-service,—eight years and 244 days.

No. 652.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Colonel E. T. Thackeray, C.B., V.C., R.E., (m. c.) for one month.

Major A. de C. Rennick, Bengal S. C., (m. c.) for one month.

Captain L. J. H. Grey, Bengal S. C., (u. p. a.) for seven days.

Honorary-Lieutenant R. A. Chalmers, Military Works Department, (m. c.) for six months.

No. 653.—Honorary-Lieutenant T. Lee, Commissariat Department, Transport Branch, is granted leave in India, (m. c.) for one year under rule XXVI of the regulations of 1868, with effect from the 25th March, 1886. (G. G. O. No. 369 of 1886 is cancelled.)

LONDON GAZETTE.

No. 654.—The following extracts are published for general information :—

"*London Gazette,*" *dated the 27th August,* 1886, *page* 4178.

"WAR OFFICE;

Pall Mall, 27th August, 1886.

MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels :—

Charles Chester Sargeaunt, Madras Staff Corps. Dated 31st May, 1886.

George Gordon Young, Bengal Staff Corps. Dated 13th June, 1886.

Edwards Charles Garstin, Bengal Staff Corps. Dated 13th June, 1886.

Ayrton Pullan, Bengal Staff Corps. Dated 14th June, 1886.

Robert Blackall Graham, Bengal Staff Corps. Dated 14th June, 1886.

Edward James Watson, Madras Staff Corps. Dated 14th June, 1886.

James FitzGerald, Bengal Staff Corps. Dated 16th June, 1886."

"*London Gazette,*" *dated the* 31*st August,* 1886, *page* 4226.

"INDIA OFFICE;

31*st August,* 1886.

The Queen has approved of the following admissions to the Staff Corps made by the Governments in India.

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Offley Bohun Stovin Fairless Shore, from the West Yorkshire Regiment. Dated 27th April, 1884, but to rank from 10th May, 1882.

Lieutenant John Alfred Hudson Woodward, from the Border Regiment. Dated 18th December, 1884, but to rank from 9th September, 1882.

Lieutenant Ivor Philipps, from the Manchester Regiment. Dated 8th October, 1884, but to rank from 12th May, 1883.

* * * * *

The Queen has also approved of the following transfer to the Half-Pay List :—

MADRAS INFANTRY.

Lieutenant-Colonel and Colonel Albert Joseph Howes. Dated 31st August, 1886."

PROMOTIONS.

No. 655.—The following promotions are made, subject to Her Majesty's approval :—

To be Colonel in the Army.

Lieutenant-Colonel Henry Phipson Peacock, Bengal Cavalry,—20th September, 1886.

INDIAN ARMY.

Major Arthur John Tregonwell Welchman, General List, Infantry (now on temporary half-pay) to be Lieutenant-Colonel, with effect from the 20th December, 1885.

MEDICAL DEPARTMENT.

Surgeons to be Surgeons-Major, with effect from 30th September, 1886 :—

R. N. Stoker.
G. Bomford, M.D.
A. Barclay, M.B.
C. J. McCartie, M.D.

No. 656.—NATIVE ARMY—

5th Bengal Cavalry.

Ressaldar Abdúl Azíz to be Ressaldar-Major, *vice* Ressaldar-Major Gopál Singh, invalided ;

Ressaldar Partáb Singh to be Ressaldar, and Jemadar Súchét Singh, to be Ressaidar, *vice* Ressaldar-Major Gopál Singh, invalided,—

with effect from the 3rd July, 1886.

No. 657.—PUBLIC WORKS DEPARTMENT—

Assistant-Commissary and Honorary-Lieutenant George Mortimer to be Deputy Commissary, *supernumerary* ;

Assistant-Commissary and Honorary-Lieutenant William James to be Deputy Commissary,—

with effect from the 18th May, 1886, *vice* Deputy-Commissary and Honorary-Captain M. Johnstone, retired.

Conductor William Townsend Tobin to be Deputy-Assistant Commissary ;

Sub-Conductor John Joseph Young to be Conductor ;

Sergeant Thomas Fitzpatrick to be Sub-Conductor,—

with effect from the 18th June, 1886, *vice* Deputy-Assistant Commissary and Honorary-Lieutenant J. Keenan, retired.

RETIREMENTS.

No. 658.—Brigade-Surgeon James Browne, M.D., has been permitted to retire from the service, with effect from the 18th August, 1886, subject to Her Majesty's approval.

REWARDS.

No. 659.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd Classes of the Order of British India from the dates specified :—

BENGAL.

To the 1st Class, with the title of "Sirdar Bahadur."

Subadar-Major Ghúlám Húsain, *Bahadur*, 28th Bengal Infantry, *vice* Ressaldar Kamarúdín Khán, *Sirdar Bahadur*, deceased,—4th July, 1885.

Subadar-Major Shér Singh, *Bahadur*, 31st Bengal Infantry, *vice* Subadar-Major Jiwand Singh, *Sirdar Bahadur*, deceased,—2nd October, 1885.

Ressaldar-Major Mír Alam Khan, *Bahadur*, 1st Punjab Cavalry, *vice* Subadar-Major Sheik Húsain Baksh, *Sirdar Bahadur*, deceased,—17th October, 1885.

Ressaldar Shér Singh, *Bahadur*, 2nd Punjab Cavalry, *vice* Ressaldar Anúp Singh, *Sirdar Bahadur*, deceased,—31st October, 1885.

Ressaldar Muhammad Salím Khan, *Bahadur*, 3rd Punjab Cavalry, *vice* Subadar-Major Nihál Singh, *Sirdar Bahadur*, deceased,—17th March, 1886.

Ressaldar-Major Amír Ali Sháh, *Bahadur*, 5th Punjab Cavalry, *vice* Subadar-Major Indarbír Láma, *Sirdar Bahadur*, deceased,—3rd June, 1886.

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

Subadar Húkam Chand, 4th Punjab Infantry, *vice* Subadar-Major Ghúlám Húsain, *Bahadur*, promoted,—4th July, 1885.

Ressaldar Wajíd Ally, 3rd Bengal Cavalry, *vice* Subadar-Major Shér Singh, *Bahadur*, promoted,—2nd October, 1885.

Subadar Bálakrám Chobé, 4th Bengal Infantry, *vice* Ressaldar Shér Singh, *Bahadur*, promoted,—31st October, 1885.

Subadar Arsalla Khán, 20th Bengal Infantry, *vice* Ressaldar, Muhammad Salím Khán, *Bahadur*, promoted,—17th March, 1886.

VOLUNTEER CORPS.

No. 660.—His Excellency the Governor-General in Council is pleased to sanction the conversion of the Mounted Infantry Company of the Calcutta Volunteer Rifle Corps into a squadron of Cavalry to be styled the "Calcutta Mounted Rifles."

MILITARY WORKS DEPARTMENT.

No. 661.—Captain J. C. M. Beresford, R.E., Executive Engineer, 4th Grade, is removed from the establishment of the Military Works Department. Pending further orders, he will be attached to that department, under section 7, paragraph 236E, of the Bengal Army Regulations.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 1st October, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 25th September and the 1st October, 1886 :

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
1st Battalion, Border Regiment.	Lieutenant H. E. Davis ...	20th September, 1886.	Sialkot ...	...	
1st Battalion, Durham Light Infantry.	Lieutenant E. H. Stockdale ...	19th September, 1886.	Allahabad ...	...	

Statement of Deposits on account of Estates between the 25th September and the 1st October, 1886.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
William George Dunsford (*a*)	Captain ...	Bengal Staff Corps.	12th June, 1886	No will found.	1,414 15 11	...	25th November, 1886.

(*a*) *Next-of-kin.*—*Widow*—Annie Grace Dunsford,
Children—Evelyn Henry, Bertie William Edgecombe.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 27th September, 1886.

No. 245.—Mr. B. W. Cantopher, Executive Engineer, 3rd Grade, sub. *pro tem.*, State Railways, is transferred from the Establishment under the Chief Commissioner of Assam to that under the Chief Commissioner of Burma.

No. 246.—Mr. R. K. Biernacki, Locomotive Candidate, is transferred from the Establishment under the control of the Government of the North-Western Provinces and Oudh to that under the Director-General of Railways.

No. 247.—Mr. W. R. Foy, Executive Engineer, 4th Grade, *temporary rank*, Assam, reverted to his substantive rank of Assistant Engineer, 1st Grade, with effect from the afternoon of 21st August, 1886.

The 1st October, 1886.

No. 248.—The portion of Public Works Department Notification No. 210, dated 14th August, 1886, relating to Mr. C O. Leefe, is cancelled.

H. A. BROWNLOW, *Colonel, R.E.*,

Offg. Secretary to the Government of India.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

SIMLA, MONDAY, OCTOBER 4, 1886.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

No. 332.

Simla, the 4th October, 1886.

The Governor-General in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint the HONOURABLE JAMES BRAITHWAITE PEILE, M.A., C.S.I., Member of the Council of His Excellency the Governor of Bombay, to act temporarily as an Ordinary Member of the Council of the Governor-General in the place of the Honourable Sir S. C. Bayley, K.C.S.I., C.I.E., who has been granted leave of absence on medical certificate for six months. The HONOURABLE MR. PEILE has this day, in the forenoon, taken his seat in the said Council of the Governor-General under the usual salute.

PUBLIC.

No. 1572.

The 4th October, 1886.

The following Resolution is published for general information :

No. $\frac{34}{1573-83}$.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Simla, the 4th October, 1886.

RESOLUTION.

A prolonged correspondence has taken place with Her Majesty's Government on the subject of the system under which Natives of India are admitted

either to the Covenanted Civil Service under the Statute 21 & 22 Vic., cap. 106, section 32, or under the Statute 33 Vic., cap. 3, section 6, to offices formerly reserved exclusively to members of that Service. As a result of this correspondence, Her Majesty's Secretary of State has recently accepted a suggestion made by the Government of India that the question of the admission of Natives of India to such service and offices should be reopened and carefully considered, and has requested that a Commission should be appointed in India for that purpose. He has also expressed a desire that the enquiry to be made by the Commission should extend, not only to the admission of Natives to the offices referred to above, but to their employment in all branches of the public service connected with the civil administration of the country. From the subjects to be referred to the Commission, all questions connected with the conditions on which English candidates are admitted to the Indian Civil Service examination in England are excluded.

In regard to the constitution of the Commission, the Secretary of State indicates his view that it should include a proportion of Native members, which may sufficiently represent the different classes and modes of thought in India, and that it should also include a trained English lawyer, if possible, of judicial experience. In regard to its object, the Commission would, broadly speaking, be required to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher and more extensive employment in the public service. The Governor General in Council fully and cordially accepts this decision, and in accordance therewith has resolved to appoint a Commission for the purpose of giving effect to it. In making the suggestion which has now resulted in this decision, the Government of India expressed the belief that any scheme to be entirely satisfactory would require parliamentary legislation hereafter. It may be further remarked that the investigations of the Commission now to be constituted will be preparatory to the Parliamentary enquiry into Indian affairs which it is the intention of Her Majesty's Government to undertake at an early date.

2. As regards the composition of the Commission, the Governor General in Council, in view of the scope of the enquiry and the magnitude and variety of the interests involved, considers that the matter can be best dealt with by a Commission consisting of about fifteen members, including the President, for which office His Excellency in Council has selected the Hon'ble Sir Charles Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab. The Governments of Madras, Bombay, Bengal, and the North-Western Provinces with Oudh will each be invited to submit the names of three officers whose personal experience of the actual working of district administration (including as far as possible in that term both executive and judicial branches) has been sufficiently varied and extensive to entitle them to speak with authority upon that subject for their own Provinces. From the names thus submitted the Governor General in Council will select a representative for each of the four Provinces above mentioned. The Punjab will be represented by the President. With a view to ensure the proper representation of Native opinion on the Commission, the Local Governments named should at once take such steps as may in their opinion be necessary to ascertain the persons regarded as most completely representative of Native opinion, and as commanding the widest confidence amongst their fellow-countrymen; and the Governor General in Council would be glad to be furnished as soon as may be found possible by each of the above Local Governments with the names of not less than three gentlemen, being natives of the Province concerned, who are considered best fitted to represent on the Commission the several classes and modes of thought in the Province. From the names so submitted, His Excellency in Council will choose four Provincial representatives, and he will also reserve the power of making, after due consideration and enquiry, additional nominations, with a view to the more complete representation of Native views. A representative of the non-official European and of the Eurasian community respectively will be selected by the Governor General in Council, and to this end the Local Governments mentioned above are requested to submit the names of such

gentlemen who, in their opinion, would best represent the views of those communities respectively. His Excellency will also appoint a delegate on behalf of the Government of India and a trained English lawyer of judicial experience. The duties of Secretary of the Commission will be performed by Mr. F. C. Daukes, one of the Under-Secretaries to the Government of India, who will be specially deputed for this purpose.

3. The enquiry is to embrace the employment of Natives of India not only in appointments ordinarily reserved by law for members of the Covenanted Civil Service, but also in the Uncovenanted Service generally, including in this term the lower administrative appointments, executive and judicial, and all special Departments connected with the civil administration of the country. The enquiry thus contemplated is not only one of great magnitude and importance, but such as requires a careful preliminary collection of facts. Such an investigation has already been made in regard to the class of appointments hitherto ordinarily reserved for the Covenanted Civil Service and in regard to uncovenanted executive and judicial posts; but no such investigation has been prosecuted in the case of other branches of the public service. For these reasons, and also because the constitution of a Commission, settled rather with reference to the considerations likely to arise in connection with the posts above referred to, might not be altogether suitable for an enquiry into special branches of the public service, it seems desirable that the two matters should be separately dealt with. For the present, accordingly, the Government of India thinks it well that the Commission should direct its attention mainly to the question of the conditions under which Natives of India should be employed in the posts which are ordinarily reserved for the Covenanted Service, and to questions relating to the admission of Natives of India and Europeans respectively to those branches of the Uncovenanted Service which are directly engaged in the executive and judicial administration of the country. The enquiry in regard to other branches of the public service will thus be postponed until the more important question has been dealt with. It may afterwards be convenient to reconstitute the Commission with a view to enable it to deal with the remaining questions, which are more or less technical in their character, and for a proper settlement of which it is essential that recourse should be had to the professional opinion of experts.

4. With reference to the preliminary collection of facts declared in the foregoing paragraph to be a necessary preparatory step in this enquiry, it must here be stated that the question of the proper strength of the Covenanted Service has already formed the subject of careful examination, and important decisions upon it have been arrived at by the Government of India in communication with Her Majesty's Secretary of State. All relevant papers bearing on this question will be laid before the Commission, and it is believed that, in view of the discussions which have already taken place, and the conclusions which have been come to, there will be no necessity to go over the same ground again. The Commission, however, is not precluded from reviewing the facts thus collected or the conclusions thus arrived at. Accordingly, should it find in the course of its investigations reason for thinking that a further limitation in the number of posts reserved by law for the Covenanted Service is desirable, or that the larger employment of Natives of India in particular offices or classes of offices connected with the civil administration not now usually held by them may be conducive to the public good, either absolutely, or on condition of the freer admission of Europeans to offices from which they, in their turn are now excluded, it will not be debarred from submitting any recommendations it may desire on such points. These, however, should be regarded as supplementary points, and the most important duty of the Commission in this portion of its enquiries will be to consider the means best adapted to secure the admission of competent Natives of each Province of India to such full proportion of the Covenanted Service employed in that Province as may not under the orders of Her Majesty's Government be reserved for Europeans.

5. As regards the scope of the enquiry to be entrusted to the Commission, it may further be stated that the investigation should not be confined to the rules framed under the Statute 33 Vic., cap. 3, section 6, but should be instituted

with a view to Parliamentary legislation, if necessary. It is not possible to specify at the present moment with any approach to completeness the various points which should come under the consideration of the Commission, but attention may be drawn to the great importance of conducting a careful enquiry into the evidence as to the existence and extent of any dissatisfaction which may be felt by the Native community in regard to the existing Statutory Service; into the grounds upon which any such feeling, if it prevails, is based; into the question whether it is the Statute of 1870 itself that is objected to, or the rules framed under it; and into the results of the selections made under the Statute. It may be observed that the Statute of 1870 is one of remarkable breadth and liberality; that it empowers the Government of India and the Secretary of State acting together to frame rules under which Natives of India may be admitted to any of the offices hitherto reserved to the Covenanted Civil Service; and that it would appear that there is practically no method of selecting Natives for higher employment in India which its provisions would not allow to be attempted. The grounds therefore of any objection to a Statute of this character require careful scrutiny.

6. It has been suggested that the Act of 1870 is open to objection, because it admits persons to specific appointments only, and not to membership in an organized "Service." The reasons for this desire to be enrolled in a Service should be fully weighed, and it should be considered how far the privileges of pay, promotion, and retiring annuity, which Indian public servants enjoy through belonging to the Covenanted Civil Service, and the conditions generally under which they hold their offices, are suitable to Natives of India obtaining office under the Statutory Rules. It appears to be expressly suggested that the Act of 1870 is unpopular, because a person appointed under it draws, according to the rules laid down, pay at a lower rate than if he were a member of the Indian Civil Service appointed after competition in London. This point will require serious consideration from the Commissioners, because, among other reasons, it raises an important question as to the financial saving, which it is generally supposed will arise from the more extensive employment of Native gentlemen in the public service.

7. If it be found on enquiry that it is the Statutory Rules which excite dissatisfaction and not the Statute itself, the grounds of such dissatisfaction should be closely examined. It will be most useful to ascertain, for example, whether the communities of the various Provinces, and especially the classes from which Native public servants are commonly drawn, disapprove of selection in any form, with or without probation; whether competition of some sort is the only mode of selection which commends itself to them; and whether they think that a combination of both systems possesses advantages, more especially with regard to the promotion to higher office of deserving members of the subordinate executive and judicial services. It is scarcely necessary to remark that in a country of such extent as India, inhabited by a population so vast and various, and of such unequal civilization, the evidence taken on these points, to be of real value, should be collected over a wide area and from numerous classes of people.

8. In connexion with the question whether or not it is desirable that there should be a competitive examination in England for Natives of India, the Commission will no doubt fully examine into and report on the advantages and disadvantages of competitive selection in India, on the conditions of such competition, on the view which is likely to be taken of such a system by the Native community at large, and on the desirability or otherwise of requiring or encouraging candidates selected in India to proceed to England with a view to passing there a period of probationary training. If the Commissioners are favourable to the maintenance, substantially, of the present system, which permits Natives to compete in England, it will be necessary to enquire what are the limits of age for Native candidates, and what the changes (if any) in the character of their examination which the Commissioners would recommend. It has already been stated that no question regarding English candidates is referred to the Commission; but, in view of the difficulty of reconciling the systems which are respectively best adapted to the two classes, and supposing that the Commission decide on recommending the maintenance of

the present system of competitive examination in England, the Commissioners should give special attention to a suggestion made by the Bengal Government that the number of Native probationers to be selected by competitive examination in London should be first fixed, and that the Native candidates should be selected by an examination separate from that of the Europeans, and especially adapted as regards limits of age and otherwise to the conditions of Natives of India.

9. With regard to the question of affording facilities to Natives of India to proceed to England to compete for the Indian Civil Service, the Commissioners will doubtless be able to obtain much valuable evidence from an enquiry on the following points: (1) whether there is reason to believe that the young Natives obtained under the existing system of the open competition in England for the public service in India are the best as regards character and capacity who could be got for it under any system; (2) whether such a system is favourably looked upon by large and important classes in India; and (3) what is the relative weight to be attached to recent representations which affirm the general willingness of Indian youths to cross the sea for education, and to others which as strongly deny it. The British Indian Association, for example, appears to have said in a petition to Parliament that "a journey to England entails not only expense and hardship, but the loss of social position to all but the small minority who break with Indian society from personal motives, and are unable to faithfully reflect its sentiments by reason of their isolation."

10. In conclusion, the Governor General in Council would observe that he has no desire to fetter the discretion of the Commission as to the particular method of enquiry which it desires to pursue. The correspondence which has taken place with Her Majesty's Secretary of State and with Local Governments and Administrations on the subject of the Statute of 1870 and the Rules framed thereunder will be placed at the disposal of the Commission, and, with this correspondence before it, it will devolve upon the Commission to determine the particular method or methods of enquiry which may be best calculated to effect the object which the Government has in view.

A complete list of the names of the members composing the Commission will be published in a subsequent Resolution.

ORDER.—Ordered, that a copy of the above Resolution be forwarded to the Local Governments and Administrations marginally noted, with the request that due facilities may be afforded to the Commission in the discharge of the duties entrusted to it. The attention of the Governments of Madras, Bombay, Bengal, and the North-Western Provinces and Oudh is at the same time invited to the instructions contained in paragraph 2 of the Resolution.

Madras.	Central Provinces.
Bombay.	Burma.
Bengal.	Assam.
N. W. P. and Oudh.	Coorg.
Punjab.	Hyderabad.

Ordered also, that a copy of the Resolution be forwarded to the several Departments of the Government of India for information and communication to the Heads of Departments subordinate to them.

Ordered further, that a copy of the Resolution be forwarded to the Hon'ble Sir Charles Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab, for information.

By order of the Governor-General in Council,

A. P. MACDONNELL,
Offg. Secy. 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.

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SUPPLEMENT No. 41.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Simla, the 6th October, 1886.

His Excellency THE VICEROY will leave Simla on Thursday, the 28th October, 1886.

His Excellency will visit Mooltan, Bhawulpur, Lahore, Ahmedabad, Baroda, Goa, Bombay, Poona, Hyderabad, Mysore, Bangalore, Trichinopoly, Madura, Tanjore, and Pondicherry, at which place His Excellency will embark in the I. G. S. *Clive* for Calcutta, and will probably arrive at Calcutta on or about Monday, the 13th December, 1886.

His Excellency THE VICEROY AND GOVERNOR-GENERAL will hold a Levée at Government House, Calcutta, on Monday, the 20th December, 1886, at 9-30 P.M.

All Civil and Military Officers and the Native Officers of the Native Regiments of the Garrison are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their cards to the Aide-de-Camp in waiting not later than Friday, the 17th December, 1886, after which "No Cards" will be received, and to bring with them to the Levée two cards, with their names legibly written on them—one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at Government House will be good enough to add the names of Gentlemen who will present them.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

The carriages of Gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

Their Excellencies THE VICEROY AND COUNTESS OF DUFFERIN will hold a Drawing Room at Government House, Calcutta, on Thursday, the 23rd December, 1886, at 9-30 P.M.

Ladies purposing to attend the Drawing Room are requested to send their cards and addresses to the Aide-de-Camp in waiting not later than Monday, the 20th December, 1886, after which "No Cards" will be received, and to bring with them to the Drawing Room two cards, with their names legibly written on them—one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James or at Government House are requested to send their cards, with their addresses and the name of the Lady by whom they are to be presented, to the Aide-de-Camp in waiting as soon as possible.

Ladies who present others should themselves attend the Drawing Room.

Ladies attending the Drawing Room will be expected to appear in full dress, but without trains.

The carriages of those who have the private entrée will enter by the South-East Gate, and set down at the South Entrance of Government House.

All other carriages will enter by the North-East Gate, set down under the Grand Stairs, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, *Major*,

Military Secretary to the Viceroy.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 7th October, 1886.

No. 16.—The following Statute is published for general information:—

INTERNATIONAL COPYRIGHT ACT, 1886.

49 & 50 VICTORIÆ, CAP. 33.

An Act to amend the Law respecting International and Colonial Copyright.

[25th June, 1886.]

WHEREAS by the International Copyright Acts Her Majesty is authorised by Order in Council to direct that as regards literary and artistic works first published in a foreign country the author shall have copyright therein during the period specified in the order, not exceeding the period during which authors of the like works first published in the United Kingdom have copyright:

And whereas at an international conference held at Berne in the month of September one thousand eight hundred and eighty-five a draft of a convention was agreed to for giving to authors of literary and artistic works first published in one of the countries parties to the convention copyright in such works throughout the other countries parties to the convention:

And whereas, without the authority of Parliament, such convention cannot be carried into effect in Her Majesty's dominions and consequently Her Majesty cannot become a party thereto, and it is expedient to enable Her Majesty to accede to the convention:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the International Copyright Act, 1886.

(2) The Acts specified in the first part of the First Schedule to this Act are in this Act referred to and may be cited by the short titles in that schedule mentioned, and those Acts, together with the enactment specified in the second part of the said schedule, are in this Act collectively referred to as the International Copyright Acts.

The Acts specified in the Second Schedule to this Act may be cited by the short titles in that schedule mentioned, and those Acts are in this Act referred to, and may be cited collectively as the Copyright Acts.

(3) This Act and the International Copyright Acts shall be construed together, and may be cited together as the International Copyright Acts, 1844 to 1886.

2. The following provisions shall apply to an Order in Council under the International Copyright Acts:

(1) The order may extend to all the several foreign countries named or described therein:

(2) The order may exclude or limit the rights conferred by the International Copyright Acts in the case of authors who are not subjects or citizens of the foreign countries named or described in that or any other order, and if the order contains such limitation and the author of a literary or artistic work first produced in one of those foreign countries is not a British subject, nor a subject or citizen of any of the foreign countries so named or described, the publisher of such work, unless the order otherwise provides, shall for the purpose of any legal proceedings in the United Kingdom for protecting any copyright in such work be deemed to be entitled to such copyright as if he were the author, but this enactment shall not prejudice the rights of such author and publisher as between themselves:

(3) The International Copyright Acts and an order made thereunder shall not confer on any person any greater right or longer term of copyright in any work than that enjoyed in the foreign country in which such work was first produced.

3. (1) An Order in Council under the International Copyright Acts may provide for determining the country in which a literary or artistic work first produced simultaneously in two or more countries, is to be deemed, for the purpose of copyright, to have been first produced, and for the purposes of this section "country" means the United Kingdom and a country to which an order under the said Acts applies.

(2) Where a work produced simultaneously in the United Kingdom, and in some foreign country or countries is by virtue of an Order in Council under the International Copyright Acts deemed for the purpose of copyright to be first produced in one of the said foreign countries, and not in the United Kingdom, the copyright in the United Kingdom shall be such only as exists by virtue of production in the said foreign country, and shall not be such as would have been acquired if the work had been first produced in the United Kingdom.

4. (1) Where an order respecting any foreign country is made under the International Copyright Acts the provisions of those Acts with respect to the registry and delivery of copies of works shall not apply to works produced in such country except so far as provided by the order.

(2) Before making an Order in Council under the International Copyright Acts in respect of any foreign country, Her Majesty in Council shall be satisfied that that foreign country has made such provisions (if any) as it appears to Her Majesty expedient to require for the protection of authors of works first produced in the United Kingdom.

5. (1) Where a work being a book or dramatic piece is first produced in a foreign country to which an Order in Council under the International Copyright Acts applies, the author or publisher, as the case may be, shall, unless otherwise directed by the order, have the same right of preventing the production in and importation into the United Kingdom of any translation not authorised by him of the said work as he has of preventing the production and importation of the original work.

(2) Provided that if after the expiration of ten years, or any other term prescribed by the order, next after the end of the year in which the work, or in the case of a book published in numbers each number of the book, was first produced, an authorised translation in the English language of such work or number has not been produced, the said right to prevent the production in and importation into the United Kingdom of an unauthorised translation of such work shall cease.

(3) The law relating to copyright, including this Act, shall apply to a lawfully produced translation of a work in like manner as if it were an original work.

(4) Such of the provisions of the International Copyright Act, 1852, relating to translations as are unrepealed by this Act shall apply in like manner as if they were re-enacted in this section.

6. Where an Order in Council is made under the International Copyright Acts with respect to any foreign country, the author and publisher of any literary or artistic work first produced before the date at which such order comes into operation shall be entitled to the same rights and remedies as if the said Acts and this Act and the said order had applied to the said foreign country at the date of the said production: Provided that where any person has before the date of the publication of an Order in Council lawfully produced any work in the United Kingdom, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such production which are subsisting and valuable at the said date.

7. Where it is necessary to prove the existence or proprietorship of the copyright of any

work first produced in a foreign country to which an Order in Council under the International Copyright Acts applies, an extract from a register, or a certificate, or other document stating the existence of the copyright, or the person who is the proprietor of such copyright, or is for the purpose of any legal proceedings in the United Kingdom deemed to be entitled to such copyright, if authenticated by the official seal of a Minister of State of the said foreign country, or by the official seal or the signature of a British diplomatic or consular officer acting in such country, shall be admissible as evidence of the facts named therein, and all courts shall take judicial notice of every such official seal and signature as in this section mentioned, and shall admit in evidence, without proof, the documents authenticated by it.

8. (1) The Copyright Acts shall, subject to the provisions of this Act, apply to a literary or artistic work first produced in a British possession in like manner as they apply to a work first produced in the United Kingdom:

Provided that—

(*a*) the enactments respecting the registry of the copyright in such work shall not apply if the law of such possession provides for the registration of such copyright; and

(*b*) where such work is a book the delivery to any persons or body of persons of a copy of any such work shall not be required.

(2) Where a register of copyright in books is kept under the authority of the government of a British possession, an extract from that register purporting to be certified as a true copy by the officer keeping it, and authenticated by the public seal of the British possession, or by the official seal or the signature of the governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession, shall be admissible in evidence of the contents of that register, and all courts shall take judicial notice of every such seal and signature, and shall admit in evidence, without further proof, all documents authenticated by it.

(3) Where before the passing of this Act an Act or ordinance has been passed in any British possession respecting copyright in any literary or artistic works, Her Majesty in Council may make an Order modifying the Copyright Acts and this Act, so far as they apply to such British possession, and to literary and artistic works first produced therein, in such manner as to Her Majesty in Council seems expedient.

(4) Nothing in the Copyright Acts or this Act shall prevent the passing in a British possession of any Act or ordinance respecting the copyright within the limits of such possession of works first produced in that possession.

9. Where it appears to Her Majesty expedient that an Order in Council under the International Copyright Acts made after the passing of this Act as respects any foreign country, should not apply to any British possession, it shall be lawful for Her Majesty by the same or any other Order in Council to declare that such Order and the International Copyright Acts and this Act shall not, and the same shall not, apply to such British possession, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order; and the expressions in the said Acts relating to Her Majesty's dominions shall be construed accordingly; but save as provided by such declaration the said Acts and this Act shall apply to every British possession as if it were part of the United Kingdom.

10. (1) It shall be lawful for Her Majesty from time to time to make Orders in Council for the purposes of the International Copyright Acts and this Act, for revoking or altering any Order in Council previously made in pursuance of the said Acts, or any of them.

(2) Any such Order in Council shall not affect prejudicially any rights acquired or accrued at the date of such Order coming into operation, and shall provide for the protection of such rights.

11. In this Act, unless the context otherwise requires—

The expression "literary and artistic work" means every book, print, lithograph, article of sculpture, dramatic piece, musical composition, painting, drawing, photograph, and other work of literature and art to which the Copyright Acts or the International Copyright Acts, as the case requires, extend.

The expression "author" means the author, inventor, designer, engraver, or maker of any literary or artistic work, and includes any person claiming through the author: and in the case of a posthumous work means the proprietor of the manuscript of such work and any person claiming through him; and in the case of an encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, includes the proprietor, projector, publisher, or conductor.

The expressions "performed" and "performance" and similar words include representation and similar words.

The expression "produced" means, as the case requires, published or made, or, performed or represented, and the expression "production" is to be construed accordingly.

The expression "book published in numbers" includes any review, magazine, periodical work, work published in a series of books or parts, transactions of a society or body, and other books of which different volumes or parts are published at different times.

The expression "treaty" includes any convention or arrangement.

The expression "British possession" includes any part of Her Majesty's dominions exclusive of the United Kingdom; and where parts of such dominions are under both a central and a local legislature, all parts under one central legislature are for the purposes of this definition deemed to be one British possession.

12. The Acts specified in the Third Schedule to this Act are hereby repealed as from the passing of this Act to the extent in the third column of that schedule mentioned:

Provided as follows:

(*a*) Where an Order in Council has been made before the passing of this Act under the said Acts as respects any foreign country the enactments hereby repealed shall continue in full force as respects that country until the said Order is revoked.

(*b*) The said repeal and revocation shall not prejudice any rights acquired previously to such repeal or revocation, and such rights shall continue and may be enforced in like manner as if the said repeal or revocation had not been enacted or made.

FIRST SCHEDULE.

INTERNATIONAL COPYRIGHT ACTS.

PART I.

Session and Chapter.	Title.	Short Title.
7 & 8 Vict. c. 12.	An Act to amend the law relating to International Copyright.	The International Copyright Act, 1844.
15 & 16 Vict. c. 12.	An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright in engravings.	The International Copyright Act, 1852.
38 & 39 Vict. c. 12.	An Act to amend the law relating to International Copyright.	The International Copyright Act, 1875.

PART II.

Session and Chapter.	Title.	Enactments referred to.
25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	Section twelve.

SECOND SCHEDULE.

COPYRIGHT ACTS.

Session and Chapter.	Title.	Short Title.
8 Geo. 2, c. 13.	An Act for the encouragement of the arts of designing, engraving, and etching, historical, and other prints by vesting the properties thereof, in the inventors and engravers during the time therein-mentioned.	The Engraving Copyright Act, 1734.
7 Geo. 3, c. 38.	An Act to amend and render more effectual an Act made in the eighth year of the reign of King George the Second, for encouragement of the arts of designing, engraving, and etching, historical and other prints, and for vesting in and securing to Jane Hogarth, widow, the property in certain prints.	The Engraving Copyright Act, 1766.
15 Geo. 3, c. 53.	An Act for enabling the two Universities in England, the four Universities in Scotland, and the several Colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copyright in books given or bequeathed to the said universities and colleges for the advancement of usefull earning and other purposes of education; and for amending so much of an Act of the eighth year of the reign of Queen Anne, as relates to the delivery of books to the warehouse-keeper of the Stationers' Company for the use of the several libraries therein mentioned,	The Copyright Act, 1775.

Session and Chapter.	Title.	Short Title.
17 Geo. 3, c. 57.	An Act for more effectually securing the property of prints to inventors and engravers by enabling them to sue for and recover penalties in certain cases.	The Prints Copyright Act, 1777.
54 Geo. 3, c. 56.	An Act to amend and render more effectual an Act of His present Majesty for encouraging the art of making new models and casts of busts and other things therein mentioned, and for giving further encouragement to such arts.	The Sculpture Copyright Act, 1814.
3 Will. 4, c. 15.	An Act to amend the laws relating to Dramatic Literary Property.	The Dramatic Copyright Act, 1833.
5 & 6 Will. 4, c. 65.	An Act for preventing the publication of Lectures without consent.	The Lectures Copyright Act, 1835.
6 & 7 Will. 4, c. 69.	An Act to extend the protection of copyright in prints and engravings to Ireland.	The Prints and Engravings Copyright Act, 1836.
6 & 7 Will. 4, c. 110.	An Act to repeal so much of an Act of the fifty-fourth year of King George the Third, respecting copyrights, as requires the delivery of a copy of every published book to the libraries of Sion College, the four Universities of Scotland, and of the King's Inns in Dublin.	The Copyright Act, 1836.
5 & 6 Vict. c. 45.	An Act to amend the law of copyright.	The Copyright Act, 1842.
10 & 11 Vict. c. 95.	An Act to amend the law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom.	The Colonial Copyright Act, 1847.
25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	The Fine Arts Copyright Act, 1862.

THIRD SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
7 & 8 Vict. c. 12.	An Act to amend the law relating to international copyright.	Sections fourteen, seventeen, and eighteen.
15 & 16 Vict. c. 12.	An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to copyright engravings.	Sections one to five both inclusive, and sections eight and eleven.
25 & 26 Vict. c. 68.	An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works.	So much of section twelve as incorporates any enactment repealed by this Act.

The 8th October, 1886.

No. 17.—The following Statute is published for general information :—

49 & 50 VICTORIA, CAP. 8.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[16th April, 1886.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-one thousand eight hundred and sixty-seven men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the Government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act, 1881, will expire in the year one thousand eight hundred and eighty-six on the following days:

(*a*) in the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c*) elsewhere whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Army (Annual) Act, 1886.

2. (1) The Army Act, 1881, shall be and remain in force during the periods herein after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a*) within the United Kingdom, the Channel Island, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-six to the thirtieth day of April one thousand eight hundred and eighty-seven, both inclusive; and

(*b*) elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-six to the thirty-first day of July one thousand eight hundred and eighty-seven, both inclusive; and

(*c*) elsewhere whether within or without Her Majesty's dominions from the thirty-first day of December one thousand eight hundred and eighty-six to the thirty-first day of December one thousand eight hundred and eighty-seven, both inclusive;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2) The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the Schedule to this Act.

Amendments of Army Act, 1881.

4. Whereas under section forty-one of the Army Act, 1881, sub-section five, a person subject to military law is liable, if convicted by court-martial of any offence not before in the said Act particularly specified, which when committed in England is punishable by the law of England, to suffer such punishment as in the said section mentioned:

And whereas doubts frequently arise to whether an offence punishable by the law of England is or is not before in the said Act particularly specified, and it is expedient to prevent such doubts: Be it therefore enacted as follows:—

The words "not before in this Act particularly specified" shall be omitted from sub-section five of section forty-one of the Army Act, 1881.

5. Whereas sub-section one of section seventy of the Army Act, 1881, provides that "Her "Majesty may, by rules to be signified under "the hand of a Secretary of State, from time "to time make" provisions in respect of various matters relating to courts-martial, including "the confirmation and revision of the "findings and sentences of courts-martial":

And whereas in some cases the conviction by court-martial of a person subject to military law is valid, but the sentence by reason of being in excess of what is authorised by law or otherwise, is invalid, and doubts have arisen as to whether the said rules can extend to the making of provisions for the passing of a valid sentence in such a case, and with a view to prevent miscarriage of justice it is expedient to remove such doubts: Be it therefore enacted as follows:—

In sub-section one of section seventy of the Army Act, 1881, there shall be inserted after the words "revision of the findings and sentences of courts-martial" the words "and enabling the authority having power under section fifty-seven of this Act to commute sentences to substitute a valid sentence for an invalid sentence of a court-martial."

6. Whereas by section eighty-four of the Army Act, 1881, provision is made respecting the re-engagement of "a soldier of the regular forces, if in army service, and within three years of the completion of his original term of enlistment," and doubts have arisen as to the computation of the said three years, and it is expedient to remove such doubts: Be it therefore enacted as follows:—

In section eighty-four of the Army Act, 1881, the words "after the expiration of nine years from the date of his original term of enlistment" shall be substituted for the words "within three years of the completion of his original term of enlistment."

7. Whereas the twelfth sub-section of section one hundred and seventy-nine of the Army Act, 1881, as amended by section seven of the Army (Annual) Act, 1884, is as follows:—

"Nothing in the provisions of this Act relating to the term of enlistment, to the conditions of service, to appointment or transfer, to transfer to the reserve, to the re-engagement or prolongation of service, or to forfeiture of service of a soldier of the regular forces, or to the rules for reckoning service for discharge or transfer to the reserve, shall apply to the Royal Marines.

"Save that if regulations made by a Secretary of State and the Admiralty provide for the transfer of men of the Royal Marines to any other part of Her Majesty's regular forces, a man of the Royal Marines may, with his consent, be so transferred in accordance with the said regulations, and subject to those regulations shall become a soldier of the said part of Her Majesty's regular forces in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of this Act."

And whereas it is expedient to provide for the transfer to the Royal Marines of men belonging to other portions of Her Majesty's regular forces: Be it therefore enacted as follows:—

There shall be added to section one hundred and seventy-nine of the Army Act, 1881, at the end of the said twelfth sub-section, the following enactment:—

And save that if any regulations so made provide for the transfer to the Royal Marines of men belonging to any other part of Her Majesty's regular forces, a man belonging to such part may, with his consent, be so transferred in accordance with the said regulations, and, subject to those regulations, shall become a man of the Royal Marines in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of the Acts relating to the Royal Marines.

8. Whereas section one hundred and eighty-two of the Army Act, 1881, provides that a warrant officer not holding an honorary commission shall not be tried by a regimental court-martial nor sentenced by a district court-martial to any punishment not in this section mentioned and (by sub-section two) provides that "without prejudice to any other power of "a court-martial he may be sentenced by a "court-martial other than a regimental court-"martial to be dismissed from the service," and to the other punishments in that sub-section mentioned:

And whereas those punishments, though including reduction to the ranks, do not include the lower punishment of forfeitures, fines, and stoppages, and it is expedient to include the same, and to remove doubts as to the meaning of the words "without prejudice to any other "power of a court-martial": Be it therefore enacted as follows:—

In sub-section two of section one hundred and eighty-two of the Army Act, 1881, the following words:

"Without taking away any power of a court-martial, other than a district court-martial, he may be sentenced by any court-martial having power to try him to such forfeitures, fines, and stoppages as are allowed by this Act either in addition to or without any other punishment, and also to be dismissed from the service,"

shall be substituted for the above recited words in the said sub-section.

9. Whereas in the Army Act, 1881, reference is made to the Naval Discipline Act, 1866:

And whereas by the Naval Discipline Act, 1884, the "Naval Discipline Act" is made the short title of the Naval Discipline Act, 1866, as amended by the Naval Discipline Act, 1884: Be it therefore enacted as follows:—

In the Army Act, 1881, the figures "1866" shall be omitted after the words "Naval Discipline Act," wherever these words occur.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Two pence halfpenny per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Four pence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and nine pence per day.
Lodging and attendance for officer	Two shillings per night.

Note.—An officer shall pay for his food.

S HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 4th October, 1886.

No. 1572.—The following Resolution is published for general information:

No. $\frac{34}{1573-98}$.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Simla, the 4th October, 1886.

RESOLUTION.

A prolonged correspondence has taken place with Her Majesty's Government on the subject of the system under which Natives of India are admitted either to the Covenanted Civil Service under the Statute 21 & 22 Vic., cap. 106, section 32, or under the Statute 33 Vic., cap. 3, section 6, to offices formerly reserved exclusively to members of that Service. As a result of this correspondence, Her Majesty's Secretary of State has recently accepted a suggestion made by the Government of India that the question of the admission of Natives of India to such service and offices should be reopened and carefully considered, and has requested that a Commission should be appointed in India for that purpose. He has also expressed a desire that the enquiry to be made by the Commission should extend, not only to the admission of Natives to the offices referred to above, but to their employment in all branches of the public service connected with the civil administration of the country. From the subjects to be referred to the Commission, all questions connected with the conditions on which English candidates are admitted to the Indian Civil Service examination in England are excluded.

In regard to the constitution of the Commission, the Secretary of State indicates his view that it should include a proportion of Native members, which may sufficiently represent the different classes and modes of thought in India, and that it should also include a trained English lawyer, if possible, of judicial experience. In regard to its object, the Commission would, broadly speaking, be required to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher and more extensive employment in the public service. The Governor-General in Council fully and cordially accepts this decision, and in accordance therewith has resolved to appoint a Commission for the purpose of giving effect to it. In making the suggestion which has now resulted in this decision, the Government of India expressed the belief that any scheme to be entirely satisfactory would require parliamentary legislation hereafter. It may be further remarked that the investigations of the Commission now to be constituted will be preparatory to the Parliamentary enquiry into Indian affairs which it is the intention of Her Majesty's Government to undertake at an early date.

2. As regards the composition of the Commission, the Governor-General in Council, in view of the scope of the enquiry and the magnitude and variety of the interests involved, considers that the matter can be best dealt with by a Commission consisting of about fifteen members, including the President, for which office His Excellency in Council has selected the Hon'ble Sir Charles Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab. The Governments of Madras, Bombay, Bengal, and the North-Western Provinces with Oudh will each be invited to submit the names of three officers whose personal experience of the actual working of district administration (including as far as possible in that term both executive and judicial branches) has been sufficiently varied and extensive to entitle them to speak with authority upon that subject for their own Provinces. From the names thus submitted the Governor-General in Council will select a representative for each of the four Provinces above mentioned. The Punjab will be represented by the President. With a view to ensure the proper representation of Native opinion on the Commission, the Local Governments named should at

once take such steps as may in their opinion be necessary to ascertain the persons regarded as most completely representative of Native opinion, and as commanding the widest confidence amongst their fellow-countrymen; and the Governor-General in Council would be glad to be furnished as soon as may be found possible by each of the above Local Governments with the names of not less than three gentlemen, being natives of the Province concerned, who are considered best fitted to represent on the Commission the several classes and modes of thought in the Province. From the names so submitted, His Excellency in Council will choose four Provincial representatives, and he will also reserve the power of making, after due consideration and enquiry, additional nominations, with a view to the more complete representation of Native views. A representative of the non-official European and of the Eurasian community respectively will be selected by the Governor-General in Council, and to this end the Local Governments mentioned above are requested to submit the names of the gentlemen who, in their opinion, would best represent the views of those communities respectively. His Excellency will also appoint a delegate on behalf of the Government of India and a trained English lawyer of judicial experience. The duties of Secretary of the Commission will be performed by Mr. F. C. Daukes, one of the Under-Secretaries to the Government of India, who will be specially deputed for this purpose.

3. The enquiry is to embrace the employment of Natives of India not only in appointments ordinarily reserved by law for members of the Covenanted Civil Service, but also in the Uncovenanted Service generally, including in this term the lower administrative appointments, executive and judicial, and all special Departments connected with the civil administration of the country. The enquiry thus contemplated is not only one of great magnitude and importance, but such as requires a careful preliminary collection of facts. Such an investigation has already been made in regard to the class of appointments hitherto ordinarily reserved for the Covenanted Civil Service and in regard to uncovenanted executive and judicial posts; but no such investigation has been prosecuted in the case of other branches of the public service. For these reasons, and also because the constitution of a Commission, settled rather with reference to the considerations likely to arise in connection with the posts above referred to, might not be altogether suitable for an enquiry into special branches of the public service, it seems desirable that the two matters should be separately dealt with. For the present, accordingly, the Government of India thinks it well that the Commission should direct its attention mainly to the question of the conditions under which Natives of India should be employed in the posts which are ordinarily reserved for the Covenanted Service, and to questions relating to the admission of Natives of India and Europeans respectively to those branches of the Uncovenanted Service which are directly engaged in the executive and judicial administration of the country. The enquiry in regard to other branches of the public service will thus be postponed until the more important question has been dealt with. It may afterwards be convenient to reconstitute the Commission with a view to enable it to deal with the remaining questions, which are more or less technical in their character, and for a proper settlement of which it is essential that recourse should be had to the professional opinion of experts.

4. With reference to the preliminary collection of facts declared in the foregoing paragraph to be a necessary preparatory step in this enquiry, it must here be stated that the question of the proper strength of the Covenanted Service has already formed the subject of careful examination, and important decisions upon it have been arrived at by the Government of India in communication with Her Majesty's Secretary of State. All relevant papers bearing on this question will be laid before the Commission, and it is believed that, in view of the discussions which have already taken place, and the conclusions which have been come to, there will be no necessity to go over the same ground again. The Commission, however, is not precluded from reviewing the facts thus collected or the conclusions thus arrived at. Accordingly, should it find in the course of its investigations reason for thinking that a further limitation in the number of posts reserved by law for the Covenanted Service is desirable, or that the larger employment of Natives of India in particular offices or classes of offices connected with the civil administration not now usually held by

them may be conducive to the public good, either absolutely or on condition of the freer admission of Europeans to offices from which they in their turn are now excluded, it will not be debarred from submitting any recommendations it may desire on such points. These, however, should be regarded as supplementary points, and the most important duty of the Commission in this portion of its enquiries will be to consider the means best adapted to secure the admission of competent Natives of each Province of India to such full proportion of the Covenanted Service employed in that Province as may not under the orders of Her Majesty's Government be reserved for Europeans.

5. As regards the scope of the enquiry to be entrusted to the Commission, it may further be stated that the investigation should not be confined to the rules framed under the Statute 33 Vic., cap. 3, section 6, but should be instituted with a view to Parliamentary legislation, if necessary. It is not possible to specify at the present moment with any approach to completeness the various points which should come under the consideration of the Commission, but attention may be drawn to the great importance of conducting a careful enquiry into the evidence as to the existence and extent of any dissatisfaction which may be felt by the Native community in regard to the existing Statutory Service; into the grounds upon which any such feeling, if it prevails, is based; into the question whether it is the Statute of 1870 itself that is objected to, or the rules framed under it; and into the results of the selections made under the Statute. It may be observed that the Statute of 1870 is one of remarkable breadth and liberality; that it empowers the Government of India and the Secretary of State acting together to frame rules under which Natives of India may be admitted to any of the offices hitherto reserved to the Covenanted Civil Service; and that it would appear that there is practically no method of selecting Natives for higher employment in India which its provisions would not allow to be attempted. The grounds therefore of any objection to a Statute of this character require careful scrutiny.

6. It has been suggested that the Act of 1870 is open to objection, because it admits persons to specific appointments only, and not to membership in an organized "Service." The reasons for this desire to be enrolled in a Service should be fully weighed, and it should be considered how far the privileges of pay, promotion, and retiring annuity, which Indian public servants enjoy through belonging to the Covenanted Civil Service, and the conditions generally under which they hold their offices, are suitable to Natives of India obtaining office under the Statutory Rules. It appears to be expressly suggested that the Act of 1870 is unpopular, because a person appointed under it draws, according to the rules laid down, pay at a lower rate than if he were a member of the Indian Civil Service appointed after competition in London. This point will require serious consideration from the Commissioners, because, among other reasons, it raises an important question as to the financial saving, which it is generally supposed will arise from the more extensive employment of Native gentlemen in the public service.

7. If it be found on enquiry that it is the Statutory Rules which excite dissatisfaction and not the Statute itself, the grounds of such dissatisfaction should be closely examined. It will be most useful to ascertain, for example, whether the communities of the various Provinces, and especially the classes from which Native public servants are commonly drawn, disapprove of selection in any form, with or without probation; whether competition of some sort is the only mode of selection which commends itself to them; and whether they think that a combination of both systems possesses advantages, more especially with regard to the promotion to higher office of deserving members of the subordinate executive and judicial services. It is scarcely necessary to remark that in a country of such extent as India, inhabited by a population so vast and various, and of such unequal civilization, the evidence taken on these points, to be of real value, should be collected over a wide area and from numerous classes of people.

8. In connexion with the question whether or not it is desirable that there should be a competitive examination in England for Natives of India, the Commission will no doubt fully examine into and report on the advantages and disadvantages of competitive selection in India, on the conditions of such competition, on the view which is likely to be taken of such a system by the Native

community at large, and on the desirability or otherwise of requiring or encouraging candidates selected in India to proceed to England with a view to passing there a period of probationary training. If the Commissioners are favourable to the maintenance, substantially, of the present system, which permits Natives to compete in England, it will be necessary to enquire what are the limits of age for Native candidates, and what the changes (if any) in the character of their examination which the Commissioners would recommend. It has already been stated that no question regarding English candidates is referred to the Commission; but, in view of the difficulty of reconciling the systems which are respectively best adapted to the two classes, and supposing that the Commission decide on recommending the maintenance of the present system of competitive examination in England, the Commissioners should give special attention to a suggestion made by the Bengal Government that the number of Native probationers to be selected by competitive examination in London should be first fixed, and that the Native candidates should be selected by an examination separate from that of the Europeans, and especially adapted as regards limits of age and otherwise to the conditions of Natives of India.

9. With regard to the question of affording facilities to Natives of India to proceed to England to compete for the Indian Civil Service, the Commissioners will doubtless be able to obtain much valuable evidence from an enquiry on the following points: (1) whether there is reason to believe that the young Natives obtained under the existing system of the open competition in England for the public service in India are the best as regards character and capacity who could be got for it under any system; (2) whether such a system is favourably looked upon by large and important classes in India; and (3) what is the relative weight to be attached to recent representations which affirm the general willingness of Indian youths to cross the sea for education, and to others which as strongly deny it. The British Indian Association, for example, appears to have said in a petition to Parliament that "a journey to England entails not only expense and hardship, but the loss of social position to all but the small minority who break with Indian society from personal motives, and are unable to faithfully reflect its sentiments by reason of their isolation."

10. In conclusion, the Governor-General in Council would observe that he has no desire to fetter the discretion of the Commission as to the particular method of enquiry which it desires to pursue. The correspondence which has taken place with Her Majesty's Secretary of State and with Local Governments and Administrations on the subject of the Statute of 1870 and the Rules framed thereunder will be placed at the disposal of the Commission, and, with this correspondence before it, it will devolve upon the Commission to determine the particular method or methods of enquiry which may be best calculated to effect the object which the Government has in view.

A complete list of the names of the members composing the Commission will be published in a subsequent Resolution.

ORDER.—Ordered, that a copy of the above Resolution be forwarded to the Local Governments and Administrations marginally noted, with the request that due facilities may be afforded to the Commission in the discharge of the duties entrusted to it. The attention of the Governments of Madras, Bombay, Bengal, and the North-Western Provinces and Oudh is at the same time invited to the instructions contained in paragraph 2 of the Resolution.

Madras.
Bombay.
Bengal.
N. W. P. and Oudh.
Punjab.
Central Provinces.
Burma.
Assam.
Coorg.
Hyderabad.

Ordered also, that a copy of the Resolution be forwarded to the several Departments of the Government of India for information and communication to the Heads of Departments subordinate to them; and that copies be forwarded to the officers noted in the margin.

Superintendent of Port Blair and the Nicobars.
Sanitary Commissioner with the Government of India.
Surgeon-General with the Government of India.
Secretary to the Board of Examiners.
Registrar of the Calcutta University.
Registrar of the High Court, Calcutta.
Director General of Statistics to the Government of India.
Director General of the Archæological Survey of India.

Ordered further, that a copy of the Resolution be forwarded to the Hon'ble Sir Charles Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab, for information.

ESTABLISHMENTS.

The 4th October, 1886.

No. 332.—The Governor-General in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint the HONOURABLE JAMES BRAITHWAITE PEILE, M.A., C.S.I., Member of the Council of His Excellency the Governor of Bombay, to act temporarily as an Ordinary Member of the Council of the Governor-General in the place of the Honourable Sir S. C. Bayley, K.C.S.I., C.I.E., who has been granted leave of absence on medical certificate for six months. The HONOURABLE MR. PEILE has this day, in the forenoon, taken his seat in the said Council of the Governor-General under the usual salute.

The 7th October, 1886.

No. 334.—The Hon'ble C. D. Field, M.A., LL.D., a Judge of the High Court of Judicature at Fort William in Bengal, is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 7th March, 1886.

MEDICAL.

The 6th October, 1886.

No. 514.—The services of Surgeon-Major B. Franklin, Joint Medical Officer in charge of Simla, are temporarily placed at the disposal of the Government of the Punjab, with effect from the 4th November, 1086.

PORT BLAIR.

The 8th October, 1886.

No. 677.—The furlough for one year granted to Mr. M. V. Portman, Extra Assistant Superintendent, 1st Class, Port Blair and the Nicobars, by Home Department Notification No. 629, dated the 13th ultimo, is hereby cancelled.

PATENTS.

The 2nd October, 1886.

No. 1225.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 58 *of* 1886.—John Johnston, late Major, 2nd Battalion, 24th Regiment, of "Chelmsford" Estate, Mettapollum, Madras, at present residing at Chandernagore, for an improved method and portable apparatus for crushing and extracting fibre from various fibre plants, more especially of the plantain and pineapple family.

No. 122 *of* 1886.—Thomas William Worsdell, Engineer, of Gateshead on Tyne, in the County of Durham, England, for improvements in compound locomotive and other steam-engines.

No. 166 *of* 1886.—Edward John Houghton, of Pilkington Road, Peckham, in the County of Surrey, England, Electrical Engineer, for improvements in lighting railway trains by electricity and in apparatus for that purpose.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Simla, the 8th October, 1886.

No. 840—17-21 *S.*—Mr. T. A. Pope, Assistant Superintendent, 1st Class, Madras Survey, is appointed Assistant Superintendent, 2nd Grade, in the Survey of India Department, with effect from the 1st instant.

C. J. LYALL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th October, 1886.

No. 1899 *G.*—The services of Captain R. G. Jones, M.S.C., 1st Madras Lancers, and Staff Officer and Adjutant, Mysore Silladar Horse, are replaced at the disposal of the Commander-in-Chief, Madras, with effect from the date on which he may be relieved of his duties.

The 6th October, 1886.

No. 1903 *G.*—In Foreign Department Notification, No. 1652G., dated the 10th August, 1886, *for* "Muhammad Umrao Ali Khan," *read* "Muhammad Murad Ali Khan."

The 7th October, 1886.

No. 1914 *G.*—The following reversions and postings will take place consequent on the return from furlough of Mr. J. G. Cordery, C.S., Resident of the 1st Class and Resident at Hyderabad :—

Colonel E. C. Ross, C.S.I., officiating Resident of the 1st Class, and officiating Resident at Hyderabad, reverts to his substantive appointment of Resident of the 2nd Class and Resident in the Persian Gulf.

Lieutenant-Colonel S. B. Miles, officiating Resident of the 2nd Class and officiating Resident in the Persian Gulf, reverts to his substantive grade of Political Agent of the 1st Class, and is posted as Political Agent at Muscat.

Lieutenant-Colonel E. Mockler, officiating Political Agent of the 1st Class and Political Agent at Muscat, reverts to his substantive grade of Political Agent of the 2nd Class, and is posted as Assistant Political Agent at Basra.

Captain H. M. Temple, officiating Political Agent of the 2nd Class, reverts to officiating Political Agent of the 3rd Class.

Mr. P. J. C. Robertson, officiating Political Agent of the 3rd Class, and Assistant Political Agent at Basra, reverts to his substantive grade of Political Assistant of the 1st Class, and is posted as First Assistant to the Political Resident in the Persian Gulf.

Lieutenant P. J. Melvill, Political Assistant of the 1st Class, sub. *pro tem.*, reverts to Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant L. S. Newmarch, Political Assistant of the 2nd Class, sub. *pro tem.*, reverts to officiating Political Assistant of the 2nd Class.

Lieutenant W. C. R. Stratton, officiating Political Assistant of the 2nd Class, reverts to Political Assistant of the 3rd Class, sub. *pro tem.*

Lieutenant A. F. Pinhey, Political Assistant of the 3rd Class, sub. *pro tem.*, reverts to officiating Political Assistant of the 3rd Class.

No. 1925 *G.*—The Governor-General in Council is pleased to recognize the appointment of Mr. Francisco Celestino Feliciano de Menezes, as Acting Consul for Portugal in British India, at Bombay, during the absence of Mr. F. M. doCanto.

The 1st October, 1886.

No. 3538 *I.*—In modification of the Notification of the Government of India in the Foreign Department, No. 529 I., dated the 1st March, 1883, the Governor-General in Council is pleased to extend the provisions of Chapter XLV of the Code of Civil Procedure, so far as they are applicable, to the Civil and Military Station of Bangalore.

The 8th October, 1886.

No. 1695 *F.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Sardar Muhammad Afzal Khan, C.S.I., Khan Bahadur, Ressaidar in the 11th (Prince of Wales's Own) Bengal Lancers, and Aide-de-Camp to the Viceroy, the title of "Nawab" as a personal distinction.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 7th October, 1886.

No. 3556.—Major A. W. Baird, R.E., officiating Mint Master, Calcutta, having been appointed to officiate as Mint Master, Bombay, and Surgeon-Major J. Scully having been appointed to hold charge of the current duties of the office of Mint Master, Calcutta, in addition to his own duties, Major Baird made over and Surgeon-Major Scully received charge of the Calcutta Mint after noon on the 1st October, 1886.

CODES.

The 6th October, 1886.

No. 3536.

CIVIL PENSION CODE.

PAGE 39.

Section 82.

Exception.

Before the word "establishments" *in line 1 of this Exception, add the following words*

"and district gardens"

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

The 8th October, 1886.

No. 3567.—In exercise of the powers conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under that Act during the year ending the 31st March, 1887, all persons (other than servants of the Government or of a local authority) residing in the town or fort of Jhansi or in any of the lands which may be ceded to the British Government in accordance with the proposal referred in the preamble to Part I of the Jhansi and Morar Act, XVII of 1886, whose annual income from all sources is less than one thousand rupees.

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 8th October, 1886.

APPOINTMENTS.

No. 662.—ADJUTANT-GENERAL'S DEPARTMENT—

Colonel H. M. Evans, Deputy-Assistant Adjutant-General, to be Assistant Adjutant-General, *vice* Lieutenant-Colonel N. R. Stewart, whose tenure of appointment has expired. Dated 6th September, 1886.

No. 663.—DIVISIONAL STAFF—

Major-General His Royal Highness the Duke of Connaught and Strathearn, K.G., K.T., K.P., G.C.S.I., G.C.M.G., C.B., to the divisional staff of the army, *vice* Lieutenant-General Sir M. A. S. Biddulph, K.C.B., who has resigned that appointment. Dated 27th September, 1886.

ORDNANCE DEPARTMENT.

No. 664.—Colonel H. McLeod, R.A., Superintendent, Gun Carriage Factory, Madras, to be Inspector-General of Ordnance, Madras, *vice* Major-General S. H. E. Chamier, C.B., R.A., whose tenure of appointment has expired. Dated 23rd September, 1886.

No. 665.—Lieutenant A. L. M. Turner, R.A., Commissary of Ordnance, 4th Class, to be Commissary of Ordnance, 3rd Class, *seconded*.

Captain W. G. Massy, R.A., Commissary of Ordnance, 4th Class, to be Commissary of Ordnance, 3rd Class, with effect from 19th September, 1886, *vice* Captain C. P. Triscott, R.A., Commissary of Ordnance, 3rd Class, resigned.

No. 666.—STAFF CORPS—

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

Lieutenant Henry Arthur Merewether, South Yorkshire Regiment, Squadron Officer, 7th Bengal Cavalry,—7th January, 1885.

Lieutenant Robert Rundall Swinton, Derbyshire Regiment, Wing Officer, 19th Bengal Infantry,—21st March, 1885.

Lieutenant Francis Hardinge Eliott, Norfolk Regiment, Wing Officer, 25th Bengal Infantry,—3rd August, 1885.

FURLOUGH AND LEAVE.

No. 667.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Colonel F. S. Stanton, R.E., Director-General of Railways and Deputy Secretary to the Government of India, Public Works Department, (p. a.) for 182 days, under rule IX of the regulations of 1868.

No. 668.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Major C. C. Brownlow, Bengal S. C., Wing Commander, 1st Sikh Infantry, Punjab Frontier Force, (p. a.) for one year. Pension-service,—twenty-five years and 115 days.

Captain H. H. R. Heath, Bengal S. C., Squadron Commander, 11th (Prince of Wales's Own) Bengal Lancers, (p. a.) for one year. Pension-service,—fourteen years and 35 days.

No. 669.—Surgeon-Major R. Reid has been granted by the Secretary of State for India an extension of furlough (m. c.) for six months.

LONDON GAZETTE.

No. 670.—The following extract is published for general information :—

"*London Gazette*," *dated the 7th September*, 1886, *page* 4330.

"WAR OFFICE,

Pall Mall, 7th September, 1886.

MEMORANDA.

INDIAN LOCAL SERVICE.

Colonel Alexander Gordon Duff, Madras Infantry, has been transferred to the Unemployed Supernumerary List. Dated 13th August, 1885.

Deputy-Commissary and Honorary-Lieutenant James Wright, Bombay Establishment, to have the honorary rank of Captain. Dated 1st August, 1885.

Deputy Assistant-Commissary Charles Duke, Bombay Establishment, to have the honorary rank of Lieutenant. Dated 1st August, 1885."

PROMOTIONS.

No. 671.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Charles John Walter,—2nd October, 1886.

Major Montague Jocelyn King-Harman,—2nd October, 1886.

To be Majors.

Captain and Brevet-Major Alexander Thomas Seton Abercromby Rind,—2nd October, 1886.

Captain Herbert Anthony Sawyer,—2nd October, 1886.

BENGAL ARMY.

To be Colonel.

Lieutenant-Colonel and Colonel William Reid Martin, Bengal Infantry,—5th October, 1886.

To be Lieutenant-Colonel.

Major and Colonel Robert Francis Christopher Alexander Tytler, General List, Infantry,—2nd October, 1886.

No. 672.—NATIVE ARMY—

14th Bengal Lancers.

Jemadar Jawáhir Singh to be Ressaidar, and Kot-Duffadar Umráo Singh to be Jemadar, *vice* Ressaidar Chain Sukh, deceased, with effect from the 9th August, 1886.

16th Bengal Cavalry.

Duffadar Rústam Singh, from the 6th Bengal Cavalry, to be Jemadar, to fill an existing vacancy, with effect from the 8th October, 1886.

RETIREMENTS.

No. 673.—Colonel Charles Lorrain Woodruffe, Bengal S. C., is permitted to retire from the service, with effect from the 19th October, 1886, subject to Her Majesty's approval.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 674.—The following temporary promotions are made in the Engineer Establishment of the Military Works Department, with effect from the dates specified:

Names.	From	To	With effect from
Lieutenant J. A. Tanner, R.E.	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade	13th July, 1886.
Lieutenant H. F. Chesney, R.E.	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	19th July, 1886.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 40.—The undermentioned officers of Her Majesty's Indian Marine have been granted extensions of furlough by the Secretary of State for India:

Captain W. C. Hotham, (m. c.) for six months.
Mr. J. Balbi, Engineer, (m. c.) for six months.
Mr. A. J. Miller, Engineer, (m. c.) for six, months.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 8th October, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned warrant officer, on the date specified was received in the Military Department between the 2nd and the 8th October, 1886.

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Subordinate Medical Department.	Assistant-Apothecary H. R. W. Ewan.	29th August, 1886.	Sibi ...	...	

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 4th October, 1886.

No. 249.—The following sanction by the Right Honorable the Secretary of State from Productive Public Works Funds is published for general information: this sanction is in supersession of that conveyed in Despatch No. 60 (Public Works) of 3rd November, 1881:

	Sanction by Secretary of State.		Sanction as subsequently revised by Government of India.		Despatch of Secretary of State conveying sanction to classification of work as Productive Public Work.		Remarks.
	Direct outlay.	Indirect outlay.	Direct outlay.	Indirect outlay.	No.	Date.	
	Rs.	Rs.					
PUNJAB.							
Sirhind Canal Project.	3,65,04,100	12,55,400	...	...	30 P. W.	12th August, 1886.	

The 5th October, 1886.

No. 251.—Mr. T. Moss, Examiner of Public Works Accounts, Punjab, retired from the service, with effect from the 20th September, 1886, in terms of Section 110, Rule 9A, Note 3, of the Civil Pension Code.

No. 252.—Colonel P. Lambert, R.E., Examiner of Public Works Accounts, Bombay, is transferred as Examiner of Public Works Accounts, Punjab.

No. 253.—The Governor-General in Council is pleased to order the following promotions among the Executive and Assistant Engineers attached to State Railways, with effect from the dates specified:

Names.	From	To	With effect from	Nature of promotion.
Stent, W. K. ...	Executive Engineer, 2nd Grade, sub. *pro tem.*	Executive Engineer, 2nd Grade.	20th May, 1886.	Permanent.
Brereton, A. ...	Executive Engineer, 2nd Grade, sub. *pro tem.*	Executive Engineer, 2nd Grade.	20th May, 1886.	Permanent.
Beeston, R. C. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	20th May, 1886.	Sub. *pro tempore.*
Martyn, G. V. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	20th May, 1886.	Sub. *pro tempore.*
Wilson, Captain G. F., R.E.	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 3rd Grade.	20th May, 1886.	Permanent.
Monk, H. L. ...	Executive Engineer, 1st Grade, sub. *pro tem.*	Executive Engineer, 1st Grade.	5th July, 1886.	Permanent.
MacIvor, C. V. ...	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	5th July, 1886.	Sub. *pro tempore.*
List, G. H. ...	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	5th July, 1886.	Sub. *pro tempore.*
Kunhardt, Captain H. G., R.E.	Executive Engineer, 2nd Grade, sub. *pro tem.*	Executive Engineer, 2nd Grade.	5th July, 1886.	Permanent.
Gerrard, A. S. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	5th July, 1886.	Sub. *pro tempore.*
Smith, Major S., R.E. ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 3rd Grade.	5th July, 1886.	Permanent.
Dyson, R. C. ...	Assistant Engineer, 1st Grade.	Executive Engineer, 4th Grade.	9th July, 1886.	Temporary.
White, Captain W. H., R.E.	Executive Engineer, 2nd Grade, sub. *pro tem.*	Executive Engineer, 2nd Grade.	25th July, 1886.	Permanent.
Grant, T. W. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	25th July, 1886.	Sub. *pro tempore.*
Hebbert, F. B. ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 3rd Grade.	25th July, 1886.	Permanent.
Robertson, F. E. ...	Executive Engineer, 1st Grade, sub. *pro tem.*	Executive Engineer, 1st Grade.	1st August, 1886.	Permanent.
Harvey, W. ...	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	1st August, 1886.	Sub. *pro tempore.*
Anderson, J. A. ...	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	1st August, 1886.	Sub. *pro tempore.*
Hodges, R. N. ...	Executive Engineer, 2nd Grade, sub. *pro tem.*	Executive Engineer, 2nd Grade.	1st August, 1886.	Permanent.
Hodson, C. W. ...	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	1st August, 1886.	Sub. *pro tempore.*
Cantopher, B. W. ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Executive Engineer, 3rd Grade.	1st August, 1886.	Permanent.
Lamb, G. F. ...	Executive Engineer, 4th Grade, sub. *pro tem.*	Executive Engineer, 4th Grade.	1st August, 1886.	Permanent.

No. 255.—Captain J. W. Thurburn, R.E., Executive Engineer, 3rd Grade, North-Western Provinces and Oudh, temporarily employed in the Punjab, is permanently transferred to that Province.

The 6th October, 1886.

No. 256.—The Governor-General in Council is pleased to order the following promotions of Executive and Assistant Engineers, attached to the several Local Administrations, with effect from the dates specified:

Names.	From	To	With effect from	Nature of promotion.
Housden, C. E. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	5th July, 1886.	Sub. *pro tempore.*
Fox, H. H. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	21st July, 1886.	Sub. *pro tempore.*
LaTouche, J. N. D. ...	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	5th Aug., 1886.	Temporary.
Scobie, M. J. ...	Executive Engineer, 4th Grade, sub. *pro tem.*	Executive Engineer, 4th Grade.	31st Aug., 1886.	Permanent.
Shedlock, O. J. ...	Executive Engineer, 4th Grade, *temporary rank.*	Executive Engineer, 4th Grade.	31st Aug., 1886.	Sub. *pro tempore.*

The 7th October, 1886.

No. 257.—Mr. F. R. Hutchinson is, on return from furlough, reappointed Examiner of Public Works Accounts, Central India.

TELEGRAPH.

The 4th October, 1886.

No. 250.—Mr. W. McGregor, Superintendent, 2nd Grade, Indian Telegraph Department, is permitted to retire from the service, with effect from 22nd September, 1886.

The 5th October, 1886.

No. 254.—The Right Honorable the Secretary of State for India has been pleased to appoint the undermentioned passed Students of the Royal Indian Engineering College to the Telegraph Department in India as Assistant Superintendents, 4th Grade:

Mr. Henry Chevely Alexander Goodall.

Mr. Robert Tyndall Gibbs.

H. A. BROWNLOW, *Colonel, R.E.,*

Offg. Secretary to the Government of India.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

SIMLA, MONDAY, OCTOBER 11, 1886.

MILITARY SECRETARY'S OFFICE.

Simla, the 11th October, 1886.

Programme for the Arrival in Simla of Their Royal Highnesses the DUKE AND DUCHESS OF CONNAUGHT.

THEIR ROYAL HIGHNESSES THE DUKE AND DUCHESS OF CONNAUGHT will arrive at the Viceregal Lodge, Simla, about 1-30 P.M., on Tuesday, the 12th October, 1886.

THEIR ROYAL HIGHNESSES will be received at the entrance of Simla, by the Cart Road, by an Aide-de-Camp to His Excellency the Viceroy and the Deputy Commissioner of Simla.

A Guard of Honour of the Detachment of the 1st Goorkhas and His Excellency the Viceroy's Band will be drawn up in front of the Viceregal Lodge at 1-15 P.M.

A Royal Salute will be fired as THEIR ROYAL HIGHNESSES enter Simla.

At the Viceregal Lodge THEIR ROYAL HIGHNESSES will be received by His Excellency the Viceroy, attended by his Personal Staff and all the principal Civil and Military Officers and other Gentlemen who are desirous of attending.

Full dress will be worn by Officers entitled to uniform. Gentlemen not entitled to wear uniform will appear in Morning dress.

By Command,

WILLIAM BERESFORD, *Major,*

Military Secretary to the Viceroy.

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

The Ajmere Municipalities Regulation, 1886.

(Chapter I.—Preliminary.—Sections 1-5.—Chapter II.—Organization of Municipal Committee.—Section 6.)

SECTIONS.

160. Member of committee to be municipal commissioner.
161. Vacancies and irregularities not to invalidate proceedings.

CHAPTER X.

EXCEPTIONAL PROVISIONS.

162. Power to except municipalities from operation of provisions of Regulation regarding election.
163. Power to withdraw municipal area altogether from operation of this Regulation or Act XV of 1873.

A Regulation to make better provision for the Organization and Administration of Municipalities in Ajmere and Merwára.

Whereas it is expedient to make better provisions for the organization and administration of municipalities in Ajmere and Merwára; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title local extent and commencement.

1. (*1*) This Regulation may be called the Ajmere Municipalities Regulation, 1886.

(*2*) It extends to the territories for the time being administered by the Chief Commissioner of Ajmere; and

[illegible] shall come into force on the first day of November, 1886.

(*3*) Any power conferred by this Regulation to make rules or issue orders may be exercised at any time after the Governor General has assented to the Regulation; but a rule or order so made or issued shall not take effect until the Regulation comes into force.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(*1*) "committee" means a municipal committee constituted under this Regulation:

(*2*) "municipality" means a local area to which this Regulation has been applied under section 4 or section 5:

(*3*) "Honorary Magistrate" means a Magistrate who holds an unsalaried office in any department of the Government [illegible]:

(*4*) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Chief Commissioner has by notification declared his intention to apply this Regulation:

(*5*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(*6*) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(*7*) "notification" means a notification published by authority of the Chief Commissioner in the official Gazette:

(*8*) "notified" means published as aforesaid: and

(*9*) "prescribed" means prescribed by rules made by the Chief Commissioner under this Regulation.

Notification of intention to apply Regulation.

3. (*1*) The Chief Commissioner may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Regulation to any town or to any group of towns in the immediate neighbourhood of one another.

(*2*) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building, land or water in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Application of Regulation.

4. (*1*) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Regulation, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification, and the Chief Commissioner shall take his objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub-section (*1*), the Chief Commissioner may, by notification, apply this Regulation to the local area.

Special rule as to application of Regulation to towns to which Act XV of 1873 applies.

5. The Chief Commissioner may, by notification, apply this Regulation to any local area which is a municipality established under the North-Western Provinces and Oudh Municipalities Act, 1873, and shall, within three months from the date on which this Regulation comes into force, so apply it to every such local area, unless, before the expiration of that period,— XV of 1873.

(*a*) the Regulation has been applied under section 4 to some local area in which [illegible]

(*b*) the Chief Commissioner has declared by notification that the provisions of this Regulation are unsuited to that local area.

CHAPTER II.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality; and

The Ajmere Municipalities Regulation, 1886.
(Chapter II.—Organization of Municipal Committees.—Sections 7-13.)

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Chief Commissioner may, subject to the rules made under this Regulation, appoint in this behalf.

Magistrate to convene meeting to determine system of representation and election.

7. (*1*) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Regulation has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from the date of the meeting as the Chief Commissioner may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(*2*) The Chief Commissioner may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting.

8. Notices under section 7 shall be issued to the following persons, namely:—

(*a*) all Honorary Magistrates having jurisdiction within the limits of the municipality;

(*b*) when the municipality comprises any local area for which a municipal committee has been appointed under the North-Western Provinces and Oudh Municipalities Act, 1873, the members of that committee; and

XV of 1873.

(*c*) any leading residents of the municipality not included under clauses (*a*) and (*b*) who in the opinion of the District Magistrate should be allowed to take part in the discussion.

Matters to be considered at the meeting.

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the District Magistrate to the Chief Commissioner, proposals regarding the following matters, namely:—

(*a*) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards;

(*b*) the number of representatives proper for the municipality or for each ward;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

Power to Chief Commissioner to make rules regarding representation and election.

10. (*1*) The Chief Commissioner shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to ten rupees.

(*2*) The Chief Commissioner may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under sub-section (*1*); but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette.

(*3*) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of member of committee.

11. (*1*) The term of office of a member of a committee shall be fixed by the Chief Commissioner by rule made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*2*) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of member.

12. A member of a committee may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office.

Removal of member.

13. (*1*) The Chief Commissioner may remove any member of a committee—

(*a*) if he refuses to act, or becomes, in the opinion of the Chief Commissioner, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member;

(*b*) if he has been declared by notification to be disqualified for employment in the public service;

(*c*) if he, without an excuse sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of the committee;

(*d*) if his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

(*2*) A person removed under this section shall be disqualified for election unless and until the Chief Commissioner otherwise directs.

The Ajmere Municipalities Regulation, 1886.
(Chapter II.—Organization of Municipal Committees.—Sections 14-20.)

Filling of casual vacancies.

14. (*1*) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place:

Provided that the Chief Commissioner may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (*b*), direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of an appointed member of a committee becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, but subject to the rules made under this Regulation, appoint a new member to fill the place.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

Incorporation of committee.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under this Regulation, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for committees coming into existence.

16. A committee shall come into existence at such time as the Chief Commissioner may, by notification, appoint in this behalf.

Consequences of establishment of committee where municipal committee exists.

17. (*1*) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area which is a municipality under the North-Western Provinces and Oudh Municipalities Act, 1873, the following consequences shall ensue, namely:—

XV of 1873.

(*a*) the said North-Western Provinces and Oudh Municipalities Act shall cease to apply to the local area;

(*b*) the committee (if any) constituted under that Act for the local area shall cease to exist;

(*c*) all property vested in the old committee shall, for the purposes of this Regulation, vest in the committee constituted under this Regulation (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Regulation had not been made;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Chief Commissioner; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(*2*) When a committee comes into existence under section 16 for a municipality constituted under this Regulation, and that municipality comprises within its limits a local area in which Act XX of 1856 (*An Act to make better provision for the appointment and maintenance of Police Chaukidárs in Cities, Towns, Stations, Suburbs and Bázárs in the Presidency of Fort William in Bengal*) is in force, that Act shall cease to have effect in the local area, and every panchâyat constituted under that Act for the local area shall cease to exist.

Chairman and Vice-Chairman.

Election or appointment of chairman.

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Chief Commissioner, but not otherwise, become chairman of the committee:

Provided that—

(*a*) if the office of chairman remains vacant for three months from the date of the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Chief Commissioner may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman; and

(*b*) in such municipalities as the Chief Commissioner may from time to time, by notification, exempt from the operation of this section, the Chief Commissioner may from time to time, appoint such person as he thinks fit by name or by virtue of office to be chairman.

Election of vice-chairman.

19. In every municipality the committee shall from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

Term of office of chairman and vice-chairman.

20. (*1*) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

(*2*) The term of office of any other person elected to be chairman, or of a chairman appointed by the Chief Commissioner, shall be such term,

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(Chapter II.—Organization of Municipal Committees.—Sections 21-29.)

not exceeding three years, as the Chief Commissioner may by rule prescribe.

(3) The term of office of a vice-chairman shall be one year:

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An out-going chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of chairman or vice-chairman.

21. (1) A chairman of a committee may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on his resignation being accepted by the Chief Commissioner, he shall be deemed to have vacated his office.

(2) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

Removal of chairman or vice-chairman.

22. The Chief Commissioner may remove any chairman or vice-chairman of a committee from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee.

Casual vacancies in office of chairman or vice-chairman.

23. (1) If an elected chairman or vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

(2) If a chairman appointed by the Chief Commissioner dies, resigns his office or is removed, the Chief Commissioner shall appoint another chairman.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office:

Provided that, if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(4) A person going out of office under sub-section (3) shall, if otherwise qualified, be again eligible for election or appointment.

Chairman to become member if not already member.

24. When a person not already a member of the committee is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

Notification of Elections, Appointments and Vacancies.

Notification of elections, appointments and vacancies.

25. Every election and appointment of a member or chairman of a committee, and every vacancy in the office of member or chairman, shall be notified.

Joint Committees.

Joint committees.

26. (1) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(2) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Chief Commissioner shall be final.

Conduct of Business.

Time for holding meetings.

27. (1) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

(2) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

28. (1) A meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Regulation or the rules made under this Regulation to be transacted at a special meeting.

Quorum

29. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be two-thirds of the whole committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting whether there is a quorum present thereat or not.

The Ajmere Municipalities Regulation, 1886
(Chapter II.—Organization of Municipal Committees.—Sections 30-38.)

Chairman of meeting.

30. (1) At every meeting of a committee the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

31. (1) Except as otherwise provided by this Regulation, or by any rule made by the Chief Commissioner under this Regulation, all questions which may come before any meeting of a committee shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Certain officers entitled to attend and speak.

32. The Civil Surgeon of the district, the Executive Engineer of the division and the Inspector of Schools of the circle shall be entitled to attend any meeting of the committee, and to address the committee, on any matter affecting respectively sanitation, public works and public instruction.

Resolutions to be recorded and published.

33. (1) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in such manner as the Chief Commissioner may direct.

(2) A copy of every resolution passed by a committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate.

Power to make rules as to meetings and proceedings.

34. (1) Every committee may, from time to time, at a special meeting, make rules consistent with this Regulation and any rules made under this Regulation by the Chief Commissioner as to—

(a) the time and place of its meetings;

(b) the manner of convening ordinary and special meetings respectively, and of giving notice thereof;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings, and the adjournment of meetings;

(e) the division of duties among the members of the committee;

(f) the persons by whom receipts may be granted on behalf of the committee for money paid under this Regulation; and

(g) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Chief Commissioner may direct.

Officers and Servants.

Appointment of secretary.

35. (1) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(3) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases, the committee may, with the previous sanction of the Chief Commissioner, assign to a secretary such pay as it thinks fit.

Employment of other officers and servants.

36. Subject to the other provisions of this Regulation, and to such rules as the Chief Commissioner may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Pensions of Government officials serving committees.

37. In the case of a Government official, a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

Pensions of others.

38. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances and, if he is employed under a committee constituted under the North-Western Provinces and Oudh Municipalities Act, 1873; when this Regulation comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and, XV of 1873.

(2) if empowered in this behalf by the Chief Commissioner,—

(a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which,

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(Chapter II.—Organization of Municipal Committees.—Sections 39-40.—Chapter III.—Taxation.—Sections 41-41.)

under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

39. (*1*) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

Authority to contract.

(*2*) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

40. (*1*) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

Mode of executing contracts.

(*2*) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the committee may delegate to one or more of its members the power of executing any contracts which he is or they are empowered to enter into under section 39, sub-section (*1*).

(*3*) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee.

CHAPTER III.

TAXATION.

Taxation.

41. (*1*) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Chief Commissioner under this Regulation, a committee may, from time to time, for the purposes of this Regulation and in the manner by this Regulation directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

Taxes which may be imposed.

(*A*) with the previous sanction of the Chief Commissioner:—

(*a*) a tax on buildings and lands situate within the municipality, not exceeding seven and a half per centum on the annual value of the buildings and lands;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(*d*) a tax on vehicles and animals used as aforesaid entering the municipality;

(*e*) an octroi on animals for slaughter or goods or both brought within the municipality for consumption or use therein; and

(*B*) with the previous sanction of the Chief Commissioner and of the Governor General in Council, any other tax.

(*2*) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let:

Provided that, in the case of land which is assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Chief Commissioner so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or, when the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

42. When a committee has, in exercise of the powers conferred by this Regulation, provided for the performance, with regard to any buildings or lands, by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Chief Commissioner, in the manner by this Regulation directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Regulation, a tax to be called the scavenging tax, at such rate or of such amount as it thinks fit:

Scavenging tax.

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

43. (*1*) Besides the taxes mentioned in sections 41 and 42 a committee, with the previous sanction of the Chief Commissioner, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Regulation directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

Water-tax.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

44. (*1*) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

Procedure in imposing taxes.

(*2*) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to

The Ajmere Municipalities Regulation, 1886.
(Chapter III.—Taxation.—Sections 45-52.)

the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Chief Commissioner, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(*5*) The Chief Commissioner, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Chief Commissioner sanctions any such proposals which require the further sanction of the Governor General in Council, he shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Chief Commissioner for further consideration.

(*7*) When the proposals of a committee have been sanctioned by the Chief Commissioner, or by the Chief Commissioner and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(*8*) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(*a*) no tax shall come into force until it has been notified;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(*c*) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(*9*) A notification of the imposition of a tax under this Regulation shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Regulation.

45. A committee may, by a resolution passed at a special meeting and confirmed by the Chief Commissioner, abolish or reduce in amount any tax imposed under section 41, section 42 or section 43.

Power to abolish or reduce taxes.

46. (*1*) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

Power to exempt from taxation.

(*2*) A committee may, by resolution passed at a special meeting and confirmed by the Chief Commissioner, and the Chief Commissioner may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

47. (*1*) If at any time it appears to the Chief Commissioner, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Chief Commissioner, the Chief Commissioner may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

Power for Chief Commissioner to suspend levy of tax.

(*2*) The Chief Commissioner may at any time, by notification, rescind any such suspension.

48. No tax imposed under this Regulation shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes not invalid for defect of form.

49. Any tax imposed under section 41, section 42 or section 43 and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Chief Commissioner, may, by rule, from time to time direct.

Taxes when payable.

50. For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment.

Receipts to be given.

51. (*1*) An appeal against the assessment or levy of any tax under this Regulation shall lie to the District Magistrate unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Chief Commissioner in this behalf.

Appeals against taxation.

(*2*) The order of the appellate authority shall be final.

52. (*1*) No appeal shall lie in respect of a tax on any building or land unless it is preferred within two months after the publication of the notice prescribed by section 58, and no appeal shall lie in respect of any other tax unless it is preferred within two months from the time when the demand for the tax is made:

Limitation for appeals.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(*2*) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

The Ajmere Municipalities Regulation, 1886.
(Chapter III.—Taxation.—Sections 53-61.)

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Regulation is provided.

Taxation not to be questioned except under this Regulation.

54. All taxes leviable in any local area under the North-Western Provinces and Oudh Municipalities Act, 1873, at the time when a committee having authority over that local area comes into existence under this Regulation, shall, so far as their imposition and assessment are consistent with this Regulation and within the powers conferred thereby, be deemed to have been imposed and assessed under this Regulation.

Taxes leviable under Act XV of 1873 to be deemed to be taxes under this Regulation.

XV of 1873.

Taxes on Immoveable Property.

55. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Preparation of assessment-list.

(*a*) the name of the street or division in which the property is situate;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the committee.

(*2*) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

56. When the assessment-list has been completed, the committee shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment.

57. (*1*) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

Public notice of time fixed for revising assessment-list.

(*2*) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

58. (*1*) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

Settlement of list.

(*2*) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

59 (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

Further amendments of assessment-list.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

New list need not be prepared every year.

61 (*1*) When a tax payable under section 41, sub-section (*1*), clause (*a*), or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Remission of tax on unoccupied immoveable property.

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

The Ajmere Municipalities Regulation, 1886.
(Chapter III.—Taxation.—Sections 62-67.—Chapter IV.—Municipal Fund and Property.—Sections 68-69.)

(*2*) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (*1*), clause (*a*), or under section 42 or section 43, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

62. (*1*) A tax payable under section 41, sub-section (*1*), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

Taxes on immoveable property by whom payable.

(*2*) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

63. (*1*) When any sum is due on account of a tax payable under this Regulation in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

Recovery of taxes payable by owner.

(*2*) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(*3*) The amount of every such arrear may be recovered, on the application of the committee, by the officer discharging the functions of a Collector under the Ajmere Land and Revenue Regulation, 1877, in the part of the territories administered by the Chief Commissioner in which the municipality is situate, as if the property were an estate assessed to land-revenue, and the arrear were an arrear of such revenue due thereon:

II of 1877.

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

Octroi and Tolls.

64. If any person, bringing or receiving a conveyance or package within the octroi-limits of any municipality in which octroi is leviable, refuses, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay to the nearest place where such inspection can be made, and may cause the inspection to be made in his presence.

Power to search where octroi is leviable.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi.

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Presentation of bill for octroi.

67. (*1*) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Recovery of octroi and tolls.

(*2*) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

Constitution of municipal fund.

(*a*) all sums received by or on behalf of the committee under this Regulation or otherwise;

(*b*) all fines realized in cases in which prosecutions are instituted under this Regulation or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(*c*) when there has been included within the municipality any municipality constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

XV of 1873.

69. (*1*) The committee shall set apart and apply annually out of the municipal fund—

Application of fund.

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

The Ajmere Municipalities Regulation, 1886.
(Chapter IV.—Municipal Fund and Property.—Sections 70-72.—Chapter V.—Municipal Police.—Sections 73-76.)

(c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Chief Commissioner to be equitably debitable to the committee in return for services rendered to it by those Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Chief Commissioner may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and, with the sanction of the Commissioner, outside the municipality, when such application of the fund is for the benefit of the inhabitants of the municipality, namely :—

(a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses ;

(b) the watering and lighting of such streets or any of them ;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;

(e) the training of teachers and the establishment of scholarships ;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity ;

(g) the supply, storage and preservation from pollution of water for the use of men or animals ;

(h) the planting and preservation of trees ;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure ;

(j) the holding of fairs and industrial exhibitions ; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of municipal fund.

70. (1) In places where there is a Government treasury or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury.

(2) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Chief Commissioner may in each case think sufficient.

Investment of same.

71. (1) A committee may, from time to time, with the previous sanction of the Chief Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Management of public institutions.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee :

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Chief Commissioner.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

73. Every committee shall maintain a police-establishment for watch and ward, and the prevention and suppression of nuisances, within the municipality, and for the enforcement of this Regulation and the rules made thereunder, and of the orders of the committee.

Constitution of establishment.

74. The establishment maintained under section 73 shall, as the committee with the approval of the Chief Commissioner may direct, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861 ; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Chief Commissioner, direct.

Appointment, punishment and duties of municipal watchmen.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Chief Commissioner may make in this behalf ; and shall perform such duties, and be liable to such penalties, as village-watchmen appointed under the Panjab Laws Act, 1872, as amended by the Panjab Laws Amendment Act, 1875, perform and are liable to.

IV of 1872.
XV of 1875.

Duties of municipal police enrolled under Act V of 1861.

76. If the establishment is part of the general police-force, the Chief Commissioner may, notwithstanding any thing contained in Act V of 1861 or in any other

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(Chapter V.—Municipal Police.—Section 77.—Chapter VI.—Power for Sanitary and other Purposes.—Sections 78-85.)

Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

Powers under section 34 of Act V of 1861.

77. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Regulation shall have the powers of a police-officer under that section.

CHAPTER VI.

POWER FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, any land unoccupied by buildings which is, in the opinion of the committee, necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose ; and may divert, discontinue or permanently close any such street.

Power to permit temporary occupation of streets, &c.

80. The committee may grant permission in writing for the temporary occupation of any street or part thereof, or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

82. (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building [illegible] from time to time, [illegible]

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing ; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

84. (1) If any building or part of a building projects beyond the regular line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings ; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee :

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

85. (1) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Regulation given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely :—

(a) free passage or way in front of the building ;

(b) space to be left about the building to secure free circulation of air and facilitate scavenging ;

(c) ventilation and drainage ;

(d) level and width of foundation, level of lowest floor and stability of structure ; and

(e) the line of frontage with neighbouring buildings, if the building abuts on a street :

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion

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(Chapter VI.—Power for Sanitary and other Purposes.—Sections 86-93.)

into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

86. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Removal of projections and obstructions.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the making of this Regulation, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

87. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

88. The committee may fix places within, or with the approval of the District Magistrate beyond, the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind, or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

89. (*1*) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places.

90. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Regulation, without the permission in writing of the committee.

(*4*) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

91. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

Inflammable Materials.

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

Powers of Entry and Inspection.

93. (*1*) The committee, by any person authorised by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

Inspection of drains, privies and cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building, or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

The Ajmere Municipalities Regulation, 1886.
(Chapter VI.—Power for Sanitary and other Purposes.—Sections 94-101.)

94. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Power to enter and inspect buildings, &c.

95. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

Other powers of entry on buildings or land.

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation; or

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Regulation empowered to execute or maintain.

96. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

97. The committee, by any person authorised by it in this behalf, may at all reasonable times enter into and inspect any market, [illegible] drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

Power to inspect places for sale of food [illegible]

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

98. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

Power of entry for purpose of scavenging.

(*2*) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality.

(*3*) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality, and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(*4*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

99. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

100. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and discharging the same as not to be inconvenience persons passing along the street.

Troughs and pipes for rain-water.

101. (*1*) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

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(Chapter VI.—Power for Sanitary and other Purposes.—Sections 102-113.)

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains, privies and cesspools.

102. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Regulation, or who constructs, re-builds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorized buildings over drains, &c.

103. The committee may, by notice, require any person who without its permission in writing newly erects or re-builds any building over any public sewer, drain, culvert, watercourse or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

104. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

106. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to have building or land cleansed.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power in respect of building unfit for habitation.

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Cultivation, use of manure or irrigation, injurious to health after prohibition.

113. (1) The Chief Commissioner may, on the joint report of the District Magistrate and the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

The Ajmere Municipalities Regulation, 1886.
(Chapter VI.—Power for Sanitary and other Purposes.—Sections 114-116.)

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trades.

114. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

as a melting-fat; or

as a boiling-bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depot for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or as a storehouse for kerosine, petroleum, naptha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such [illegible] and may impose such conditions in regard [illegible] as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

115. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power of committee to make rules.

116. (1) A committee may, from time to time, at a special meeting, make rules—

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions under which they are to be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(e) for the inspection and proper regulation of encamping-grounds, pounds, saráis, markets and slaughter-houses;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(g) for controlling and regulating the use and management of burial and burning grounds;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

The Ajmere Municipalities Regulation, 1886.
(Chapter VI.—Power for Sanitary and other Purposes.—Sections 117-120.—Chapter VII.—Offences affecting the Public Health, Safety or Convenience. —Sections 121-122.)

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) generally for carrying out the purposes of this Regulation:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies. XIV of 1879.

(*2*) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Chief Commissioner and published for such time and in such manner as the Chief Commissioner may prescribe in this behalf.

Supplemental.

117. (*1*) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same. Execution of acts required to be done by any notice.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

118. (*1*) Where, under this Regulation, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default. Recovery of costs of execution.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(*3*) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit or, on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

119. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised. Compensation out of municipal fund.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

120. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115 may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal: Appeals against certain orders of committee.

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

121. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees. Depositing or throwing earth or materials or refuse, rubbish or offensive matter, on roads or into drains.

122. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer Discharging sewage.

The Ajmere Municipalities Regulation, 1886.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience. —Sections 123-138.)

or cesspool, or any other offensive matter to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to twenty rupees. Non-removal of filth, &c.

124. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees. Making or altering drains without authority.

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal. Penalty for making or keeping latrines, &c., near any source of water-supply.

126. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued. Keeping animals so as to be injurious to health.

127. Whoever feeds or allows to be fed any animal which is kept for [illegible] purposes or may be [illegible] on deleterious [illegible] rupees. Feeding animals on deleterious substances.

128. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees. Driving vehicles without proper lights.

129. Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees. Discharging firearms, &c.

130. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punished with fine which may extend to twenty rupees. Control of elephants and camels.

131. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punished with fine which may extend to twenty rupees. Taking elephants along streets.

132. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees. Suffering dogs to be at large.

133. Whoever, without the written permission of the committee, alters obstructs or encroaches upon any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees. Altering, obstructing or encroaching upon streets, &c.

134. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees. Quarrying, blasting, cutting timber or building.

135. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees. Picketing animals and collecting carts.

136. Whoever carries a corpse along a route [illegible] by the committee [illegible] to ten rupees. Carrying corpses [illegible]

137. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees. Destroying direction-posts, lamp-posts, &c.

138. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by Chapter VI, or any such notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions Penalty for disobedience to orders of committee under Chapter VI.

The Ajmere Municipalities Regulation, 1886.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Section 139.—Chapter VIII.—Control.—Sections 140-144.)

subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

Prosecution to be suspended in certain cases.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner or District Magistrate.

140. The Commissioner or the District Magistrate, when he is not a member of the committee, may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee;

(*c*) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for; and

(*d*) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

Power to suspend action by committee or joint committee.

141. (*1*) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done in pursuance of, or under cover of, this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(*2*) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Chief Commissioner, who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit.

Extraordinary powers of District Magistrate in case of emergency.

142. (*1*) In cases of emergency, the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

(*3*) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

Powers of Chief Commissioner in case of default of committee.

143. (*1*) If at any time it appears to the Chief Commissioner that a committee has made default in performing any duty imposed on it by or under this Regulation or any other law, the Chief Commissioner may, by order in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Chief Commissioner may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee.

(*3*) If the expense is not so paid, the District Magistrate, with the previous sanction of the Chief Commissioner, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

Power of Chief Commissioner to supersede committee in case of incompetency, persistent default or abuse of powers.

144. (*1*) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the official Gazette, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a committee is so superseded, the following consequences shall ensue:—

(*a*) all members of the committee shall, as from the date of the order, vacate their offices as such members;

The Ajmere Municipalities Regulation, 1886
(Chapter VIII.—Control.—Section 145.—Chapter IX.—Supplemental.—Sections 146-147.)

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner appoints in that behalf; and

(*c*) all property vested in the committee shall, during the period of supersession, vest in Her Majesty.

(*3*) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for being members.

Power of Chief Commissioner to frame forms and make rules.

145. (*1*) The Chief Commissioner may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules consistent with this Regulation—

(*a*) as to the appointment of members of a committee;

(*b*) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or who have been appointed to that office by the Chief Commissioner;

(*c*) as to the filling of casual vacancies among elected and appointed members of a committee;

(*d*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*e*) as to the assessment and collection of taxes imposed under this Regulation and for preventing evasion of the same;

(*f*) as to the authority on which money may be paid from the municipal fund;

(*g*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;

(*h*) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;

(*i*) as to the intermediate office or offices, if any, through which correspondence between committees and the Chief Commissioner or his officers and representations addressed to the Chief Commissioner under this Regulation shall pass;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

(*l*) as to the priority to be given to the several duties of the committee;

(*m*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*n*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Regulation, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*o*) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(*p*) as to the returns, statements and reports to be submitted by committees;

(*q*) as to the publication of notices; and

(*r*) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Regulation.

(*2*) In making rules under sub-section (*1*), clause (*e*), the Chief Commissioner may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

CHAPTER IX.

SUPPLEMENTAL.

Penalty on member, officer or servant of committee being interested in contract made with Committee.

146. (*1*) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

(*2*) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Suits against committee and its officers.

147. (*1*) No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1877.

(*2*) A suit against an officer of a committee in respect of an act purporting to be done by him in his official capacity shall be instituted within three months next after the accrual of the cause of action, and not afterwards.

The Ajmere Municipalities Regulation, 1886.
(Chapter IX.—Supplemental.—Sections 148-157.)

148. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Secretary of State for India in Council.

Liability of members for loss, waste or misapplication.

149. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

Acquisition of land under Act X of 1870.

X of 1870.

150. (*1*) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

Procedure for making rules.

(*2*) Every rule made under any of those sections shall be published in such manner as the Chief Commissioner may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

151. A Court shall not take cognizance of an offence punishable under this Regulation, or the rules made under this Regulation, except on the complaint of the committee or of some person authorised by the committee in this behalf.

Prosecutions.

152. Nothing in this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation 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 Regulation or the rules made under it:

Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

153. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Recovery of taxes, &c.

154. The Chief Commissioner may, by notification, and in such other manner as he may determine, declare his intention—

Notification of intention to alter limits of municipality.

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

155. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Chief Commissioner within six weeks from the publication of the notification, and the Chief Commissioner shall take the objection into consideration.

Alteration of limits of municipality.

(*2*) When six weeks from the publication of the notification have expired, and the Chief Commissioner has considered the objections (if any) which have been submitted under sub-section (*1*), the Chief Commissioner may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

156. (*1*) When a local area is excluded from a municipality under section 155—

Effect of exclusion of local area from municipality.

(*a*) this Regulation, and all rules, orders, directions and powers made, issued or conferred under this Regulation, shall cease to apply thereto; and

(*b*) the Chief Commissioner shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council, and, on the publication of the scheme in the official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in Her Majesty under sub-section (*1*) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

157. When a local area is included in a municipality under section 155, this Regulation, and all rules, orders, directions and powers made, issued or conferred under this Regulation, and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Effect of including local area in municipality.

The Ajmere Municipalities Regulation, 1886.
(Chapter IX.— Supplemental.—Sections 158-161.—Chapter X.—Exceptional Provisions.—Sections 162-163.)

158. All powers conferred by this Regulation on the Governor General in Council or on the Chief Commissioner may be exercised from time to time as occasion requires.

Powers exerciseable from time to time.

159. Nothing in this Regulation shall affect the Local Authorities Loan Act, 1879.

Saving of Act XI of 1879.

XI of 1879.

160. Every member of a committee constituted under this Regulation shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Member of committee to be municipal commissioner.

161. Anything done or any proceeding taken under this Regulation shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

CHAPTER X.

EXCEPTIONAL PROVISIONS.

162. (*1*) If it appears to the Chief Commissioner that the circumstances of any municipality are such that the provisions of this Regulation requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Chief Commissioner may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Chief Commissioner:

Power to except municipalities from operation of provisions of Regulation regarding election.

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor General in Council.

(*2*) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (*1*), the Chief Commissioner may appoint such of the members of the committee as would otherwise have been elected.

163. (*1*) The Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification, withdraw from the operation of this Regulation or the North-Western Provinces and Oudh Municipalities Act, 1873, the area of any municipality constituted under this Regulation or that Act.

Power to withdraw municipal area altogether from operation of this Regulation or Act XV of 1873.

XV of 1873.

(*2*) When a notification is issued under this section in respect of any municipality, this Regulation or the Act, as the case may be, and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality; the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(*3*) All property vested in Her Majesty under sub-section (*2*) shall be applied under the orders of the Chief Commissioner to discharging the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

The 15th October, 1886.

No. 19.—Whereas by resolution passed by the Secretary of State for India in Council on the sixteenth day of March, 1871, the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared applicable to Ajmere and Merwára;

And whereas the Chief Commissioner of Ajmere-Merwára has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India and local Gazette for Ajmere and Merwára:—

REGULATION No. VI OF 1886.

THE AJMERE RURAL BOARDS REGULATION, 1886.

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WHEREAS a rate is levied on land in Ajmere and Merwára for certain local purposes, and it is expedient to make better provision for the constitution of local bodies to administer the expenditure of the proceeds of that rate, and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to local purposes; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (*1*) This Regulation may be called the Ajmere Rural Boards Regulation, 1886.

Short title, extent and commencement.

(*2*) It extends to all the territories which are now under the administration of the Chief Commissioner of Ajmere and to which the provisions of the thirty-third of Victoria, chapter three, section one, have been declared applicable; and

(*3*) It shall come into force on the first day of November, 1886.

CHAPTER II.

LOCAL RATE.

2. (*1*) Every estate shall be subject to the payment of a rate, to be called the local rate, not exceeding three pies for every rupee of its annual value.

Local rate.

(*2*) "Annual value" in sub-section (*1*) means—

(*a*) in the case of a khálisa estate, double the land-revenue for the time being assessed on the estate;

(*b*) in the case of an istimrari estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been in part released; and

(*c*) in the case of a jágír estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been wholly released.

(*3*) The rate levied on any estate for the maintenance of roads, schools and the district-post at the time of the enactment of this Regulation shall be deemed to be the local rate to which the estate is subject under this section.

(*4*) The Chief Commissioner may at any time direct the revision of the assessment of the local rate for all or any estates in any local area, and from time to time prescribe the instalments and times in and at which that rate shall be payable.

(*5*) The local rate may be recovered as if it were an arrear of land-revenue due in respect of the estate subject thereto.

CHAPTER III.

CONSTITUTION OF DISTRICT BOARDS AND LOCAL BOARDS.

3. (*1*) By order in writing, for the purposes of this Regulation, the Chief Commissioner may declare all the territories under his administration to be one district, or may divide those territories into districts, and may divide any district into sub-districts.

Formation of districts and sub-districts

(*2*) The Chief Commissioner may, from time to time, by order in writing, vary any order made under this section.

(*3*) There shall be excluded from the district or districts formed under this section such portions of the said territories as are for the time being included in the limits of a military cantonment or of a municipality.

4. There shall be established for the district, or for each district, as the case may be, a district board having authority over the district, and, when the district is divided into sub-districts, for each sub-district a local board, which shall in the sub-district be the agent of the district board and, as such agent, have such authority and discharge such duties as the district board may, by written

Establishment of district board for district, and of local board for sub-district.

The Ajmere Rural Boards Regulation, 1886.
(Chapter III.—Constitution of District Boards and Local Boards.—Sections 5-11.—Chapter IV.—Duties of District Boards.—Section 12.)

authority in that behalf, from time to time, confer or impose upon it.

5. (*1*) A district board or local board shall consist of such number of members, not less than six, as the Chief Commissioner may, from time to time, fix in this behalf.

Number and appointment or election of members.

(*2*) The members may be appointed by the Chief Commissioner either by name or by official designation, or may be elected in accordance with rules made by the Chief Commissioner under this Regulation, or some may be appointed and some elected, as the Chief Commissioner from time to time directs:

Provided that—

(*a*) not less than two-thirds of the members of every board shall be persons by whom the local rate is payable; and

(*b*) when the district has been divided into sub-districts, not less than one-half of the members of each local board shall be members of the district board.

6. (*1*) A member appointed by virtue of an office shall, unless the Chief Commissioner otherwise directs, continue to be a member while he continues to hold that office.

Term of office of members.

(*2*) The term of office of all other members shall be fixed by the Chief Commissioner by rules made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*3*) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

7. A member may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on the acceptance by the Chief Commissioner of such resignation, the member shall be deemed to have vacated his office.

Resignation of members.

8. The Chief Commissioner may remove any member—

Power of Chief Commissioner as to removal of members.

(*a*) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member;

(*b*) if he has been proscribed by the Government from being employed in its service;

(*c*) if he, being a member of a local board, without an excuse sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board;

(*d*) if his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

9. (*1*) When the place of an elected member becomes vacant by the resignation or removal of the member or by his death, a new member shall be chosen, in accordance with rules made by the Chief Commissioner under this Regulation, to fill the place:

Filling of casual vacancies.

Provided that the Chief Commissioner may direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of a member appointed by name becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, appoint a new member to fill the place.

(*3*) A person chosen or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

10 A district board shall be a body corporate by the name of the district board of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property, and, subject to rules made by the Chief Commissioner under this Regulation, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Incorporation of district board.

11. The board for a district or sub-district shall come into existence at such time as the Chief Commissioner may appoint in this behalf.

Time for boards coming into existence.

CHAPTER IV.

DUTIES OF DISTRICT BOARDS.

12. The following matters shall, subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, be under the control and administration of the district board within the area subject to its authority:—

Matters to be administered by district board.

(*a*) the construction, repair and maintenance of public roads and other means of communication;

(*b*) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, rest-houses, saráis and other public institutions, and the construction and repair of all buildings connected with these institutions;

(*c*) the construction and repair of public wells, tanks and water-works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking, cooking and bathing purposes;

The Ajmere Rural Boards Regulation, 1886.
(Chapter IV.—Duties of District Boards.—Section 13.—Chapter V.—Officers and Servants.—Sections 14-16.—Chapter VI.—District Fund.—Section 17.)

(*d*) the planting and preservation of trees on the sides of roads and on other public ground;

(*e*) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Chief Commissioner;

(*f*) the establishment and management of pounds, including, where the Cattle trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the district as may be transferred to the board by the Chief Commissioner; I of 1871.

(*g*) the regulation of encamping-grounds;

(*h*) the holding and management of agricultural shows and industrial exhibitions;

(*i*) the maintenance of any property which is vested in the district board or may be placed by the Chief Commissioner under the management of that board; and

(*j*) any other local works or measures likely to promote the health, comfort or convenience of the public.

District board not to abolish any institution without concurrence of departmental authority, and not to depart from approved principles of administration.

13. (*1*) The district board shall not abolish any school, dispensary or other institution without reference to the Head of the Department concerned.

(*2*) If any difference of opinion arises between the district board and the Head of a Department under sub-section (*1*), the decision thereon of the Chief Commissioner shall be final.

(*3*) The district board shall, in controlling and administering the matters specified in section 12, observe those general principles which the Government has approved in the several departments of the administration.

CHAPTER V.

OFFICERS AND SERVANTS.

14. (*1*) The district board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards (if any) in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner.

Employment of officers and servants.

(*2*) If, in the opinion of the Commissioner,—

(*a*) the number of persons employed by the district board under this section is excessive, or

(*b*) any such person is unfit for his employment,

the board shall, on the requirement of the Commissioner, reduce the number, or dismiss the unfit person, as the case may be.

Pensions of Government officials serving the district board.

15. In the case of a Government official, the district board may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

Pensions of other officers and servants.

16. In the case of an officer or servant not being a Government official referred to in section 15, the district board may—

(*1*) grant him leave-allowances, and, if his monthly pay is less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Chief Commissioner—

(*a*) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

CHAPTER VI.

DISTRICT FUND.

Constitution, custody and application of the district fund.

17. (*1*) There shall be formed for the district or for each district, as the case may be, a fund to be called the district fund, and there shall be placed to the credit thereof—

(*a*) the whole, or such portion as the Chief Commissioner may determine, of the balance of local funds available in whole or in part for expenditure in the district on the day on which the district board comes into existence;

(*b*) the proceeds of the local rate levied in the district, after deduction therefrom of such sum as the Chief Commissioner may assign for the maintenance of the district-post;

and, subject to such exceptions and conditions as the Chief Commissioner may from time to time make and impose, the following, namely:—

(*c*) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen and felled thereon;

(*d*) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871; I of 1871.

(*e*) receipts from encamping-grounds under the regulation of the district board;

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(Chapter VII.—Control.—Sections 18-20.—Chapter VIII.—Liability of Members of Boards.—Section 21.—Chapter IX.—Forms and Rules.—Section 22.)

(*f*) receipts from property vested in the district board;

(*g*) rents and profits accruing from nazúl and other property placed by the Chief Commissioner under the management of the district board;

(*h*) other sums assigned to the district fund by the Chief Commissioner, and sums contributed thereto by local bodies or private persons; and

(*i*) all other sums received by or on behalf of the district board in the carrying out of this Regulation.

(*2*) The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government Treasury.

(*3*) The district fund shall be charged with the payment of the expenses incurred in auditing the accounts of the district board, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Chief Commissioner to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(*4*) Subject to the charges specified in sub-section (*3*), the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 12, 14, 15 and 16.

CHAPTER VII.

CONTROL.

Power of Commissioner in cases of default of district board.

18. (*1*) When the Commissioner, after due enquiry, is satisfied that a district board has made default in performing any duty imposed upon it by or under this Regulation or any other law for the time being in force, he may, by an order in writing, fix a period for the performance of that duty, and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the board to that person.

(*2*) The Chief Commissioner may confirm, modify or rescind any order made under this section by the Commissioner.

Power of Commissioner to suspend, and of Chief Commissioner to cancel, proceedings of boards.

19. The Commissioner may suspend, and the Chief Commissioner may cancel, any proceeding of a board, if in his opinion the proceeding is in excess of the powers conferred by law, or is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Power to supersede district board in case of incompetency, persistent default or abuse of powers.

20. (*1*) If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the Gazette of India, declare the board to be incompetent or in persistent default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a district board is so superseded, the following consequences shall ensue:—

(*a*) all members of the board, and all members of the local boards (if any) of the district, shall, from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner, from time to time, appoints in that behalf; and

(*c*) all property vested in the district board shall, during the period of supersession, vest in Her Majesty.

(*3*) On the expiration of the period of supersession specified in the order, the district board and the local boards (if any) shall be re-established, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

CHAPTER VIII.

LIABILITY OF MEMBERS OF BOARDS.

Liability of members for loss, waste or misapplication.

21 A person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of that board or of a local board, and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

CHAPTER IX.

FORMS AND RULES.

Power of Chief Commissioner to frame forms and make rules.

22. (*1*) The Chief Commissioner may, from time to time, frame forms for any proceeding for which he considers that a form should be provided, and make rules consistent with this Regulation—

(*a*) as to the mode and time of appointment or election of members of boards, and the qualifications and disqualifications of such members, and the qualifications and disqualifications of electors, and generally for regulating all elections under this Regulation;

(*b*) as to the term of office of members, and the filling of casual vacancies;

(*c*) as to the conduct of proceedings of boards, including the minimum number of meetings to be held and the maximum interval between successive meetings, the

The Ajmere Rural Boards Regulation, 1886.
(Chapter IX.—Forms and Rules.—Section 23)

mode of convening, and notice to be given of, meetings, the quorum necessary for the transaction of business at any meeting, the representation of any members at meetings by proxies appointed either from among the other members or otherwise, the appointment or election and the term of office of chairmen, vice-chairmen and secretaries, the giving of a casting vote in case of an equality of votes at a meeting, the formation of committees and the delegation of powers to them, and the recording of minutes of proceedings and the transmission of copies of those minutes to the Commissioner;

(*d*) as to the powers of boards to enter into contracts and transfer property, and as to the mode in which boards shall execute contracts;

(*e*) as to the authority on which money may be paid from the district fund;

(*f*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of a board, and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned;

(*g*) as to the accounts to be kept, and as to the manner in which those accounts shall be audited and published;

(*h*) as to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(*i*) as to the returns, statements and reports to be submitted by boards;

(*j*) as to the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area; and,

(*k*) generally, for the guidance of boards and officers of Government in all matters connected with the carrying out of this Regulation and for settling their relations to one another.

(*2*) The Chief Commissioner shall, before making any rules under this section, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*3*) Every rule made under this section shall be published in such manner as the Chief Commissioner may, from time to time, prescribe in this behalf; and such publication shall be conclusive evidence that the rule has been made as required by sub-section (*2*).

Power of boards to make rules.

23. The district board, and, with the previous sanction of the district board, a local board, may, from time to time, make rules consistent with this Regulation, and with any rules made under this Regulation by the Chief Commissioner, as to—

(*a*) the time and place of its meetings;

(*b*) the conduct of proceedings at meetings and the adjournment of meetings;

(*c*) the division of duties among the members of the board, and the powers to be exercised by members to whom particular duties have been assigned;

(*d*) the persons by whom receipts may be granted on behalf of the board for money paid under this Regulation; and

(*e*) other similar matters.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS—ESTABLISHMENTS.

Simla, the 14th October, 1886.

No. 216.—Mr. F. C. Daukes, C.S., Under-Secretary to the Government of India in the Home Department, is deputed to perform the duties of Secretary to the Public Service Commission to be appointed under the Resolution in the Home Department No. $\frac{34}{1873\text{-}93}$, dated 4th October, 1886.

No. 217.—Mr. J. P. Hewett, C.S., Junior Secretary to the Board of Revenue, North-Western Provinces, is appointed to officiate as Under-Secretary to the Government of India in the Home Department during the absence on deputation of Mr. F. C. Daukes, C.S.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th October, 1886.

No. 1952 *G.*—With reference to Foreign Department Notification, No. 1536 G., dated the 3rd August, 1886, the recognition of the appointment by the Government of India of Mr. W. J. Eales as Consular Agent for the Austro-Hungarian Empire in the Central and Southern Divisions of the Madras Presidency, has been confirmed by Her Majesty's Government.

No. 1956 *G.*—Captain I. MacIvor, Political Agent of the 3rd Class, sub. *pro tem.*, and First Assistant to the Governor-General's Agent in Baluchistan, officiated as a Resident of the 2nd Class and as Governor-General's Agent in Baluchistan, from the 22nd April to the 12th May, 1886.

The 14th October, 1886.

No. 1965 *G.*—Consequent on the retirement of Captain T. Hope, Bombay S. C., the following promotion and appointment are made in the Political Department, with effect from the 6th July, 1886:—

Captain C. W. Ravenshaw, Political Assistant of the 3rd Class, to be a Political Assistant of the 2nd Class, but to continue as a Political Assistant of the 1st Class, sub. *pro tem.*

Lieutenant W. Evans-Gordon, to be a Political Assistant of the 3rd Class, but to continue as a Political Assistant of the 1st Class, sub. *pro tem.*

The 15th October, 1886.

No. 2354 *E.*—The following Notifications of the Government of India, Foreign Department, respecting the appointment of Justices of the Peace within the territories of His Highness the Khan of Kalat are hereby cancelled:—

No. 1368-P., dated the 4th July, 1878.

No. 2781-E.P., dated the 19th December, 1879.

The 12th October, 1886.

No. 1721 *F.*—Surgeon C. W. Owen, C.I.E., in medical charge of the Afghan Boundary Commission, is granted three months' privilege leave, with effect from such date, subsequent to the return of the Commission to India, as he may avail himself of it.

No. 1728 *F.*—The services of the undermentioned officers, employed under the orders of Her Majesty's Commissioner for the Delimitation of the Afghan Boundary, are replaced at the disposal of their respective Departments, with effect from the date of their arrival in India from the Frontier:—

Military Department.

Major P. J. Maitland, Poona Horse, Assistant Quarter Master-General, Intelligence Branch.

Captain W. Peacocke, R.E.

Ressaldar-Major Bahawuldeen Khan, Bahadur, 1st Regiment, Central India Horse.

Revenue and Agricultural Department.

Major T. H. Holdich, R.E., Deputy Superintendent, 3rd Grade, Survey of India.

Captain St. G. C. Gore, R.E., Deputy Superintendent, 4th Grade, Survey of India.

Captain *the Hon'ble* M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, Survey of India.

Mr. C. L. Griesbach, F.G.S., Deputy Superintendent, Geological Survey.

Punjab Government.

Ressaldar-Major Muhammad Aslam Khan, Commandant Corps of Jezailchis.

Kazi Muhammad Aslam Khan, Assistant Commissioner, 3rd Grade.

Sardar Sher Ahmad Khan, officiating Extra Assistant Commissioner.

Khan Bahadur Ibrahim Khan, Assistant District Superintendent of Police, 2nd Class, 1st Grade.

Ghulam Ahmad, C.I.E., Extra Assistant Commissioner, 5th Grade.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 12th October, 1886.

No. 3638.—The services of Surgeon F. F. MacCartie having been replaced at the disposal of the Government of Bombay, he made over charge of his duties as a probationer in the Office of the Assay Master, Bombay Mint, after noon on the 14th September, 1886.

The 15th October, 1886.

No. 3683.—Colonel J. H. White, R.E., Mint Master, Bombay, having been granted privilege leave for two months and twenty-nine days, and Major A. W. Baird, R.E., having been appointed to officiate for him, Colonel White made over and Major Baird received charge of the Bombay Mint after noon on the 6th October, 1886.

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 15th October, 1886.

APPOINTMENTS.

No. 675.—The following temporary appointment on the Personal Staff of Major-General G. S. White, C.B., V.C., Commanding the troops in Upper Burmah, is made, with effect from date of joining:—

Lieutenant S. C. F. Jackson, 2nd Battalion, Hampshire Regiment, to be Aide-de-Camp, *vice* Lieutenant Q. G. K. Agnew, Royal Scots Fusiliers, who rejoins his regiment.

No. 676.—ADJUTANT-GENERAL'S DEPARTMENT—

Major G. H. C. Dyce, Bengal S. C., Wing Commander, 21st Bengal Infantry, to be a Deputy Assistant Adjutant-General, *vice* Colonel H. M. Evans, appointed Assistant Adjutant-General. Dated 6th September, 1886.

No. 677.—BRIGADE STAFF—

Colonel C. B. LeMesurier, R.A., to the Brigade Staff of the Army temporarily, with the rank of Brigadier-General, *vice* Brigadier-General C. J. East, appointed to the command of a brigade of the Burma Field Force. Dated 27th September, 1886.

No. 678.—BURMA FIELD FORCE—

In continuation of G. G. O. No. 188 of 1886, the following appointment is made in the Burmah Field Force:—

Major A. W. H. Hornsby, Madras S. C., Deputy-Assistant Quarter Master-General, Madras Army, to be Deputy-Assistant Adjutant and Quarter Master General, *vice* Captain G. Henry, R.E., who returns to the Madras Presidency.

No. 679.—PUNJAB FRONTIER FORCE—

Brigadier-General J. W. McQueen, C.B., S. C., Aide-de-Camp to the Queen, Commandant, Hyderabad Contingent, to be Commandant, Punjab Frontier Force, *vice* Brigadier-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., who vacates that appointment under paragraph 52, Army Regulations, India, Vol. I, Part I. Dated 15th October, 1886.

No. 680.—STAFF CORPS—

Lieutenant Charles Archer, Dorsetshire Regiment, officiating Wing Officer, 2nd Punjab Infantry, Punjab Frontier Force, is admitted to the Bengal Staff Corps from the 6th September, 1885, subject to the confirmation of the Secretary of State for India.

VOLUNTEER CORPS.

2nd Punjab (Simla), Volunteer Rifle Corps.

No. 681.—Mr. Norman Colin McLeod to be Lieutenant, *vice* Lieutenant W. H. Lett, who has resigned the appointment.

Allahabad Volunteer Rifle Corps.

No. 632.—Captain John Patrick Walter Spankie, Bengal S. C., to be Captain, and Messrs. George MacLagan Chesney and Francis Walter Eickie to be Lieutenants,—to complete the establishment.

FURLOUGH AND LEAVE.

No. 683.—The undermentioned warrant officer is granted furlough out of India, with the necessary subsidiary leave:—

Sub-Conductor T. Power, Commissariat Department, (m. c.) for one year, under rule VI of the regulations of 1875.

No. 684.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Colonel J. Upperton, C.B., Bengal S. C., (p. a.) for one year. Pension-service,—over thirty years.

Colonel A. J. C. Birch, Bengal S. C., Commandant, 25th Bengal Infantry, (p. a.) for one year. Pension-service,—over thirty years.

Lieutenant-Colonel T. F. Bruce, Bengal S. C., 6th Punjab Infantry, Punjab Frontier Force, (p. a.) for one year. Pension-service,—twenty-seven years and 140 days.

Captain G. U. Browne, Bengal S. C., 12th Bengal Cavalry, (p. a.) for one year. Pension-service,—twelve years and twenty-five days.

Lieutenant C. C. Reid, Bengal S. C., 4th Sikh Infantry, Punjab Frontier Force, (p. a.) for one year. Pension-service,—four years and 359 days.

No. 685.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel H. Rowband, Infantry, (m. c.) for six months.

Major J. P. D. Vanrenen, Bengal S. C., (m. c.) for six months.

Major G. F. Churchill, Bengal S. C., (p. a.) for two months.

Captain M. I. Gibbs, Bengal S. C., (p. a.) for fourteen days.

Captain R. O. Lloyd, R. E., (p. a.) for one year.

Honorary-Captain P. Carr, Commissariat Department, (m. c.) for six months.

No. 686.—Lieutenant T. D. Leslie, probationer, Bengal S. C., 3rd Infantry, Hyderabad Contingent, is granted leave in India, (m. c.) for fifty-eight days in extension of that notified in G. G. O. No. 453 of 1886.

LONDON GAZETTE.

No. 637.—The following extracts are published for general information:—

"*London Gazette,*" *dated the 14th September,* 1886, *page* 4422.

"INDIA OFFICE;

14th September, 1886.

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

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Thomas Renny Cowie. Dated 4th July, 1886.

Major Elliot Alexander Money. Dated 16th July, 1886.

To be Major.

Captain Francis Richard Begbie. Dated 20th July, 1886.

To be Captain.

Lieutenant Edward Charles Mortimer Lushington. Dated 27th June, 1886.

BENGAL INFANTRY.

To be Lieutenant-Colonels.

Major Henry John Peet. Dated 26th June, 1886.

Major and Colonel Sullivan Edward Becher. Dated 7th July, 1886.

BENGAL MEDICAL ESTABLISHMENT.

To be Deputy Surgeon-General.

Brigade-Surgeon James Howard Thornton, C.B. Dated 30th June, 1886.

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INDIAN ARMY.

To be Colonel.

Lieutenant-Colonel Henry Alexander Shakespear, Bengal Cavalry. Dated 1st July, 1886."

PENSIONS.

No. 688.—Conductor Patrick Collins, Public Works Department, is transferred to the pension establishment, with effect from the 10th October, 1886.

PROMOTIONS.

No. 689.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL ARMY.

To be Colonel.

Lieutenant-Colonel and Colonel Leopold Exxel Evans, Bengal Infantry,—15th October, 1886.

MEDICAL DEPARTMENT.

To be Brigade-Surgeon.

Surgeon-Major George Cochet Chesnaye, *vice* Brigade-Surgeon J. Browne, M.D., retired. Dated 18th August, 1886.

No. 690.—NATIVE ARMY—

17th Bengal Cavalry.

Kot-Duffadar Rahbadín Khan to be Jemadar, to complete the establishment,—with effect from the 10th August, 1886.

13th Bengal Infantry.

Havildar Shama to be Jemadar, *vice* Jemadar Rádhá Singh, transferred to the Burmah Police,—with effect from the 4th August, 1886.

No. 691.—PUNJAB FRONTIER FORCE—

6th Punjab Infantry.

Havildar Gúrditt Singh to be Jemadar, *vice* Jemadar Súbha Singh, transferred to the Burmah Police,—with effect from the 12th September, 1886.

No. 692.—VOLUNTEER CORPS—

1st Punjab Volunteer Rifle Corps.

Lieutenant William Mitchell to be Captain, *vice* Captain Stranack, become supernumerary.

Mr. Cecil Ernest Gladstone to be Lieutenant, *vice* Lieutenant W. Mitchell, promoted.

RETIREMENTS.

No. 693.—Brigade-Surgeon James Fairweather, M.D., is permitted to retire from the service, with effect from the 19th October, 1886, subject to Her Majesty's approval.

No. 694.—Honorary-Major Frederic William Dunn, Army Education Department, is permitted to retire from the service, with effect from the 1st October, 1886, subject to Her Majesty's approval.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 41.—The undermentioned officers of Her Majesty's Indian Marine have been granted extensions of furlough by the Secretary of State for India:—

Captain F. Warden, (m. c.) for six months.

Mr. B. Ashburner, Third Grade Officer, (m. c.) for six months.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 11th October, 1886.

No. 258.—The following promotions are made in the Superior Accounts Establishment:

Names.	From	To	With effect from
Major A. G. Begbie, R.E. ...	Examiner, 1st Class, sub. *pro tem.*	Examiner, 1st Class, permanent	20th September, 1886.
Mr. R. G. Macdonald ...	Examiner, 2nd Class, sub. *pro tem.*	Examiner, 2nd Class, permanent	
Mr. F. Morrison ...	Examiner, 3rd Class, sub. *pro tem.*	Examiner, 3rd Class, permanent	
Mr. J. Douglas ...	Examiner, 4th Class, 1st Grade, sub. *pro tem.*	Examiner, 4th Class, 1st Grade, permanent.	
Mr. W. H. Brand ...	Examiner, 4th Class, 2nd Grade, sub. *pro tem.*	Examiner, 4th Class, 2nd Grade, permanent.	6th August, 1886.
Mr. I. S. Sherlock-Hubbard ...	Examiner, 4th Class, 3rd Grade, permanent.		20th September, 1886.
Mr. A. C. Newcombe ...	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*	Examiner, 4th Class, 3rd Grade, permanent.	6th August, 1886.
Captain H. Clarke, R.E. ...	Examiner, 4th Class, 3rd Grade, temporary.		20th September, 1886.
Mr. F. Rawson ...	Deputy Examiner, 1st Grade, sub. *pro tem.*	Deputy Examiner, 1st Grade, permanent.	6th August, 1886.
Mr. C. R. T. Balston ...			20th September, 1886.
Mr. H. A. D. Wathen ...	Deputy Examiner, 2nd Grade, temporary.	Deputy Examiner, 2nd Grade, permanent.	1st July, 1886.
Lieutenant C. A. R. Browne, R.E.			6th August, 1886.
Lieutenant W. R. Hilliard, R.E.			20th September, 1886.
Mr. G. C. Wolfe ...	Assistant Examiner, 2nd Grade, temporary.	Assistant Examiner, 1st Grade, permanent.	1st July, 1886.

The 12th October, 1886.

No. 260.—Mr. T. R. Wynne, Executive Engineer, 3rd Grade, State Railways, has been granted by the Right Honorable the Secretary of State for India extraordinary leave without pay for twelve months, in extension of the leave granted to him in Bombay Government Notification No. 11 of 24th March, 1886.

The 13th October, 1886.

No. 261.—Mr. H. Lambert, Superintending Engineer, 1st Class, sub. *pro tem.*, attached to State Railways, is permitted to retire from the service of Government, with effect from the 4th July, 1886.

No. 262.—Mr. A. B. Sampson, B.A., Under-Secretary to the Government of India in the Public Works Department, is granted six months' special leave on urgent private affairs, under Sections 46 and 61, Chapter V, of the Civil Leave Code, with effect from the 14th November, 1886, or such subsequent date as he may avail himself of it.

The 14th October, 1886.

No. 263.—The following Assistant Engineers, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, who have gone through a course of practical training in England, are posted as follows:

To Madras.

Mr. Henry Allan Moss.
Mr. John Strode Wilson.

To Bombay.

Mr. Robert Barnes.
Mr. George Charles Beresford.
Mr. Arthur William Shepard.

To Bengal.

Mr. Graves Lempriere Searight.
Mr. John Charles Hewitt.

To North-Western Provinces and Oudh.

Mr. James Adam.
Mr. David Wann Aikman.

To Punjab.

Mr. Frank Grant.
Mr. Frederick William Carne.

To Central Provinces.

Mr. Percy William Gilliland.

To Burma.

Mr. Archibald Hamilton Broün.

To State Railways.

Mr. Charles Thornton Rennie Scovell.
Mr. William Nathan.
Mr. John Cromie Lyle.

No. 264.—With reference to Public Works Department Notification No. 263 of this date, the services of the undermentioned Assistant Engineers, 2nd Grade, are placed at the disposal of the Director-General of Railways:

Mr. C. T. R. Scovell.
Mr. W. Nathan.
Mr. J. C. Lyle.

No. 265.—Captain J. Burn-Murdoch, R.E., Executive Engineer, 4th Grade, sub. *pro tem.*, State Railways, is appointed to officiate as Deputy Consulting Engineer for Railways, Bombay.

The 15th October, 1886.

No. 267.—Mr. G. H. LeMaistre, Deputy Examiner, attached to the Office of Examiner of Public Works Accounts, Punjab, is transferred to the Office of the Examiner of Accounts, North-Western Railway.

No. 268.—Mr. W. E. Curry, Deputy Examiner, is transferred from the Office of the Government Examiner of Accounts, Southern Mahratta Railway Company, to that of the Examiner of Guaranteed Railway Accounts, Madras.

No. 269.—With reference to Public Works Department Notification No. 233, dated 16th September, 1886, Colonel W. S. Trevor, V.C., R.E., resumed charge of the Office of Secretary to the Government of India in the Public Works Department on the forenoon of the 15th October, 1886, on return from privilege leave.

TELEGRAPH.

The 11th October, 1886.

No. 259.—Mr. E. C. Bird, Superintendent, 4th Grade, Indian Telegraph Department, is appointed to officiate as Superintendent, 3rd Grade, with effect from 19th September, 1886, until further orders.

The 15th October, 1886.

No. 266.—The following permanent promotions are made in the Indian Telegraph Department, *vice* Mr. W. McGregor, retired, with effect from 22nd September, 1886:

Names.	From	To
Mr. J. F. Bevan ...	Superintendent, 3rd Grade, and officiating Superintendent, 2nd Grade.	Superintendent, 2nd Grade.
Mr. H. M. O'Kelly ...	Superintendent, 4th Grade, and officiating Superintendent, 3rd Grade.	Superintendent, 3rd Grade.
Mr. C. Duffin ...	Superintendent, 5th Grade, and officiating Superintendent, 3rd Grade.	Superintendent, 4th Grade.
Mr. F. Kinsman ...	Assistant Superintendent, 1st Grade, and officiating Superintendent, 4th Grade.	Superintendent, 5th Grade.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 43.] SIMLA, SATURDAY, OCTOBER 23, 1886.

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

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SUPPLEMENT No. 43.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 20th October, 1886.

Programme of His Excellency the Viceroy's Arrival in Calcutta.

HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL will arrive in Calcutta, by the I. G. S. *Clive*, on Monday, the 13th December, 1886, and will disembark at Prinsep's Ghât about 5 P.M.

HIS EXCELLENCY will be received at Prinsep's Ghât by His Honour the Lieutenant-Governor of Bengal, Members of His Excellency's Council, the principal Civil and Military Officers, and other Gentlemen who are desirous of attending.

A Guard of Honor of Native Infantry, with Band and Colour, will be drawn up at Prinsep's Ghât.

His Excellency the Viceroy's Body-Guard and the Calcutta Mounted Rifles will form the Escort.

The route taken will be by the Strand Road and Esplanade Row into Government House by the North-West Entrance.

Guards of Honor of British Infantry and of the Administrative Battalion, Presidency Volunteers, with Band, will be drawn up in front of the Grand Staircase of Government House.

A Viceregal Salute will be fired from the Ramparts of Fort William as HIS EXCELLENCY lands.

Full dress will be worn by Officers entitled to wear uniform. Gentlemen not entitled to wear uniform will appear in Morning dress.

By Command,

WILLIAM BERESFORD, *Major*,
Military Secretary to the Viceroy.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st October, 1886.

No. 20.—Whereas by resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States;

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India:—

REGULATION No. VII OF 1885.

A Regulation to provide for the administration of Criminal Justice in Upper Burma.

WHEREAS it is expedient to provide for the administration of Criminal Justice in Upper Burma; It is hereby enacted as follows:—

1. (*1*) This Regulation may be called the Upper Burma Criminal Justice Regulation, 1886; and

Short title and commencement.

(*2*) It shall come into force on such date, within three months from the time at which it may receive the Governor General's assent, as the Local Government may by notification in the official Gazette appoint in this behalf.

2. (*1*) Subject to the modifications set forth in the schedule to this Regulation, the Code of Criminal Procedure, 1882, as amended by Acts III of 1884 and X of 1886 (which Code as so amended is in this Regulation referred to as "the Code"), shall extend to the whole of Upper Burma except the Shan States, so far as it can be made applicable in the circumstances for the time being.

Application of the Code of Criminal Procedure.

(*2*) For the purpose of facilitating the application of the Code, any Magistrate or Court may construe any provision therein with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

3. Any power conferred on the Local Government by the Code as modified by this Regulation to make rules or issue orders may be exercised at any time after the passing of this Regulation, but a rule or order so made or issued shall not take effect until the Regulation comes into force.

Power for Local Government to make rules, etc., before commencement of Regulation.

4. This Regulation shall expire on the thirty-*first day of December*, 1888, unless its operation is extended beyond that date by an order of the Governor-General in Council.

Expiration of Regulation.

SCHEDULE.

(SECTION 2, SUB-SECTION (*1*).)

Modifications subject to which the Code is to extend to Upper Burma with the exception of the Shan States.

"High Court." (Section 4, cl. (*i*).)

I. (*1*) "High Court" shall mean—

(*i*) in reference to proceedings against European British subjects, the Recorder of Rangoon; and

(*ii*) in reference to proceedings against other persons—

(*a*) in the case of Chapter XXVII and sections 381 and 382, and of appeal from, and revision of, a sentence of death, the Local Government; and

(*b*) in other cases, an officer to be appointed in this behalf by the Local Government with the previous sanction of the Governor General in Council and to be styled the Judicial Commissioner of Upper Burma:

Provided, with respect to clause (*a*) of the second part of this definition, that the Local Government may from time to time by order in writing direct that the functions assigned to the Local Government as High Court by that clause shall for any local area described in the order, be discharged by the Judicial Commissioner of Upper Burma, and may at any time revoke an order under this proviso with effect on and from such date subsequent to the notification of the revocation thereof to the Judicial Commissioner as the Local Government may appoint.

(*2*) That portion of sub-section (*1*) which declares the Recorder of Rangoon to be the High Court in reference to proceedings against European British subjects is enacted with the previous sanction of the Secretary of State.

"Officer in charge of a police-station". (Section 4, cl. (*o*).)

II. The police-officer of highest rank present at a police-station-house shall be deemed to be an "officer in charge of a police-station."

Court of Session. (Sections 7, 9 and 193 and Chapter XXIII.)

III. (*1*) Each district shall be a Sessions Division, the Court of the District Magistrate shall be the Court of Session for that Division, and the District Magistrate shall be the Judge of that Court.

(*2*) As Judge of a Court of Session, a District Magistrate may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate, and, when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the procedure prescribed for the trial of warrant-cases by Magistrates.

(*3*) A trial before a Court of Session may be without jury or aid of assessors.

Conferment of magisterial powers on police-officers. (Section 14.)

IV. Notwithstanding anything in Act V of 1861, or in any other enactment for the time being in force, the Local Government may confer on any police-officer all or any of the powers conferred or conferable by or under the Code on any Magistrate, in regard to particular cases, or to a particular class or particular classes of cases, or to cases generally.

Whipping. (Section 32.)

V. (*1*) A Magistrate of any class may pass a sentence of whipping.

(*2*) A Magistrate of the second class may pass a sentence of whipping without being specially empowered in that behalf by the Local Government.

(*3*) A Magistrate of the third class shall not pass a sentence of whipping unless he is specially empowered in that behalf by the Local Government.

Powers of Magistrates. (Sections 36, 37 and 260.)

VI. (*1*) Magistrates described in the first column of the following table shall have the powers severally specified against them in the second column thereof, without being further empowered in that behalf:

Magistrates.	Powers.
1	2
Magistrates of the first class.	To require security for good behaviour, section 110; To make orders as to local nuisances, section 133. To make orders prohibiting repetition of nuisances, section 143; To make orders under section 144. To entertain complaints, section 191; To receive police-reports, section 191; To entertain cases without complaint, section 191. To call for records, section 435.
Magistrates of the first, second or third class.	
Sub-divisional Magistrates.	

(*2*) The Local Government may empower a Magistrate of any class to try in a summary way under Chapter XXII any offence mentioned in section 260 which under section 29 he is competent to try.

Power to any police-officer to act under section 55. (Section 55.)

VII. Any police-officer may exercise the powers conferred by section 55 on an officer in charge of a police-station.

Detention by police. (Sections 57 and 61.)

VIII. (*1*) Notwithstanding anything in section 57 or section 61, an officer in charge of a police-station may detain a person arrested without warrant so long as under all the circumstances of the case is reasonable:

(*2*) But when the officer of his own authority detains any such person in custody for a longer period than twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.

Complement to Upper Burma Laws Act, 1886, s. 7 (*1*) (*c*). (Section 162.)

IX. Nothing in the first paragraph of section 162 shall be construed to apply to a statement made to a police-officer who is a Magistrate.

State offences and false evidence by person to whom pardon has been tendered. (Sections 196 and 339.)

X. A prosecution for an offence against the State, or for the offence of giving false evidence in respect of a statement made by a person who has accepted a tender of pardon, may be entertained upon complaint made by order of, or under authority from, the District Magistrate.

Tender of pardon. (Section 337.)

XI. A Magistrate tendering a pardon to an accomplice under section 337 need not record his reasons for so doing, and, notwithstanding anything in that section, may try the case himself.

Recording of evidence. (Chapter XXV.)

XII. (*1*) In inquiries and trials (other than summary trials) by or before a Magistrate or Court of Session, it shall be sufficient if the Magistrate or Court makes a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

(*2*) Notwithstanding anything in sub-section (*1*) or in the Code, the Local Government may from time to time make rules with respect to the record to be made in cases tried by such Myothugyis and Thugyis as are Magistrates of the third class, and as to the disposal of the record.

Execution of sentence of imprisonment for six months or less. (Section 383.)

XIII. In the case of a sentence of imprisonment for a term not exceeding six months, the Court passing the sentence may forward the accused with a warrant to the District Magistrate, who may in his discretion either cause the prisoner to be employed in any part of the district on roads or other works of public utility, or forward him to the nearest jail.

Appeal to High Court and limitation therefor. (Section 408.)

XIV. (*1*) A person convicted on a trial held by a District Magistrate may appeal to the High Court.

(*2*) Notwithstanding anything in the Indian Limitation Act, 1877, the period of limitation for an appeal to the High Court shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

Restrictions on appeal. (Sections 413, 414 and 438.)

XV. (*1*) Notwithstanding anything in this schedule or in the Code, an appeal shall not lie—

(*a*) in a case in which a Magistrate of the third class passes a sentence of imprisonment for a term not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only; or

(*b*) in a case in which a Magistrate of the second class passes a sentence of imprisonment for a term not exceeding three months only, or of fine not exceeding one hundred rupees only, or of whipping only; or

(*c*) in a case in which a Magistrate of the first class passes a sentence of imprisonment for a term not exceeding six months only, or of fine not exceeding five hundred rupees only, or of whipping only; or

(*d*) in a case in which a District Magistrate or Court of Session passes a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding one thousand rupees, or of whipping, or of all or any of those punishments combined.

(2) The Governor-General in Council may at any time, by notification in the official Gazette, direct that this section shall cease to be in force in any district with effect from a date to be specified in the notification.

(3) While this section is in force in any district, the District Magistrate may, in any case in which he has himself called for, or a Sub-divisional Magistrate has forwarded to him, the record of a proceeding before a Magistrate of the second or of the third class, pass such order in the case as he thinks fit.

Enhancement of punishment on appeal. (Section 423.)

XVI. In any case in which an appeal lies, the Appellate Court may enhance any punishment which has been awarded:

Provided that, if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class.

Contempt and offences against public justice or relating to documents. (Section 487.)

XVII. Where an offence referred to in section 195 is committed before a Judge of a Criminal Court or Magistrate, or in contempt of his authority, or is brought to his notice in the course of a judicial proceeding, he may himself try for the offence the person accused thereof.

Conduct of prosecutions. (Section 495.)

XVIII. Notwithstanding anything in section 495, a Court may allow any police-officer to conduct a prosecution.

Adjournment on application for transfer of cases. (Section 526A.)

XIX. A Court may, for reasons to be stated in writing, refuse to exercise in the manner mentioned in section 526A the power of postponement or adjournment given by section 344.

Orders not reversible on technical grounds alone. (Section 537.)

XX. Notwithstanding anything in the Code, a finding, sentence or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned a failure of justice.

Fees for processes, copies and inspection of records. (Section 553.)

XXI. Rules under section 553, clause (*c*), may regulate the following among other matters, namely:—

(*a*) the fees to be paid for processes; and

(*b*) the fees to be paid for copies and inspection of records.

Saving of provisions relating to European British subjects.

XXII. Nothing in this schedule with respect to procedure in inquiries or trials, or with respect to sentences or appeals therefrom or the enhancement or execution thereof, shall be construed to affect the Code in its application to European British subjects.

Transitory Provision.

Discharge of functions of High Court pending appointment of Judicial Commissioner.

XXIII. Until a Judicial Commissioner is appointed for Upper Burma, the functions assigned or assignable to him by or under the Code as modified by this Regulation shall be discharged by Commissioners in and for their respective divisions as for the time being defined under section 3 of the Upper Burma Laws Act, 1876. XX of 1886.

No. 21.—Whereas by resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States;

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India:—

REGULATION No. VIII OF 1886.

THE UPPER BURMA CIVIL JUSTICE REGULATION, 1886.

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A Regulation to provide for the Administration of Civil Justice in Upper Burma.

Whereas it is expedient to provide for the administration of civil justice in Upper Burma; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Regulation may be called the Upper Burma Civil Justice Regulation, 1886.

Short title, extent and commencement.

(2) It extends to the whole of Upper Burma except the Shan States; and

(3) It shall come into force on such date, within three months from the time at which it may receive the Governor-General's assent, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

(4) Any power conferred by this Regulation to make rules or issue orders may be exercised at any time after the passing of this Regulation, but a rule or order so made or issued shall not take effect until the Regulation comes into force.

2. *(1)* The provisions of the General Clauses Act, 1868, shall, so far as they may be applicable, apply to this Regulation.

Interpretation.

(2) "Value", used with reference to a suit, means the amount or value of the subject-matter thereof.

CHAPTER II.

THE COURTS.

(1).—In Upper Burma generally.

3. Besides the Civil Court having ordinary original jurisdiction within the Town of Mandalay under this Regulation, and the Courts established under any other enactment for the time being in force, the Civil Courts in Upper Burma shall be of five grades, namely :—

Grades of Civil Courts.

(1) the Court of the Judicial Commissioner;

(2) the Court of the Deputy Commissioner;

(3) the Court of the Sub-divisional Officer;

(4) the Court of the Township Officer; and

(5) the Court of the Circle Officer.

4. *(1)* The Judicial Commissioner shall be appointed and may be removed by the Local Government with the previous sanction of the Governor-General in Council.

Appointment and removal of Judges.

(2) Deputy Commissioners, Sub-divisional Officers and Township Officers shall be appointed and may be removed by the Local Government.

(3) Circle officers shall be appointed and may be removed by the Judicial Commissioner.

(4) Notwithstanding anything in Act V of 1861, or in any other enactment for the time being in force, a police-officer may be appointed a Circle Officer for the purposes of this Regulation.

5. *(1)* The Local Government may fix and vary—

Number of Courts of second, third, fourth and fifth grades.

(a) with the previous sanction of the Governor-General in Council, the number of Courts of Deputy Commissioners, and

(b) of its own authority, the number of Courts of Sub-divisional Officers and Township Officers.

(2) The Judicial Commissioner may fix and vary the number of Courts of Circle Officers.

6. *(1)* The Local Government may, by notification in the official Gazette, fix and vary the local limits of the jurisdiction of Courts of Deputy Commissioners, Sub-divisional Officers and Township Officers.

Power to fix local limits of jurisdiction of Courts of second, third, fourth and fifth grades.

(2) The Judicial Commissioner may fix and vary the local limits of the jurisdiction of Courts of Circle Officers.

7. Except as otherwise provided by any other enactment for the time being in force—

Original jurisdiction of Courts.

(a) the Court of the Circle Officer shall have jurisdiction in original suits of value not exceeding fifty rupees;

(b) the Court of the Township Officer shall have jurisdiction in original suits of value not exceeding three hundred rupees; and

(c) the Court of the Sub-divisional Officer and the Court of the Deputy Commissioner shall have jurisdiction in original suits without limit as regards the value.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter II.—The Courts.—Sections 8-16.)

8. *(1)* Subject to the provisions of this Regulation, the Court of the Judicial Commissioner shall, for the purposes of all enactments relating to civil jurisdiction for the time being in force, be deemed to be the High Court for Upper Burma.

Court of Judicial Commissioner to be High Court, and Court of Deputy Commissioner to be District Court.

(2) Subject to those provisions, the Court of the Deputy Commissioner shall, for the same purposes, be deemed to be the principal Civil Court of original jurisdiction and the District Court for the local area within its jurisdiction:

Provided that the Local Government may, by notification in the official Gazette, direct that the Court of the Sub-divisional Officer shall, for the purposes of any enactment specified in the notification, be deemed to be the District Court for the local area within its jurisdiction.

9. *(1)* The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner.

Control over Civil Courts.

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the Deputy Commissioner shall control all other Civil Courts in the local area within his jurisdiction.

(2).—In the Town of Mandalay only.

10. *(1)* There shall be a Civil Court, to be known as the Civil Court of Mandalay, having jurisdiction within the Town of Mandalay, and consisting of two Judges, to be called respectively the First Judge and the Second Judge, who shall be appointed and may be removed by the Local Government.

Constitution of Civil Court of Mandalay, and appointment and tenure of Judges.

(2) The Local Government may define the limits of the Town of Mandalay as the local area subject to the jurisdiction of the Civil Court of Mandalay.

(3) Section 8, sub-section *(1)*, and section 9, sub-section *(1)*, with respect to the Court of the Judicial Commissioner, apply to that Court in its relation to the Civil Court of Mandalay.

11. The Civil Court of Mandalay shall have jurisdiction to try—

Jurisdiction of Civil Court.

(a) all original suits of a civil nature arising within the Town of Mandalay, and

(b) all original suits of a civil nature which may be transferred to it for disposal under this Regulation.

12. Subject to the provisions of this Regulation and of any other enactment for the time being in force, the Local Government may, after consultation with the Judicial Commissioner, make rules providing, in such manner as it thinks fit, for the exercise by one of the Judges of the Civil Court of Mandalay of all or any of the powers of that Court.

Exercise of powers of Civil Court by one Judge.

13. *(1)* Where the two Judges of the Civil Court of Mandalay sitting together are of the same opinion as to a decree or order to be made, the decree or order shall follow their opinion.

Decision in case heard by a Bench.

(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 Judicial Commissioner, 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.

(3) If they differ on any matter other than a matter specified in sub-section *(2)*, the opinion of the First Judge shall prevail.

14. *(1)* An appeal shall lie to the First Judge from a decree or order of the Second Judge sitting singly, and to the Court of the Judicial Commissioner from a decree or order of the two Judges sitting together or of the First Judge sitting singly.

Appeals.

(2) The period of limitation for an appeal under this section shall run from the date of the decree or order appealed against, and shall be as follows :—

(a) when the appeal lies to the Court of the First Judge—thirty days:

(b) when the appeal lies to the Court of the Judicial Commissioner—sixty days.

(3) In the computation of these periods of thirty and sixty days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

15. *(1)* The Local Government may confer, within the Town of Mandalay, upon the First Judge and the Second Judge the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value not exceeding five hundred rupees and fifty rupees, respectively, as the Local Government thinks fit.

Conferment of Small Cause Court jurisdiction on First and Second Judges.

(2) The Local Government may make rules for regulating the distribution of business between the First Judge and the Second Judge under this section.

16. *(1)* Notwithstanding anything in section 622 of the Code of Civil Procedure, the Judicial Commissioner may in any circumstances call for the record of any case decided in the Civil Court of Mandalay in which an appeal does not lie or in which, for cause shown to his satisfaction, an appeal has not been preferred to himself or to the First Judge, as the case may be, within the time limited therefor.

Revision.

(2) The First Judge may forward to the Judicial Commissioner, with such remarks as he thinks fit, the record of any case decided by the Second Judge in which an appeal does not lie or in which, for cause shown to the satisfaction of the First Judge, an appeal has not been preferred within the time limited therefor.

(3) The Judicial Commissioner may, in any case called for by him under sub-section *(1)* or forwarded to him under sub-section *(2)*, pass such order as he thinks fit.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter III.—Civil Procedure.—Sections 17-30.)

CHAPTER III.

CIVIL PROCEDURE.

General Rules.

17. (*1*) Except as otherwise provided by any other enactment for the time being in force, the provisions of this Chapter shall apply to all suits and other proceedings in the Civil Courts of Upper Burma, except proceedings in the Civil Court of Mandalay and in the Court of the Judicial Commissioner as a Court of Appeal, Reference or Revision in relation thereto.

Procedure to be observed at Mandalay and elsewhere respectively.

(*2*) Except as aforesaid, and subject to the provisions of this Regulation, proceedings in the Civil Court of Mandalay shall be regulated—

(*a*) in suits transferred to the Court under this Regulation from a Court having jurisdiction beyond the limits of the Town of Mandalay, by the provisions of this Chapter, and

(*b*) in other cases, by the provisions of the Code of Civil Procedure, so far as those provisions can be made applicable.

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(*3*) In the Court of the Judicial Commissioner as a Court of Appeal, Reference or Revision in relation to the Civil Court of Mandalay, the rules prescribed in the Code of Civil Procedure shall be followed so far as circumstances permit.

Prior Adjudications and Pending Suits.

18. A Court shall not try any suit in which the matter in issue has been heard and finally decided by a Court of competent jurisdiction in a former suit between the same parties in the same rights, or between parties under whom they, or any of them, claim.

Effect of prior adjudication.

19. A Court shall not try any suit in which the matter in issue is also in issue in another suit between the same parties, or between parties under whom they, or any of them, claim, pending in the same or any other Court, whether superior or inferior, in British India.

Effect of pending suit.

Appearances, Applications and Acts by Parties.

20. (*1*) The Court may in its discretion, for any sufficient reason, permit any appearance, application or act required to be made or done by a party under this Regulation to be made or done by the party through a duly authorized agent, or through an advocate, vakil or attorney of one of the High Courts, or through an advocate of the first grade in Lower Burma.

Appearance in person or by agent.

(*2*) Permission under this section shall in all cases be granted to persons exempt from personal appearance in Court.

(*3*) Except with the permission of the Court granted under the foregoing portion of this section, every appearance, application or act under this Regulation shall be made or done by a party in person.

(*4*) Where the permission mentioned in this section is granted to a party, the agent, vakil, attorney or advocate must, unless he is an advocate of a High Court established by Royal Charter, be appointed by the party by instrument in writing, and that instrument must be filed in Court.

21. In any case in which the Court has permitted a party not being a person exempt from personal appearance in Court to appear by agent, vakil, attorney or advocate, it may, for reasons to be recorded in writing, withdraw the permission at any stage of the proceedings, and require the party to attend in person.

Withdrawal of permission to appoint agent.

22. A party required to attend in person under the last foregoing section, and failing so to attend, shall be subject to the provisions of this Regulation applicable to parties who do not appear.

Consequences of not appearing in person when required.

Institution of Suits.

23. The plaintiff may begin his suit—

Mode of beginning suit.

(*a*) in the Court of a Circle Officer by making a verbal complaint, which shall be reduced to writing by the Court, and

(*b*) in any other Court by presenting a written plaint.

24. On a complaint being made or a plaint presented, the Court shall register the suit and examine the plaintiff, or his agent, vakil, attorney or advocate, as to the merits of the case

Examination of plaintiff.

25. If, upon the examination it appears that there is no substantial cause of action, or that the claim is one which from its nature is not a proper subject of litigation in a Civil Court, the Court may dismiss the suit.

Summary dismissal of suit.

26. If upon the examination it is found that the plaintiff sets forth a good cause of action, the Court shall issue a summons to the defendant to appear and answer at a certain place and on a certain day.

Issue of summons.

Service of Summons on Defendants.

27. Service of the summons shall be made by delivering or tendering a copy thereof under the signature of the Judge and seal of the Court, and, when there are more defendants than one, service of the summons shall be made on each defendant.

Mode of service of summons when there are several defendants.

28. Whenever it is practicable, the service shall be on the defendant in person.

Service on defendant in person.

29. When the defendant cannot be found, the service may be on any adult male member of his family residing with him.

Service when defendant cannot be found.

30. (*1*) Where the summons is served on the defendant personally, or on any person on his behalf the person on whom the service is made shall be required to sign an acknowledgment of service,

Endorsement of summons by person served.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter III.—Civil Procedure.—Sections 31-41.)

to be endorsed on the original summons, or on a copy thereof under the seal of the Court.

(*2*) If the person refuses to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient if it is otherwise proved to the satisfaction of the Court

31. When the defendant cannot be found, and there is no person on whom the service can be made, the service may be effected by posting the copy of the summons on the outer door of the house in which the defendant is dwelling, if he is dwelling at any place within the local limits of the jurisdiction of the Court.

Service by posting copy of summons on door of dwelling-house.

32. The person serving a summons shall, in all cases in which the summons has been served, endorse on the original summons, or on a copy thereof under the seal of the Court, the time when, and the manner in which, it was served.

Endorsement of summons by person serving.

33. (*1*) When a summons is returned to the Court without having been served, if the plaintiff satisfies the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purpose of avoiding the service of the summons, the Court shall order the summons to be served—

Substituted service when summons is returned unserved.

(*a*) by posting a copy thereof on some conspicuous place in the court-house and also on the door of the house in which the defendant last resided, if it is known where he last resided, or

(*b*) in such other manner as the Court thinks proper.

(*2*) A service in the manner ordered by the Court under clause (*b*) of sub-section (*1*) shall be as effectual as if it had been made in the manner specified in clause (*a*) of that sub-section.

34. When service is substituted by order of the Court under the last foregoing section, the Court shall fix such time for the appearance of the defendant as the case may require.

Fixing of time for appearance in case of substituted service.

35. If the defendant resides beyond the local limits of the jurisdiction of the Court in which the suit is instituted, and has not within those limits an agent empowered to accept the service, the Court shall transmit the summons for service to a Court having jurisdiction at the place where the defendant resides.

Service on defendant residing out of jurisdiction and having no agent.

36. (*1*) If the defendant resides out of British India and has not in British India an agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he resides, and be forwarded to him by post or otherwise.

Service on defendant residing out of British India and having no agent.

(*2*) If on the day fixed for the hearing of the suit, or on any day to which the hearing may be adjourned, the defendant does not appear, the plaintiff may apply to the Court, and the Court may direct that the plaintiff shall be at liberty to proceed with his suit in such manner, and subject to such conditions, as the Court thinks fit.

37. When the suit is for land or other immoveable property, and the summons for any reason cannot be served on the defendant in person, the summons may be served on any agent of the defendant in charge of the land or other property.

Service on agent in charge of immoveable property.

Consequences of Non-appearance of Parties.

38. (*1*) If, on the day fixed for the defendant to appear and answer, or any other day subsequent thereto to which the hearing of the suit may be adjourned, neither party appears when called upon by the Court, the suit shall be dismissed.

Dismissal of suit on non-appearance of either party

(*2*) When a suit is dismissed under this section, the plaintiff may bring a fresh suit, or, if within a period of thirty days he satisfies the Court that there was sufficient cause for his failure to appear, the Court may issue a fresh summons upon the complaint already recorded or plaint already filed.

39. (*1*) If the plaintiff appears and the defendant does not appear, and it is proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear the suit *ex parte*.

Procedure on non-appearance of defendant, when summons was duly served.

(*2*) If the defendant appears on any subsequent day to which the hearing of the suit is adjourned, and assigns good cause for his previous failure to appear, he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit in like manner as if he had appeared on the day fixed for his appearance.

40. (*1*) If the plaintiff appears and the defendant does not appear, and it is not proved to the satisfaction of the Court that the summons was duly served in any of the modes of service provided by this Regulation, the Court may direct a second summons to the defendant to be issued in any of those modes.

Procedure on non-appearance of defendant when summons was not duly served or not served in due time.

(*2*) If the plaintiff appears, and it is proved to the satisfaction of the Court that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day, to be fixed by the Court, and may direct notice of that day to be given to the defendant.

41. (*1*) If the defendant appears and the plaintiff does not appear, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the claim, in which case the Court shall pass judgment against the defendant upon the admission.

Judgment by default against plaintiff not appearing or against defendant on admission.

(*2*) When judgment is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter III.—Civil Procedure.—Sections 42-54.)

42. If there are two or more plaintiffs, and appearance is made by one or more of them and not by the other or others, the Court may at the instance of the plaintiff or plaintiffs appearing proceed with the suit in the same way as if all the plaintiffs had appeared, and pass such order as is just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

43. If there are two or more defendants, and appearance is made by one or more of them and not by the other or others, the Court shall proceed with the suit to judgment, and shall, at the time of passing judgment, make such order with respect to the defendant or defendants by whom appearance has not been made as is just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several defendants.

44. (*1*) Where judgment is passed *ex parte* against a defendant, he may apply within a reasonable time, not exceeding thirty days, after any process for enforcing the judgment has been executed, to the Court by which the judgment was passed, for an order setting it aside.

Setting aside judgment *ex parte* against defendant.

(*2*) If it is proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment and appoint a day for proceeding with the suit.

45. (*1*) Where judgment is passed against a plaintiff by default, he may apply, within thirty days from the date of the judgment, for an order setting it aside.

Setting aside judgment against plaintiff by default.

(*2*) If it is proved to the satisfaction of the Court that the plaintiff was prevented by sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order setting aside the judgment by default and appoint a day for proceeding with the suit.

46. A judgment shall not be set aside on an application under either of the two last foregoing sections unless notice of the application has been served on the opposite party.

Judgment not to be set aside without notice.

Fixing Issues and Preparations for the Hearing.

47. If both parties are present on the day fixed for the defendant to appear and answer, or on any subsequent day to which the proceedings are adjourned for this purpose, the Judge shall examine them with a view to ascertaining upon what questions of law and fact the parties are at issue, and, having with his own hand made a note of the examination, shall frame and record the issues of law and fact on which the right decision of the case depends.

Framing of issues.

48. (*1*) If the parties are at issue on a question of fact, the Court shall then further examine them as to the evidence they intend to adduce upon the question, and shall appoint a time and place for the hearing of the suit.

Procedure when parties are at issue on a question of fact.

(*2*) Upon such sums being deposited for the expenses of witnesses as, subject to any rules made under this Regulation, the Court thinks reasonable, the Court shall issue such summonses for the attendance of witnesses and the production of documents as the parties may desire.

49. A summons to a witness shall be served as nearly as may be in the manner provided by this Regulation for service of summonses on a defendant.

Service of summons on witnesses.

50. If a witness on whom a summons has been so served neglects or refuses to appear at the time and place appointed, and does not offer reasonable excuse for the neglect or refusal, the Court may issue a warrant to bring the witness before it to give his evidence.

Witness neglecting to attend may be arrested.

The Hearing.

51. (*1*) On the day appointed for the hearing of the suit, or on some other day to which the hearing may be adjourned, the evidence of the witnesses and of any parties to the suit appearing as witnesses shall be taken by the Judge orally in open Court and in presence of the parties.

Mode of taking evidence.

(*2*) Any evidence given in a language not understood by a party to the suit shall be interpreted to that party as the examination proceeds.

(*3*) Each party may examine the opposite party and all witnesses.

52. A memorandum of all evidence taken shall be reduced to writing by the Judge as the examination proceeds with his own hand in English or in Burmese at his discretion.

Recording of evidence.

53. The Court may at any stage of the suit examine as a witness any person present in Court, or call upon him to produce any document or other thing, or summon any person to give evidence or produce any document or other thing, if it considers that the evidence of the person, or the production of the document or thing, is likely to aid it in the decision of the matters in dispute.

Power for Court to examine witness, or require production of document.

Commissions to take Evidence, make local Enquiries and examine Accounts.

54. (*1*) If in any case—

Issue of commissions.

(*a*) the evidence of a witness is required who resides at some place far distant from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Court to be personally examined, or is exempt from personal appearance in Court, or

(*b*) a local investigation seems requisite for elucidating any matter in dispute, or

(*c*) an examination of any accounts becomes necessary,

the Court may, if it thinks fit, issue a commission to any person, delegating to him such powers and containing such instructions as it thinks necessary for the examination of the witness,

The Upper Burma Civil Justice Regulation, 1886.
(Chapter III.—Civil Procedure.—Sections 55-67.)

or the making of the local investigation, or the examination of the accounts.

(*2*) The commission and the return thereto, and the depositions of any witnesses examined under the commission, and any documents filed before the person to whom the commission was issued, shall form part of the record.

Judgments.

55. When the documentary evidence (if any) has been perused, the witnesses examined and the parties heard, the Court shall, either immediately or on some subsequent day of which due notice shall be given to the parties, deliver its judgment.

Delivery of judgment.

56. The judgment shall be written by the Judge with his own hand, in English or in Burmese, at the discretion of the Judge, and it shall be dated and signed by the Judge at the time it is delivered.

Judgment to be in writing.

57. The judgment shall contain the decision of the Court upon each issue, together with the grounds of the decision, and shall conclude with a decree clearly stating the relief granted or other determination of the suit:

Contents of judgment.

Provided that, when the decision upon one or more issues is sufficient for the disposal of the suit, the Court may, in its discretion, abstain from pronouncing any decision upon the remaining issues.

58. (*1*) The decree shall specify the costs payable and the parties by whom they are to be paid.

Costs.

(*2*) In determining the amount of costs the Court shall not allow the remuneration of representatives appointed under section 20.

59. When the suit is for a sum of money due to the plaintiff, the Court may in the decree order interest at such rate as it thinks fit to be paid on the principal sum adjudged from the date of suit to the date of decree in addition to any interest adjudged on the principal sum for any period prior to the date of suit, with further interest, at a rate not exceeding six per centum yearly, on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment.

Allowance of interest.

60. In a decree for the payment of money the Court may, for any sufficient reason, order that the amount due under the decree shall be paid by instalments with or without interest.

Payment of amount of decree by instalments.

61. Where in a suit for moveable property the decree is for the delivery of the property, the Court shall fix an amount of money to be paid as an alternative if delivery cannot be enforced.

Contents of decree for moveable property.

62. Certified copies of the judgment, and, in cases where the judgment is required to be translated, of the translation thereof, shall be furnished to the parties on their application and on payment by them of the cost of the copies.

Copies of judgment to be furnished to parties.

Procedure in special Cases.

63. If a Court at any stage of a suit before judgment is satisfied, upon such enquiry as it considers necessary, that the defendant, with intent to avoid or delay the plaintiff, or to obstruct or delay the execution of any decree which may be made against him in the suit, is about to leave the jurisdiction of the Court, or to dispose of any property, or to remove any moveable property from the jurisdiction of the Court, it may issue its warrant for the attachment of the property of the defendant, and may, unless the defendant gives security for the satisfaction of any decree which may be made against him, detain his property under attachment until judgment is pronounced.

Attachment before judgment when defendant seeks to evade proceedings.

64. If a Court at any stage of a suit before judgment is satisfied, upon such enquiry as it considers necessary, that any property which is in dispute in the suit is in danger of being wasted, damaged or alienated by a party to the suit, it may issue an injunction to that party commanding him to refrain from the act of waste, damage or alienation, or make such order for the purpose of staying and preventing him from wasting, damaging or alienating the property, or for the care and custody thereof, as it deems fit.

Injunction against waste, damage or alienation of property in dispute.

65. In any suit for restraining the defendant from the committal of any breach of contract or other injury, the Court may at any time after the commencement of the suit, and either before or after judgment, and on such terms as it deems fit, issue an injunction restraining the defendant from the repetition or continuance of the breach of contract or the injury or the committal of any similar breach of contract or injury; and, in case of disobedience, the injunction may be enforced by attaching the property of the defendant and retaining it under attachment until he obeys the injunction.

Injunction against breache of contract or committal of injury.

66. The Court may at any time vary or set aside an order made by it under any one of the three last foregoing sections; and if it is satisfied that any such order has been applied for and procured by any party on grounds known to the party to be insufficient, it may award against the party in its decree such amount, not exceeding two hundred rupees, as it deems a reasonable compensation to the party aggrieved by the order.

Power to vary or set aside orders under section 63, 64 or 65, and to adjudge compensation to parties injured.

67. (*1*) If at any hearing of a suit it appears to the Court desirable that any person not already a party to the suit should be made a party thereto, it may direct that the person be made a plaintiff or defendant, as the case may be.

Power to add parties.

(*2*) Where a person is so made a plaintiff or defendant, the Court shall cause a summons to be served on him in the manner provided by this Regulation for the service of a summons on a defendant.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter III.—Civil Procedure.—Sections 68-78.)

68. Where a suit involves any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, it may be heard with the aid of assessors selected by the Court from the class to which the parties belong.

Certain suits triable with the aid of assessors.

Miscellaneous.

69. Women who, according to the custom and manners of the class to which they belong, ought not to be compelled to appear in public shall be exempt from personal appearance in Court, whether as parties or as witnesses.

Exemption of women from appearance in person.

70. The Local Government may, by notification in the official Gazette, exempt from personal appearance in Court, whether as a party or as a witness, any person whose rank appears to entitle him to the privilege of exemption, and may, by like notification, withdraw the privilege.

Power for Local Government to exempt from appearance in person.

71. (*1*) All documents admitted as evidence in a suit, other than entries in shop-books or other books, shall be filed with the record and shall not be returned to the parties without the written permission of the Court.

Filing of documents admitted in evidence.

(*2*) A certified copy of any document so returned within three months from the date of the disposal of the suit shall be filed with the record.

72. (*1*) When a party desires to put in evidence an entry in a shop-book or other book, he shall produce the book to the Court, together with a copy of the entry on which he relies.

Mode of admission in evidence of entry in book.

(*2*) The Court shall forthwith mark the entry for the purpose of identification, and, having examined and compared the copy with it, shall file the copy with the record and return the book to the party producing it unless there seems to the Court to be cause for impounding it.

Execution of Decrees.

73. The Court shall, on application made by the decree-holder in writing, execute its decrees in the following manner, that is to say—

Mode of execution of decrees.

(*a*) a decree for property in the possession of the judgment-debtor, by giving possession of the property to the decree-holder, or

when the property is moveable, and possession of it cannot from any cause be given, by levying in the manner provided by this section for the execution of a decree for money the amount fixed as an alternative under section 61;

(*b*) a decree for partition, by dividing the property and giving the decree-holder possession of his portion;

(*c*) a decree for money, by attaching the property of the judgment-debtor and selling it by auction;

(*d*) a decree for the performance of any act by the judgment-debtor, by attaching his property and retaining it under attachment.

74. Whenever a person has become liable as surety for the performance of a decree or of any part thereof, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced against a judgment-debtor.

Decree against sureties.

75 When an application is made for the execution of an *ex parte* decree, the Court may in its discretion, before ordering execution, require the applicant to give security for compensation for any injury that may be done in the course of the execution, or may issue a notice to the judgment-debtor to show cause why the decree should not be executed.

Execution of *ex parte* decrees.

76. If a decree cannot be executed within the jurisdiction of the Court which passed it, that Court may transmit to any other Court a copy of the decree, together with—

Execution of a decree out of the jurisdiction of the Court.

(*a*) a certificate that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court which passed it, or has only been so obtained to an extent to be specified in the certificate, and

(*b*) a copy of any order for the execution of the decree or, if no such order has been made, a certificate to that effect,

and may request the Court to which those documents are transmitted to execute the decree as if it were a decree made by itself.

77. On receiving similar documents and a similar requisition from any Civil Court established in any part of British India beyond the limits of his jurisdiction, or established by the authority of the Governor-General in Council in the territories of any foreign Prince or State, for the execution of a decree made by that Court, the Deputy Commissioner, or the Judge of any Civil Court under his control to whom he may transfer the matter for disposal, may execute the decree as if it had been made by himself.

Execution of a decree of a Court beyond the limits of the district.

Appeal.

78. (*1*) A decree or order made in an original suit of value not exceeding twenty-five rupees by a Circle Officer, or in an original suit of value not exceeding fifty rupees by a Township Officer, or in an original suit of value not exceeding one hundred rupees by a Sub-divisional Officer, shall, subject to the provisions of this Regulation with respect to revision, be final.

Appeals from Courts of Circle Officers, Township Officers and Sub-divisional Officers.

(*2*) From every other decree or order of a Circle Officer, Township Officer or Sub-divisional Officer in an original suit an appeal shall lie to the Court of the Deputy Commissioner.

(*3*) The Local Government may confer on a Sub-divisional Officer the powers of a Court of a Deputy Commissioner for the purpose of receiving and hearing appeals from decrees and orders of Circle Officers and Township Officers in any local area, and may withdraw those powers.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter III.—Civil Procedure.—Sections 79-85.—Chapter IV.—Supplemental Provisions.—Sections 86-87.)

79. (*1*) A decree or order made in an original suit of value not exceeding five hundred rupees by a Deputy Commissioner shall, subject to the provisions of this Regulation with respect to revision, be final.

Appeals from Courts of Deputy Commissioners.

(*2*) From every other decree or order of a Deputy Commissioner in an original suit an appeal shall lie to the Court of the Judicial Commissioner.

80. (*1*) Save as provided by this section, and subject to the provisions of this Regulation with respect to revision, an appellate decree or order of a Sub-divisional Officer or Deputy Commissioner shall be final.

Appeals from appellate decrees and orders.

(*2*) An appeal from an appellate decree or order of a Deputy Commissioner in a suit of value exceeding one thousand rupees shall lie to the Court of the Judicial Commissioner.

Revision.

81. (*1*) The Judicial Commissioner or Deputy Commissioner may, of his own motion or otherwise, call for the record of any case decided by a Court under his control in which an appeal does not lie or in which, for cause shown to his satisfaction, an appeal has not been preferred within the time limited therefor, and may pass such order in the case as he thinks fit.

Revision.

(*2*) A Deputy Commissioner who has been authorised in this behalf by the Local Government may, by order in writing, empower any Sub-divisional Officer under his control to exercise the powers conferred on the Deputy Commissioner by sub-section (*1*) with respect to the decisions of all or any of the Courts of Circle Officers under the control of the Deputy Commissioner.

Distribution of Business and Transfer of Proceedings.

82. A Deputy Commissioner may, by order, direct that any civil business cognizable by him and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power for Deputy Commissioner to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

83. (*1*) The Judicial Commissioner or Deputy Commissioner may withdraw any suit or other proceeding pending in any Court under his control and try it himself or refer it for disposal to any other Court under his control and competent to try it.

Power for Judicial Commissioner and Deputy Commissioner to transfer proceedings.

(*2*) Subject to such rules as the Judicial Commissioner may make in this behalf, the Deputy Commissioner of Mandalay, and, with the previous sanction of the Judicial Commissioner, any other Deputy Commissioner, may transfer any suit, whether pending before himself or in a Court under his control, to the Civil Court of Mandalay for disposal.

84. (*1*) The Local Government may, by order, direct that any civil business cognizable by a Deputy Commissioner shall be transferred to the Court of the Judicial Commissioner or of a Sub-divisional Officer.

Power for Local Government to transfer business.

(*2*) Business so transferred shall be disposed of by the Judicial Commissioner or Sub-divisional Officer, as the case may be, subject to the rules applicable to like cases when disposed of by the Deputy Commissioner.

Review.

85. (*1*) The Judicial Commissioner may, for sufficient reason, review any decree or order which has been passed by himself and from which an appeal has not been preferred to Her Majesty in Council.

Reviews.

(*2*) A Court subordinate to that of the Judicial Commissioner shall not review any decree or order made by it, except for the purpose of correcting a clerical error or other error manifestly the result of an oversight, without previously obtaining—

(*a*) in the case of the Court of a Circle Officer, Township Officer or Sub-divisional Officer, the permission of the Deputy Commissioner;

(*b*) in the case of the Court of a Deputy Commissioner, the permission of the Judicial Commissioner.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

86. (*1*) Cases pending when this Regulation comes into force shall be disposed of by such of the Courts under this Regulation as the Local Government may direct, and shall be dealt with as nearly as may be in accordance with the provisions of this Regulation.

Pending cases how to be disposed of.

(*2*) But if in any such case it appears to the Court that the application of any provision in this Regulation would deprive any party of any right which, but for this Regulation, would have belonged to him, the Court may proceed as if this Regulation were not in force.

87. (*1*) When in any suit it is necessary for a Court under this Regulation to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution,—

Law to be administered.

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindu law in cases where the parties are Hindus,

shall form the rule of decision, except in so far as that law has, by legislative enactment, been altered or abolished, or is opposed to any custom having the force of law in Upper Burma.

(*2*) In cases not provided for by sub-section (*1*) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

The Upper Burma Civil Justice Regulation, 1886.
(Chapter IV.—Supplemental Provisions.—Sections 88-93.)

88. *(1)* The Judicial Commissioner may, with the previous sanction of the Local Government, make rules consistent with this Regulation for regulating the practice and proceedings of his own Court and the Courts subordinate thereto.

Power for Judicial Commissioner to make rules.

(2) The rules may regulate the following among other matters, namely :—

(a) the fees to be paid for processes ;

(b) the fees to be paid for copies and inspection of records ; and

(c) the travelling and other expenses of witnesses.

89. The Judicial Commissioner shall comply with any requisitions which the Local Government may make for records of, or papers belonging to, his Court, or any Court subordinate thereto, or for certified copies of, or extracts from, those records or papers, or for returns, statements or reports, and shall act in compliance with any request which the Local Government may make to him with respect to the exercise of the powers conferred on him by section 4, sub-section (3), section 5, sub-section (2), and section 6, sub-section (2).

Compliance by Judicial Commissioner with requisitions of Local Government.

90. The procedure to be observed by any Court under this Regulation in suits shall be followed, so far as it can be made applicable, in all proceedings in that Court other than suits.

Miscellaneous proceedings.

91. Notwithstanding anything in this Regulation, a decree or order shall not be reversed or altered on appeal or revision on account of an irregularity of procedure unless the irregularity has occasioned or is likely to occasion a failure of justice.

Decrees and orders not reversible on technical grounds alone.

92. Powers conferred by this Regulation may be exercised from time to time as occasion requires.

Powers exercisable from time to time.

Transitory Provision.

93. Until a Judicial Commissioner is appointed for Upper Burma, the functions assigned to him by this Regulation shall be discharged by Commissioners in and for their respective divisions as for the time being defined under section 3 of the Upper Burma Laws Act, 1886.

Discharge of functions of High Court pending appointment of Judicial Commissioner.

No. 23.—Whereas by resolution passed by the Secretary of State for India in Council the provisions of the 33rd of Vic., chap. 3, sec. 1, were declared to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States ;

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same ;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent ;

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India :—

REGULATION No. IX OF 1886.

THE UPPER BURMA LAND-ACQUISITION REGULATION, 1886.

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A Regulation to provide for the Acquisition of Land in Upper Burma for public purposes and for Companies.

WHEREAS it is expedient to provide for the acquisition of land in Upper Burma for public purposes and for Companies, and for determining the amount of compensation to be made on account thereof ;

It is hereby enacted as follows :

PART I.

PRELIMINARY.

1. *(1)* This Regulation may be called the Upper Burma Land-acquisition Regulation, 1886.

Short title, extent and commencement.

(2) It extends to the whole of Upper Burma except the Shan States ; and

(3) It shall come into force on such date, within three months from the time at which it may receive the Governor-General's assent, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

2. In this Regulation, unless there is something repugnant in the subject or context,—

Definitions.

(1) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth :

(2) "person interested" includes any person claiming an interest in compensation to be made on account of the acquisition of land under this Regulation :

(3) "Collector" means a Deputy Commissioner of a district, and includes any officer specially appointed by the Local Government to perform the functions of a Collector under this Regulation :

(4) "Company" means a Company registered under the Indian Companies Act, 1882, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent :

(5) "local fund" means any public fund of which the control or management is entrusted by the Government to any local officer or authority :

(6) "Part" and "section" mean respectively a Part and a section of this Regulation :

(7) "person", "year", "month", "Local Government", "Magistrate" and "imprisonment" have the meanings assigned to them respectively in section 2 of the General Clauses Act, 1868 :

(8) words importing the masculine gender shall be taken to include females, and words in the singular shall include the plural, and *vice versâ* : and

(9) the following persons shall be deemed persons "entitled to act" as and to the extent in this clause provided (that is to say) :—

(a) trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability ;

(b) a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age ; and

(c) the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted.

PART II.

ACQUISITION.

Preliminary Investigation.

3. *(1)* Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in such manner as the Local Government may direct, and the Collector shall cause public notice of the substance of the notification to be given at convenient places in that locality.

Procedure and powers of officers when land is likely to be needed for public purpose.

The Upper Burma Land-acquisition Regulation, 1886.
(Part II.—Acquisition.—Sections 4-11.)

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by the Local Government in this behalf, and for his servants and workmen,—

(a) to enter upon and survey and take levels of any land in the locality;
(b) to dig or bore into the sub-soil;
(c) to do all other acts necessary to ascertain whether the land is adapted for the purpose notified;
(d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;
(e) to mark the levels, boundaries and line by placing marks and cutting trenches; and
(f) where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving the occupier at least seven days' notice in writing of his intention to do so.

Payment for damage done in exercise of powers under last foregoing section.

4. The officer authorized under the last foregoing section shall at the time of his entry under that section pay or tender payment for all necessary damage which may be done by him or his servants or workmen, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Collector, whose decision shall be final.

Declaration of intended Acquisition.

Declaration that land is needed for a public purpose.

5. (1) Subject to the provisions of Part VI, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to the Local Government, or of some officer duly authorized to certify its orders:

Provided that a declaration shall not be made under this section unless the compensation to be awarded for the property is to be paid out of public revenues or out of some local fund, or by a Company.

(2) The declaration shall be published in such manner as the Local Government may direct, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan has been made of the land, the place where the plan may be inspected.

(3) A declaration under this section shall be conclusive proof that the land is needed for a public purpose, or for a Company, as the case may be; and, after making the declaration, the Local Government may acquire the land in manner hereinafter appearing.

After declaration Collector to take order for acquisition.

6. Whenever any land has been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

Marking and measuring of the land.

7. The Collector shall thereupon cause the land (unless it has been already marked out under section 3) to be marked out. He shall also cause it to be measured, and (if no plan has been made) a plan to be made thereof.

Notice to persons interested in the land.

8. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in the land may be made to him.

(2) A notice under sub-section (1) shall state the particulars of the land needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (the time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for those interests.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of the land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent as aforesaid, the notice shall be sent to him by post.

Power to require persons interested to deliver statements of names and interests of other persons.

9. The Collector may also require any person referred to in sub-section (3) or sub-section (4) of the last foregoing section to deliver to him a statement, containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of that interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Obligation to make or deliver statements respecting interests.

10. A person required to make or deliver a statement under section 8 or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code. XLV of 1860.

Inquiry into Value and Claims, and Award by Collector.

Inquiry into value and award of compensation.

11. (1) On the day mentioned in the notice under section 8, sub-section (1), the Collector shall proceed to inquire into the value of the land and to determine the amount of compensation to be allowed therefor, and shall make and sign an award for the same.

(2) For the purpose of an inquiry under this section, the Collector may summon and enforce the attendance of witnesses and compel the production of documents by the same means and,

The Upper Burma Land-acquisition Regulation, 1886.
(Part II.—Acquisition.—Sections 12-15.)
(Part III.—Apportionment of Compensation.—Sections 16-17.—Part IV.—Payment.—Sections 18-20.)

as far as may be, in the same manner as is provided by the Upper Burma Civil Justice Regulation, 1886, in the case of a Civil Court.

Adjournment of inquiry.

12. The Collector may, if no claimant attend pursuant to the notice, or if for any other cause he thinks fit, from time to time postpone the inquiry to a day to be fixed by him.

Matters to be respectively regarded and disregarded in determining compensation.

13. (1) In determining the amount of compensation to be awarded for land acquired under this Regulation, the Collector shall take into consideration—

First, the market-value of the land at the time of the award;

Secondly, the damage (if any) sustained by the person interested, at the time of the award, by reason of the severance of the land from his other land;

Thirdly, the damage (if any) sustained by the person interested, at the time of the award, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings; and

Fourthly, if, in consequence of the acquisition, the person interested is compelled to change his residence, the reasonable expenses (if any) incidental to the change.

(2) But the Collector shall not take into consideration—

First, the degree of urgency which has led to the acquisition; or

Secondly, any disinclination of the person interested to part with the land acquired; or

Thirdly, any damage sustained by him which, if caused by a private person, would not render the person liable to a suit; or

Fourthly, any damage which, after the time of the award, is likely to be caused by or in consequence of the use to which the land acquired will be put; or

Fifthly, any increase to the value of the land acquired, likely to accrue from the use to which the land will be put when acquired; or

Sixthly, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put; or

Seventhly, any outlay or improvements on the land made, commenced or effected with the intention of enhancing the compensation to be awarded therefor under this Regulation.

Taking Possession.

Power to take possession after award in ordinary cases.

14. When the Collector has made an award he may take possession of the land, which shall thereupon vest absolutely in the Government free from all incumbrances.

Power to take possession in cases of urgency.

15. (1) In cases of urgency, whenever the Local Government so directs, the Collector may, on the expiration of fifteen days from the publication of the notice mentioned in section 8, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company.

(2) The land shall thereupon vest absolutely in the Government free from all incumbrances.

(3) The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on the land; and in case the offer is not accepted the value of the crops and trees shall be allowed for in awarding compensation for the land under the provisions of this Regulation.

PART III.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified in the award.

16. Where there are several persons interested, if they agree in the apportionment of the compensation, the particulars of the apportionment shall be specified in the award, and as between them the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

17. When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall decide the dispute.

PART IV.

PAYMENT.

Persons to whom payment of compensation is to be made.

18. Payment of the compensation shall be made by the Collector according to the award to the persons named therein:

Provided that nothing in this section shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Regulation to pay the same to the person lawfully entitled thereto.

Time for payment of compensation.

19. When the amount of the compensation has been settled, if the persons interested so desire, the Collector shall on their giving the award pay the amount of the compensation and take possession of the land:

Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation thereof upon such terms as he and they may agree on, until possession of the land is required.

Percentage on market-value and interest.

20. (1) In addition to the amount of any compensation awarded under this Regulation, the Collector shall, in consideration of the compulsory nature of

The Upper Burma Land-acquisition Regulation, 1886.
(Part V.—Temporary Occupation of Land.—Sections 21-22.—Part VI.—Acquisition of Land for Companies.—Sections 23-26.)

the acquisition, pay fifteen per centum on the market-value mentioned in section 13, sub-section (*1*).

(*2*) When the amount of the compensation is not paid on possession being taken, the Collector shall pay the amount awarded and the percentage referred to in sub-section (*1*) with interest on the amount and percentage at the rate of six per centum yearly from the time of possession being taken.

PART V.

TEMPORARY OCCUPATION OF LAND.

21. (*1*) Subject to the provisions of Part VI, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the land for such term as it thinks fit, not exceeding three years from the commencement of the occupation.

Temporary occupation of waste or arable land.

(*2*) The Collector shall thereupon give notice in writing to the persons interested in the land of the purpose for which the land is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as he thinks just.

22. (*1*) On payment of compensation under the last foregoing section the Collector may enter upon and take possession of the land, and use it or permit the use thereof in accordance with the terms of the notice.

Taking and restoring possession of the land.

(*2*) On the expiration of the term of occupation and use, the Collector shall make or tender to the persons interested such compensation for the damage (if any) done to the land as he thinks just, and shall restore the land to the persons interested therein:

Provided that, if the land has, in the opinion of the Collector, become permanently unfit to be used for the purpose for which it was used immediately before the commencement of that term, and if the persons interested so require, the Local Government shall proceed under this Regulation to acquire the land as if it were needed permanently for a public purpose or for a Company.

PART VI.

ACQUISITION OF LAND FOR COMPANIES.

23. (*1*) Subject to such rules as the Governor-General in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 3.

Procedure when Company desires to acquire land.

(*2*) In every case referred to in sub-section (*1*), section 3, sub-section (*2*), clause (*c*), shall be construed as if for the words "for the purpose notified" the words "for the purposes of the Company" were substituted; and section 4 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

24. The provisions of this Regulation shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company has executed the agreement mentioned in section 26.

Conditions precedent to acquisition by Company.

25. (*1*) Consent under the last foregoing section shall not be given unless the Local Government is satisfied by inquiry—

Previous inquiry.

(*a*) that the acquisition is needed for the construction of some work; and

(*b*) that the work is likely to prove useful to the public.

(*2*) The inquiry under this section shall be held by such officer and at such time and place as the Local Government may appoint.

(*3*) The officer appointed in this behalf may summon and enforce the attendance of witnesses, and compel the production of documents, by the same means and, as far as may be, in the same manner as is provided by the Upper Burma Civil Justice Regulation, 1886, in the case of a Civil Court.

26. (*1*) An officer holding an inquiry under the last foregoing section shall report to the Local Government the result of the inquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that the work is likely to prove useful to the public, it shall, subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely:—

Agreement with Secretary of State in Council.

(*a*) the payment to the Government of the cost of the acquisition;

(*b*) the transfer of the land to the Company on that payment being made;

(*c*) the terms on which the land is to be held by the Company;

(*d*) the time within which, and the conditions on which, the work is to be executed and maintained; and

(*e*) the terms on which the public is to be entitled to use the work.

The Upper Burma Land-acquisition Regulation, 1886.
(Part VII.—Miscellaneous.—Sections 27-37.)

(*2*) An agreement entered into under this section shall, as soon as may be after its execution, be published in the local official Gazette, and shall thereupon (so far as regards the terms on which the public is to be entitled to use the work) have the same effect as if it had formed part of this Regulation.

Publication of agreement.

PART VII.

MISCELLANEOUS.

27. (*1*) Service of a notice under this Regulation shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 3, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector.

Service of notices.

(*2*) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(*3*) When that person cannot be found, the service may be made on any adult male member of his family residing with him; and, if an adult male member cannot be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business.

28. If any person wilfully obstructs the doing of any of the acts authorized by section 3, or section 7, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 3, sub-section (*2*), clause (*e*), he shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for obstructing person acting under section 3 or 7.

29. The provisions of sections 68 to 70, both inclusive, of the Indian Penal Code, and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882, shall apply to fines imposed under this Regulation.

Application of enactments relating to fines.

XLV of 1860.

X of 1882.

30. If the Collector is opposed or impeded in taking possession under this Regulation of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate, and the Magistrate to whom the application is made shall enforce the surrender of the land to the Collector.

Magistrate to enforce surrender in case of opposition.

31. (*1*) Except in the case mentioned in the proviso to section 22, nothing in this Regulation shall be taken to compel the Government to complete the acquisition of any land unless an award has been made under the provisions of this Regulation.

Payment of compensation where acquisition is not completed.

(*2*) But whenever the Government declines to complete an acquisition, the Collector shall determine the amount of compensation due for the damage (if any) done to the land under section 3 or section 7, and not already paid for under section 4, and shall pay the amount to the person injured.

32. The provisions of this Regulation shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of the house, manufactory or building be acquired thereunder.

Part of house or building not to be taken.

33. Where the provisions of this Regulation are put in force for the purpose of acquiring land at the cost of any local fund, or of any Company, the charges incurred by the Collector in the acquisition shall be defrayed from or by the fund or Company.

Payment of Collector's charges by local fund or Company.

34. No award or agreement made under this Regulation shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy thereof.

Exemption from stamp-duty and fees.

35. (*1*) No suit shall be brought to set aside an award under this Regulation.

Bar of suits.

(*2*) And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Regulation without one month's previous notice in writing to the person of the intended proceeding and of the cause thereof, or after tender of sufficient amends.

36. (*1*) The Local Government may make rules consistent with this Regulation for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules.

Making and publication of rules.

(*2*) All rules, alterations and additions made under this section shall, when sanctioned by the Governor-General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

(*3*) Rules may be made under this section at any time after this Regulation has received the assent of the Governor-General, but a rule so made shall not have effect until this Regulation comes into force.

37. An appeal shall not lie from any order passed by a Collector under this Regulation; but the Local Government, or any officer authorized by the Local Government in this behalf, may call for the proceedings of the Collector in any case, and, after such inquiry, if any, as may seem necessary, revise or cancel any order passed by the Collector, or refer any point arising in the proceedings for decision by any Civil Court in Upper Burma.

Power of revision of proceedings of Collectors.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 22nd October, 1886.

No. 353.—The services of Mr. P. G. Melitus, C.S., Assistant Magistrate and Collector in Bengal, are placed at the disposal of the Chief Commissioner of Assam.

UPPER BURMA.

The 21st October, 1886.

No. 29.—The following promotions are ordered in the Burma Commission, with effect from the 27th July, 1886, being the date on which Lieutenant-Colonel G. A. Strover assumed charge of the office of Commissioner of Arakan :—

Mr. W., de Courcy Ireland, to be Commissioner.
Lieutenant-Colonel W. G. Hughes, to be Deputy Commissioner, 1st Grade.
Mr. R. H. Pilcher, to be Deputy Commissioner, 2nd Grade.
Mr. W. C. Midwinter, to be Deputy Commissioner, 3rd Grade.
Mr. K. G. Burne, to be Deputy Commissioner, 4th Grade.
Major T. M. Jenkins, to be Assistant Commissioner, 1st Grade.
Mr. D. J. A. Campbell, to be Assistant Commissioner, 2nd Grade.
Mr. H. L. Eales, to be Assistant Commissioner, 3rd Grade.

No. 30.—The following promotions are ordered in the Burma Commission, with effect from the 1st August, 1886, the date of the reorganization of the Burma Commission :—

Lieutenant-Colonel H. R. Spearman, to be Deputy Commissioner, 1st Grade.
Major J. Butler, to be Deputy Commissioner, 2nd Grade.
Major C. B. Cooke, to be Deputy Commissioner, 2nd Grade.
Mr. A. R. Birks, to be Deputy Commissioner, 3rd Grade.
Mr. A. H. Hildebrand, to be Deputy Commissioner, 3rd Grade.
Major C. A. Cresswell, to be Deputy Commissioner, 3rd Grade.
Captain C. H. E. Adamson, to be Deputy Commissioner, 3rd Grade.
Captain F. D. Raikes, to be Deputy Commissioner, 4th Grade.
Mr. A. R. Colquhoun, to be Deputy Commissioner, 4th Grade.
Captain W. F. H. Grey, to be Deputy Commissioner, 4th Grade.
Major T. M. Jenkins, to be Deputy Commissioner, 4th Grade.
Mr. T. C. Mitchell, to be Deputy Commissioner, 4th Grade.
Mr. J. E. Bridges, to be Deputy Commissioner, 4th Grade.
Mr. A. M. B. Irwin, to be Deputy Commissioner, 4th Grade.
Mr. D. L. M. Mackay, to be Assistant Commissioner, 1st Grade.
Mr. H. Adamson, to be Assistant Commissioner, 1st Grade.
Mr. D. J. A. Campbell, to be Assistant Commissioner, 1st Grade.
Mr. H. G. Batten, to be Assistant Commissioner, 1st Grade.
Mr. W. T. Hall, to be Assistant Commissioner, 2nd Grade.
Captain G. S. Eyre, to be Assistant Commissioner, 2nd Grade.
Mr. G. W. Shaw, to be Assistant Commissioner, 2nd Grade.
Mr. H. L. Eales, to be Assistant Commissioner, 2nd Grade.
Mr. E. J. H. O. Gleeson, to be Assistant Commissioner, 2nd Grade.
Mr. F. C. Gates, to be Assistant Commissioner, 2nd Grade.
Mr. W. G. L. Rice, to be Assistant Commissioner, 2nd Grade.
Mr. A. E. Hurry, to be Assistant Commissioner, 3rd Grade.
Mr. A. S. Fleming, to be Assistant Commissioner, 3rd Grade.
Mr. H. P. Todd Naylor, to be Assistant Commissioner, 3rd Grade.
Mr. H. S. Hartnoll, to be Assistant Commissioner, 3rd Grade.
Mr. A. T. A. Shaw, to be Assistant Commissioner, 3rd Grade.
Mr. N. G. Cholemely, to be Assistant Commissioner, 3rd Grade.
Lieutenant T. G. Johnson, to be Assistant Commissioner, 3rd Grade.

EXAMINATIONS.

The 22nd October, 1886.

No. 55.—The services of Captain J. H. Sadler, B.S.C., are replaced at the disposal of the Foreign Department.

MEDICAL.

The 20th October, 1886.

No. 537.—The services of Lala Gokal Chand, Uncovenanted Medical Officer in medical charge of the junior grades of the Secretariat Establishments of the Government of India at Simla, are temporarily placed at the disposal of the Government of the Punjab, with effect from the 1st November, 1886.

The 21st October, 1886.

No. 541.—The services of the undermentioned Commissioned Medical Officers are temporarily placed at the disposal of the Military Department :—

Surgeon-Major E. G. Russell, M.B.
Surgeon G. W. P. Dennys.

POLICE.—UPPER BURMA.

The 21st October, 1886.

No. 135.—The following promotions in the Police Department are ordered, with effect from the 1st August, the date of the reorganization of the Police in Upper Burma :—

Mr. B. H. Davidson, to be District Superintendent of Police, 1st Grade.
Mr. T. D. Jameson, to be District Superintendent of Police, 2nd Grade.
Mr. T. W. Wood, to be District Superintendent of Police, 2nd Grade.

Mr. J. W. Olive, to be District Superintendent of Police, 3rd Grade.
Mr. T. F. Fforde, to be District Superintendent of Police, 3rd Grade.
Mr. J. C. Perreau, to be District Superintendent of Police, 3rd Grade.
Mr. R. A. L. Fanshawe, to be District Superintendent of Police, 4th Grade.
Mr. B. K. S. McDermott, to be District Superintendent of Police, 4th Grade.
Mr. R. B. Hawkes, to be District Superintendent of Police, 4th Grade.
Mr. C. J. O'Donoghue, to be District Superintendent of Police, 4th Grade.
Mr. J. D. Mercer, to be District Superintendent of Police, 4th Grade.
Maung Shwe Kvi, C.I.E., to be District Superintendent of Police, 5th Grade.
Mr. E. H. Molloy, to be District Superintendent of Police, 5th Grade.
Mr. G. C. Serres, to be District Superintendent of Police, 5th Grade.
Mr. W. G. Snadden, to be District Superintendent of Police, 5th Grade.
Mr. R. Martin, to be District Superintendent of Police, 5th Grade.
Mr. J. C. Fanshawe, to be District Superintendent of Police, 5th Grade.
Mr. J. M. Law, to be Assistant Superintendent of Police, 1st Class.
Mr. F. S. Stowell, to be Assistant Superintendent of Police, 1st Class.
Mr. M. J Chisholm, to be Assistant Superintendent of Police, 1st Class.
Mr. P. J Porter, to be Assistant Superintendent of Police, 1st Class.
Mr. C. H. Serres, to be Assistant Superintendent of Police, 1st Class.
Mr. C. M. Prendergast, to be Assistant Superintendent of Police, 1st Class.

PATENTS.

The 18th October, 1886.

No. 1271.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 27 of 1886.—Arthur Rigg, of 42, Old Broad Street, in the City of London, and Kingdom of England, Engineer, for improvements in Engines worked by elastic or non-elastic fluids or the explosions of mixed gases applicable also to apparatus for pumping.

No. 97 of 1886.—George Vincent Fosbery, V.C., of London, England, for improvements in gun-barrels.

No. 100 of 1886.—Ross W. Hayter, of Sylhet, for the prevention of the shrinking of flannel shirt collars by washing.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th October, 1886.

No. 1934 *G.*—Surgeon H. N. V. Harington, in medical charge of the Deoli Irregular Force, and of the Harauti and Tonk Agency, is granted twenty-five days' privilege leave, with effect from the 20th October, 1886, or the subsequent date on which he may avail himself of it.

No. 1987 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Bartels as Acting Consul for Germany at Bombay.

No. 1990 *G.*—The following Notification which appeared in the *London Gazette*, dated the 10th September, 1886, is republished for general information :—

India Office, August 24th, 1886.

The Queen has been graciously pleased to confer the decoration of the Imperial Order of the Crown of India on—

Georgiana, Viscountess Cross, wife of the Right Honourable Richard Assheton Viscount Cross, G.C.B., Her Majesty's Secretary of State for India.

The 21st October, 1886.

No. 1996 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Stewart R. Turnbull as Consul for the Netherlands at Madras.

No. 2000 *G.*—Surgeon W. G. P. Alpin, Indian Medical Service, in officiating medical charge, 19th Regiment (Punjab), Bengal Infantry, is appointed to officiate as medical officer of the Meywar Bhil Corps, with effect from the date of assuming charge and until further orders.

The 22nd October, 1886.

No. 2013 *G.*—The services of Colonel H. M. B. Burlton, B.S.C., lately Cantonment Magistrate of Morar, are placed at the disposal of the Government of the Punjab for employment as an officiating Cantonment Magistrate in the Punjab, with effect from the date of joining.

No. 2016 *G.*—The following reversion in the Political Department is made, with effect from the 8th October, 1886, consequent upon a reduction in the number of appointments in the 1st Class of Political Assistants :—

Lieutenant W. H. Cornish, officiating Political Assistant of the 1st Class, to officiate as a Political Assistant of the 2nd Class.

The 18th October, 1886.

No. 2362 *E.*—Under Section 1 of the Opium Act, I of 1878, the Governor-General in Council is pleased to direct that the said Act shall extend to the Island of Perim, and shall come into force in the Island of Perim on the date of this Notification.

The 21st October, 1886.

No. 3753 *I.*—With reference to the Notifications of the Government of India in the Foreign

Department, Nos. 286 *I.* and 287 *I.*, dated the 23rd January, 1884, and No. 2490 *I.*, dated 23rd July, 1886, the Governor-General in Council is pleased to appoint Lieutenant J. R. C. Colvin, Assistant Agent to the Governor-General in Rajputana, to be the Magistrate of Abu, *vice* Lieutenant A. F. Pinhey, in addition to his own duties, and with effect from the 28th September, 1886.

No. 3755 *I.*—Lieutenant J. R. C. Colvin, Assistant Agent to the Governor-General in Rajputana, and Magistrate of Abu, is appointed to be Assistant to the General Superintendent of Operations for the Suppression of Thagi and Dakaiti in Lower Rajputana, in addition to his own duties, and with effect from the 28th September, 1886.

No. 3765 *I.*—The Governor-General in Council has received with much satisfaction the intelligence that the Gwalior Darbar have abolished all transit duties hitherto levied within the Gwalior State.

The 22nd October, 1886.

No. 3766 *I.*—Whereas it is expedient to amend the law relating to forests in the Hyderabad Assigned Districts; the Governor-General in Council has been pleased to make the following rules:—

CHAPTER I.

PRELIMINARY.

1. (*1*) These rules may be called the Berar Forest Law, 1886, and are hereinafter referred to as "this Law." Short title, local extent and commencement.

(*2*) This Law extends to the whole of the Hyderabad Assigned Districts:

Provided that the Resident may, by notification in the Residency Orders, exempt any place in these districts from the operation of the whole or any part of it, but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in that place before the exemption; and

(*3*) It shall come into force on such day as the Resident may, by notification in the Residency Orders, direct.

2. On and from that day the rules published in the notification of the Government of India in the Department of Revenue, Agriculture and Commerce, No. 520, dated the 25th October, 1871, shall be repealed, but not so as to affect anything done, or any offence committed, or any fines or penalty incurred, or any proceedings commenced, before that day. Repeal.

3. In this Law, unless there is something repugnant in the subject or context— Definitions.

(*1*) "Resident" means the Resident at Hyderabad:

(*2*) "Deputy Commissioner" means the chief executive revenue-officer of the district:

(*3*) "State-forest" means—

(*a*) a forest which, under rule 8 of the rules published in the Notification of the Government of India, No. 520, dated the 25th October, 1871, was declared to be, and at the time of this Law coming into force was, a State-forest; and

(*b*) any land which may be constituted a State-forest under section 4 of this Law:

(*4*) "Forest-officer" means any person appointed by name, or as holding an office, by or under the orders of the Governor-General in Council or the Resident, to be a Conservator, Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester, or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule thereunder:

(*5*) "tree" includes also bamboos, stumps and brushwood:

(*6*) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

(*7*) "forest-produce" includes the following things when found in, or brought from, a forest, that is to say:—

minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey, wax, skins, tusks, bones and horns;

but it does not include tari or the juice of the sendhi tree:

(*8*) "forest-offence" means an offence punishable under this Law:

(*9*) "cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: and

(*10*) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Resident to try forest-offences.

CHAPTER II.

STATE-FORESTS.

4. (*1*) The Resident may, by notification in the Residency Orders, declare any woodland, ramna, permanent grazing ground or other land which is the property of Government and is not already a State-forest, to be a State-forest from a date to be fixed in the notification. Constitution of State-forests.

(*2*) The notification shall describe the situation, and specify the limits, of the land in respect of which the declaration is made, and from the date fixed therein the land shall be deemed to be a State-forest.

(*3*) The Deputy Commissioner shall, before that date, cause a translation of the notification in the language of the country to be published in the towns and villages in the neighbourhood of the land.

5. Whenever a State-forest is not bounded by a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Resident may direct. Demarcation of State forests.

6. No right of any description adverse to Government shall be acquired in or over a State-forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government. Bar of acquisition of rights.

7. (*1*) In any State-forest the Conservator may, from time to time, with the previous sanction of the Resident, determine what roads and pathways shall be authorized for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only. Power to close roads and pathways.

(*2*) The Conservator shall cause public notice to be given of the closing of any existing road or pathway.

8. Any person who in a State-forest— Penalties for trespass or damage in State-forests.

(*a*) trespasses, or pastures cattle, or permits cattle to trespass off any road or pathway authorized for public traffic, or

(*b*) causes any damage by negligence in felling any tree or cutting or dragging any timber, or

(*c*) lops, notches, strips off the leaves from or otherwise damages, any tree, or

(*d*) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State-forests.

9. Any person who—

(*a*) sets fire to a State-forest, or

(*b*) kindles, keeps or carries any fire, or leaves burning any fire kindled by him, in such manner as to endanger a State-forest,

or who in a State-forest—

(*c*) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest-officer specially empowered in this behalf may from time to time notify, or

(*d*) fells, girdles, marks, taps, strips off the bark from, or uproots or burns any tree, or

(*e*) quarries stone or moorum, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce, or

(*f*) makes any dhya, or clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Court may direct.

Acts excepted from prohibitions contained in sections 8 and 9.

10. (*1*) Nothing in section 8 or section 9 shall be deemed to prohibit any act done—

(*a*) with the permission of a Forest-officer specially empowered to give such permission; or

(*b*) in pursuance of any permission granted by the Resident; or

(*c*) in accordance with any rules made by the Resident with the previous sanction of the Governort-General in Council.

(*2*) The permission of the Forest-officer referred to in clause (*a*) of sub-section (*1*) shall be in writing, and shall only authorize the doing of some particular act on some particular occasion.

(*3*) The permission referred to in clause (*b*) of that sub-section may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family but not for the purposes of trade.

(*4*) The rules referred to in clause (*c*) of that sub-section may be applied by the Resident, by notification in the Residency Orders, to all or any State-forests or to any part of a State-forest, and may, with respect thereto,—

(i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce;

(ii) regulate the quarrying of stone or moorum, the boiling of cutch and the burning of lime or charcoal;

(iii) regulate hunting, shooting, fishing, poisoning water and setting traps or snares;

(iv) prescribe, or authorize any Forest-officer to prescribe, subject to the control of the Resident, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit or partly in transit, or otherwise.

(*5*) The Resident may cancel any permission given by a Forest-officer or withdraw any privilege granted by himself, and may, by notification in the Residency Orders, cancel or modify, with the previous sanction of the Governor General in Council, all or any rules made under this section.

11. (*1*) The Resident may, with the previous sanction of the Governor General in Council, by notification in the Residency Orders, direct that, from a date fixed by such notification, any State-forest or any portion thereof shall cease to be a State-forest.

Power to declare forest no longer State-forest.

(*2*) From the date so fixed such forest or portion shall cease to be a State-forest.

CHAPTER III.

FOREST-PRODUCE IN TRANSIT.

12. The Conservator may, subject to the control of the Resident, establish stations for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same, within the limits of or outside any State-forest.

Power to establish forest-stations.

13. (*1*) No timber or other forest-produce shall be taken out of any State-forest, except by a route on which such a station has been established or of which the use for the removal of timber or other forest-produce has been specially authorized by the Conservator.

Power to prescribe routes for removal of timber and other forest-produce.

(*2*) A full description of every such route shall be fixed up by the Forest-officer in charge of the forest-division in the towns and villages in the neighbourhood of the forest served by the same.

14. (*1*) No timber or other forest-produce, whether the produce of a State-forest or of other land, shall be taken along any route authorized for the removal of timber or other forest-produce under section 13, unless covered by a pass issued by a Forest-officer whom the Conservator has duly authorized in that behalf, or by the owner of the land, as the case may be.

Timber and other forest-produce in transit to be covered by pass.

(*2*) Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

15. Any person who contravenes the provisions of section 13 or section 14 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalties for breach of provisions of sections 13 and 14.

16. A general exemption from the operation of section 13 or section 14, or both sections,—

Power to exempt from operation of sections 13 and 14.

(*a*) with respect to any class of timber or other forest-produce, or

(*b*) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

CHAPTER IV.

CATTLE-TRESPASS.

17. Cattle trespassing in a State-forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the Cattle-trespass

Application of Cattle-trespass Act, 1871.

of 1871. Act, 1871, section 11, and may be seized and impounded as such by any Forest-officer or Police-officer.

Power to alter fines fixed by that Act.

18. The Resident may, by notification in the Residency Orders, direct that, in lieu of the fines fixed by section 12 of the aforesaid Act, there shall be levied for each head of cattle impounded under section 17 of this Law such fines as he thinks fit, but not exceeding the following (that is to say):—

	Rs.	A.
For each elephant	10	0
For each buffalo or camel	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid ...	0	8

CHAPTER V.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation, and report thereof.

19. (*1*) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(*2*) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

20. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest-produce, tools, &c., when liable to confiscation.

21. (*1*) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

(*2*) Such confiscation may be in addition to any other punishment prescribed for the offence.

Disposal, on conclusion of trial for forest-offence, of timber or produce in respect of which offence was committed.

22. When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf, and may, in any other case, be disposed of in such manner as the Court may order.

Procedure when offender not known or cannot be found.

23. (*1*) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made until the expiration of one month from the date of the seizure of such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim.

(*2*) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

Procedure as to perishable property seized under section 19.

24. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 19 which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

Appeal from orders under sections 21, 22 and 23.

25. Any person claiming to be interested in property seized under section 19 may, within one month from the date of any order passed by a Magistrate under section 21, section 22 or section 23, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the orders passed on such appeal shall be final.

Property when to vest in Government.

26. When an order for the confiscation of property has been passed under section 21 or section 23, and no appeal from such order has been presented within the period prescribed by section 25, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized.

27. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 19, and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary-marks.

28. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,— XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest-officers; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any State-forest,

shall be punished with imprisonment for a term which may extend to two years or with fine, or with both.

Power to arrest without warrant.

29. (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name or residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(*2*) Every officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case.

Punishment for wrongful seizure or arrest.

30. (*1*) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation

under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure, as compensation to the person aggrieved by such seizure or arrest. X of 1882.

31. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence. Power to prevent commission of offence.

32. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law: Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

33. (1) Any Forest-officer specially empowered in this behalf may accept from any person reasonably suspected of having committed any forest-offence, other than an offence under section 28 or section 30, a sum of money by way of compensation for the offence which may have been committed; and, where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer. Power to compound offences.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

34. When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved. Presumption that timber or forest-produce belongs to Government.

35. Any person contravening any provision of this Law shall, if no special penalty is provided for the breach of the provision, 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. Penalties for offences in respect of which special penalties have not been prescribed.

CHAPTER VI.

FOREST-OFFICERS.

36. (1) The Resident may invest any Forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):— Resident may invest Forest-officers with certain powers.

(a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(b) power to issue search-warrants under the Code of Criminal Procedure; X of 1882.

(c) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;

(d) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State-forest;

(e) power to grant the permission referred to in section 10, sub-section (1), clause (a);

(f) power to grant general exemptions under section 16;

(g) power to take possession of property under sections 22, 23 and 43;

(h) power to direct the release of property and withdrawal of charges under section 27;

(i) power to accept compensation for forest-offences under section 33;

and may withdraw any powers so conferred.

(2) Evidence recorded under clause (c) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate:

Provided that the evidence has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure. X of 1882.

37. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code. Forest-officers deemed public servants. XLV of 1860.

38. No suit or criminal prosecution shall lie against any public servant for anything done or omitted to be done by him in good faith under this Law. Indemnity for acts done in good faith.

39. Except with the permission, in writing, of the Resident, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory. Forest-officers not to trade.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

40. The Resident may make rules consistent with this Law— Additional power to make rules.

(a) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Law on a Forest-officer shall be exercised or performed;

(b) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law, or from the public treasury; and

(c) generally to carry out the provisions of this Law.

41. Every person who is permitted by a Forest-officer, or to whom the privilege has been granted by the Resident, to pasture cattle in, or to collect and remove any forest-produce from, a State-forest, and Persons bound to give information and assistance to Forest-officer and Police-officer.

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any Forest-officer or Police-officer demanding his aid—

(a) in extinguishing any fire occurring in such forest;

(b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(c) in preventing the commission in such forest of any forest-offence; and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

42. (1) The provisions of sections 63, 68, 69 and 70 of the Indian Penal Code, and of sections 386 and 387 of the Code of Criminal Procedure, shall apply to all fines imposed under this Law. Recovery of fines and other money due to Government. XLV of 1860. X of 1882.

(2) All money, other than fines, payable to the Government under this Law, or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land-revenue.

Lien on forest-produce for such money.

43. (1) When any such money is payable for, or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a Forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(2) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Government and its officers not liable for loss or damage in respect of certain timber.

44. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 12, or while detained elsewhere for the purposes of this Law; and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Land required under this Law to be deemed to be needed for a public purpose under Land Acquisition Act.

45. Whenever it appears to the Resident that any land is required for any of the purposes of this Law, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section 4.

X of 1870.

Rules when to have force of law.

46. All rules made by the Resident under this Law shall be published in the Residency Orders, and shall thereupon have the force of law.

Powers of Resident exercisable from time to time.

47. All powers conferred by this Law on the Resident may be exercised from time to time as occasion requires.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 18th October, 1886.

No. 3709.—The following grade reversions among officers of the Account Department in September, 1886, are hereby notified:

With effect from the 11th September, 1886, in consequence of the return from leave on medical certificate of Mr. W. T. Piercy,—

Mr. W. H. Egerton to cease to officiate as Enrolled Officer, Class V, and revert to his substantive appointment as Enrolled Officer, Class VI.

Mr. K. B. Wagle to cease to officiate as Enrolled Officer, Class VI, and revert to his appointment as Probationer, Class VII.

CODES.

The 18th October, 1886.

No. 3710.

CIVIL PENSION CODE.

PAGE 69.

Section 128.

Example (1).

Insert the words "or puckalli's" *after* "water-carrier's" *in line 4 of this Example.*

The 22nd October, 1886.

No. 3841.

CIVIL PENSION CODE.

PAGE 89.

Chapter IX.

Section 57.

Exception (1).

Insert after "Hospital Assistant" *in line 8 the words* "or Native Doctor as the case may be."

PAPER CURRENCY.

The 21st October, 1886.

No. 3840.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 30th September, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,71,89,760	1,39,69,049	12,66,951	1,52,36,000
Allahabad	70,39,170	86,99,415	...	86,99,415
Lahore	86,15,265	93,90,765	...	93,90,765
Bombay	4,34,75,495	1,96,29,764	56,82,716	2,53,12,480
Kurrachee	52,98,560	69,48,995	28,300	69,77,295
Madras	1,61,00,970	96,91,815	2,20,000	99,11,815
Calicut	17,67,195	12,70,790	22,500	12,93,290
Rangoon	26,53,580	62,25,485	...	62,25,485
Total	14,30,40,295	7,58,26,078	72,20,467	8,30,46,545
Price paid for Government Securities of the nominal value of Rs. 6,25,21,760 held under Section 19 of the Act				5,99,93,750
GRAND TOTAL				14,30,40,295

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 22nd October, 1886.

APPOINTMENTS.

No. 695.—ADJUTANT-GENERAL'S DEPARTMENT—

Major H. M. E. Brunker, Scottish Rifles, to be a Deputy Assistant Adjutant General, *vice* Major J. E. Goodwyn, whose tour of service in that appointment has expired. Dated 9th October, 1886.

No. 696.—BURMA FIELD FORCE—

The undermentioned officers are appointed to the Burma Field Force for special service with the Mounted Infantry:—

Captain R. E. Gollghtly, King's Royal Rifle Corps.

Lieutenant G. B. Stevens, 4th Madras Infantry.

Lieutenant J. R. Sladen, East Yorkshire Regiment.

No. 697.—HYDERABAD CONTINGENT—

Brigadier-General R. C. Stewart, Madras Cavalry, Aide-de-Camp to the Queen, Quartermaster-General, Madras Army, to be Commandant, Hyderabad Contingent, *vice* Brigadier-General J. W. McQueen, C.B., Bengal S. C., Aide-de-Camp to the Queen, appointed to the command of the Punjab Frontier Force. Dated 13th October, 1886.

No. 698.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India:—

BENGAL STAFF CORPS.

Lieutenant W. A. L. Cowie, Royal Dublin Fusiliers.

MADRAS STAFF CORPS.

Lieutenant C. H. Dawson, Royal Dublin Fusiliers.

No. 699.—VOLUNTEER CORPS—

Rajputana-Malwa Volunteer Rifle Corps.

Mr. Charles Hastings Mackie to be Captain, to complete the establishment.

FURLOUGH AND LEAVE.

No. 700.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Colonel C. A. Munro, Bengal S. C., District Superintendent of Police, 1st Grade, Burma, (m. c.) for one year,—228 days under rules IX and XV, and the remaining period under rule XIV, clause (2), of the regulations of 1868.

No. 701.—The undermentioned officers are granted leave out of India, under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Colonel R. Smith, Bengal S. C., Commandant, 8th Bengal Infantry, (p. a.) for one year. Pension-service,—over thirty years.

Major W. O. Thompson, Bengal S. C., Wing Commander, 2nd Sikh Infantry, Punjab Frontier Force, (p. a.) for one year. Pension-service,—twenty-three years and 218 days.

Major W. J. A. Birch, Bengal S. C., Wing Commander, 6th Bengal Infantry, (p. a.) for one year. Pension-service,—twenty years and 325 days.

Captain and Lieutenant-Colonel N. R. Stewart, Bengal S. C., Wing Officer, 1st Battalion, 4th Goorkha Regiment, (p. a.) for one year. Pension-service,—fourteen years and 296 days.

No. 702.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Surgeon-Major D. O'C. Raje, M.D., (m. c.) for one month.

Sub-Conductor J. Owens, Public Works Department, (m. c.) for three months.

No. 703.—Captain G. A. Collins, Bengal S. C., Meywar Bheel Corps, is granted leave in India for the 23rd July, 1886, under the leave rules for the Staff Corps.

LONDON GAZETTE.

No. 704.—The following extract is published for general information :—

"London Gazette," dated the 21st September, 1886, page 4627.

"INDIA OFFICE;
21st September, 1886.

The Queen has approved of the retirement from the service of the undermentioned officers of the Staff Corps and Indian Military Forces:—

Colonel Frederick Peere Williams Freeman, Bengal Staff Corps. Dated 15th June, 1886.

Colonel Harry de Brett, Bengal Staff Corps. Dated 31st May, 1886.

Colonel William Stafford Bailey, Madras Staff Corps. Dated 19th September, 1886.

Major John Macclesfield Heath, C.M.G., Bombay Staff Corps. Dated 25th August, 1886.

Brigade-Surgeon James Browne, M.D., Bengal Medical Establishment. Dated 18th August, 1886.

Surgeon-Major Charles Robert George Parker, Madras Medical Establishment. Dated 3rd July, 1886.

The Queen has also approved of the undermentioned officer being placed upon the Retired List :—

Lieutenant-Colonel Hippesley Cunliffe Marsh, Bengal Staff Corps. Dated 26th May, 1886.

The undermentioned officers have been granted a step of honorary rank on retirement :—

To be Major-Generals.

Colonel Frederick Peere Williams Freeman, Bengal Staff Corps. Dated 15th June, 1886.

Colonel Harry de Brett, Bengal Staff Corps. Dated 31st May, 1886.

Colonel William Stafford Bailey, Madras Staff Corps. Dated 19th September, 1886.

To be Colonel.

Lieutenant-Colonel Hippesley Cunliffe Marsh, Bengal Staff Corps. Dated 26th May, 1886.

To be Lieutenant-Colonel.

Major John Macclesfield Heath, C.M.G., Bombay Staff Corps. Dated 25th August, 1886.

To be Brigade-Surgeons.

Surgeon-Major Charles Robert George Parker, Madras Medical Establishment. Dated 3rd July, 1886.

Surgeon-Major Theophilus Bolton Wright Plunkett Johnston, Bombay Medical Establishment. Dated 16th April, 1886."

PROMOTIONS.

No. 705.—The following promotions are made, subject to Her Majesty's approval :—

To be Colonels in the Army.

Lieutenant-Colonel Francis Gellie, Bengal S. C.,—20th October, 1886.

Lieutenant-Colonel Thomas Trueman, Bombay S. C.,—20th October, 1886.

Lieutenant-Colonel John Jopp, Bombay S. C., —20th October, 1886.

BENGAL STAFF CORPS.

To be Majors.

Captain Edward Lloyd,—16th October, 1886.

Captain Dudley Elphinstone Gouldsbury,—16th October, 1886.

MEDICAL DEPARTMENT.

To be Brigade-Surgeons.

Surgeon-Major John Duncan, M.D., *vice* Brigade-Surgeon R. S. Bateson, retired. Dated 1st September, 1886.

Surgeon-Major Edward Ord Tandy, *vice* Brigade-Surgeon G. Farrell, promoted. Dated 2nd September, 1886.

No. 706.—NATIVE ARMY—

4th Bengal Infantry.

Jemadar Kedár Dichhit to be Subadar, *vice* Subadar Banwári Singh, deceased,—with effect from the 22nd July, 1886.

Jemadar Bákir Khán to be Subadar, *vice* Subadar Akbar Khán, invalided,—with effect from the 20th August, 1886.

Havildar Bisheshar Singh to be Jemadar, *vice* Jemadar Kedár Dichhit, promoted,—with effect from the 22nd July, 1886.

Havildar Jiwán Ali to be Jemadar, *vice* Jemadar Bákir Khan, promoted,—with effect from the 20th August, 1886.

Havildar Gokal Pershád Dúbé to be Jemadar, *vice* Jemadar Hanúmán Dúbé, invalided,—with effect from the 20th August, 1886.

30th Bengal Infantry.

Pay-Havildar Rám Singh to be Jemadar, *vice* Jemadar Gúrdit Singh, transferred to the Burmah Police,—with effect from the 1st October, 1886.

No. 707.—ORDNANCE DEPARTMENT—

Sub-Conductor George Henry Ashby, on probation, is confirmed in his present grade,—with effect from the 1st April, 1886.

No. 708.—SUBORDINATE MEDICAL DEPARTMENT—

Temporary 2nd Grade Apothecary Julius Brown is confirmed from 27th March, 1886, *vice* 1st Grade Apothecary D. Duffy, pensioned.

Temporary 2nd Grade Apothecary Henry Holmes is confirmed from 14th August, 1886, *vice* 1st Grade Apothecary J. Parnham, pensioned.

Temporary 2nd Grade Assistant Apothecary Benjamin S. Mullins is confirmed from 27th March, 1886, *vice* temporary 2nd Grade Apothecary Julius Brown.

Temporary 2nd Grade Assistant Apothecary Frederick Francis Bedell is confirmed from 19th April, 1886, *vice* 1st Grade Assistant Apothecary T. Chamberlain, dismissed.

Temporary 2nd Grade Assistant Apothecary Charles Arthur Owen is confirmed from 5th June, 1886, *vice* 1st Grade Assistant Apothecary R. L. Smyth, discharged.

Temporary 2nd Grade Assistant Apothecary Arthur Robert Paterson is confirmed from 6th August, 1886, *vice* 1st Grade Assistant Apothecary W. Hutton, pensioned.

Temporary 2nd Grade Assistant Apothecary Donald Smith Ollenback is confirmed from 14th August, 1886, *vice* temporary 2nd Grade Apothecary Henry Holmes.

Temporary 2nd Grade Assistant Apothecary William John Alexander Hogan is confirmed from 29th August, 1886, *vice* 1st Grade Assistant Apothecary H. R. W. Ewan, deceased.

REWARDS.

No. 709.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native officers to the 2nd Class of the Order of British India from the dates specified :—

MADRAS.

To the 2nd Class with the title of Bahadur.

Subadar-Major Mahomed Bég, 4th Madras Infantry, *vice* Subadar-Major Hússáin Khan, *Bahadur*, promoted,—8th May, 1886.

Subadar Saiad Gaffúr, 1st Madras Infantry, *vice* pensioned Subadar Sáiad Kháder, *Bahadur*, deceased,—31st May, 1886.

Subadar Venket Ráo, 2nd Madras Lancers, *vice* Subadar-Major Goláb Khán, *Bahadur*, promoted,—18th June, 1886.

Subadar Timiáh, 4th Madras Infantry, *vice* Subadar Rajáhlingam, *Bahadur*, promoted,—1st July, 1886.

Subadar-Major Annajee Ráo, 23rd Madras Infantry, *vice* pensioned Subadar Venkatachellam, *Bahadur*, deceased,—2nd July, 1886.

No. 710.—ORDER OF MERIT—

The Governor-General in Council is pleased to admit Jemadar Rámandhar Awasthí, 11th Bengal Infantry, to the 3rd Class of the Order of Merit, for conspicuous gallantry in having near Kaundoung, Burmah, with a party of twenty sepoys only, successfully resisted, for twenty-four hours, until relieved, the attack of a very superior force of the enemy.

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 22nd October, 1886.

Statement of Deposits on account of Estates between the 2nd and the 22nd October, 1886.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Hibbert Sullivan Parker (*a*)	Surgeon ...	Medical Staff	1st August, 1886.	Intestate	2,523 8 1	...	22nd December, 1886.
Philip Anderson Watson (*b*)	Lieutenant ...	Bombay Staff Corps.	28th May, 1886	Intestate	47 11 0	...	22nd December, 1886.

(*a*) *Next-of-kin—Father*,—Major Parker, Retired List, Hamdon Lodge, Wester Road, Putney, London
(*b*) *Widow*—Emma Eliza.
Next-of-kin—Father,—Revd. Watson,—address not known.

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th October, 1886.

No. 272.—Mr. G. Deuchars, Assistant Engineer, 1st Grade, State Railways, is transferred from the Establishment under the Government of Bengal to that under the Chief Commissioner of Burma.

The 20th October, 1886.

No. 273.—The services of Mr. C. H. Croudace, Executive Engineer, 1st Grade, State Railways, on return from furlough, are placed at the disposal of the Director-General of Railways.

No. 274.—The services of Mr. D. Campbell, Sub-Engineer, 1st Grade, and Honorary Assistant Engineer, State Railways, are placed at the disposal of the Indian Midland Railway Company.

The 21st October, 1886.

No. 275.—The following promotions are made in the Superior Accounts Establishment :

Names.	From	To	With effect from
Mr. D. C. Gordon ...	Examiner, 1st Class, Temporary.	Examiner, 1st Class, sub. *pro tem.*	20th September, 1886.
Major F. G. Oldham, R.E.	Examiner, 2nd Class, Temporary.	Examiner, 2nd Class, sub. *pro tem.*	
Mr. A. R. Becher ...	Examiner, 3rd Class, Temporary.	Examiner, 3rd Class, sub. *pro tem.*	
Captain C. R. Hoskyn, R.E.	Examiner, 4th Class, 3rd Grade, Permanent.	Examiner, 4th Class, 2nd Grade, sub. *pro tem.*	
Mr. E. A. Dennys ...	Deputy Examiner, 1st Grade, Permanent.	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*	
Mr. F. G. Heaven ...	Deputy Examiner, 2nd Grade, Permanent.	Deputy Examiner, 1st Grade, sub. *pro tem.*	

No. 276.—The services of Mr. C. Swappe, Executive Engineer, 1st Grade, State Railways, are placed at the disposal of the Indian Midland Railway Company, with effect from the 1st October, 1886.

The 22nd October, 1886.

No. 278.—Mr. R. L. Campbell, Executive Engineer, 4th Grade, temporary rank, State Railways, is transferred from the Establishment under the Chief Commissioner of Assam to that under the Chief Commissioner of Burma.

This cancels that portion of Public Works Department Notification No. 240, dated 21st September, 1886, which relates to Mr. Campbell.

No. 279.—Mr. B. W. Cantopher, Executive Engineer, 3rd Grade, State Railways, is transferred from the Establishment under the Chief Commissioner of Assam to that under the Director-General of Railways.

This cancels Public Works Department Notification No. 245, dated 27th September, 1886.

TELEGRAPH.

The 16th October, 1886.

No. 270.—The following reversions are made in the Indian Telegraph Department, with effect from the 22nd September, 1886, consequent on the return to duty of Mr. C. H. Reynolds, Superintendent, 2nd Grade :

Names.	From	To
Mr. R. Boteler	Officiating Superintendent, 2nd Grade	Superintendent, 3rd Grade.
Mr. A. Hullah	Officiating Superintendent, 3rd Grade	Officiating Superintendent, 4th Grade.
Mr. J. Brind	Officiating Superintendent, 4th Grade	Officiating Superintendent, 5th Grade.
Mr. E. Hand	Officiating Superintendent, 5th Grade	Assistant Superintendent, 1st Grade.

The 18th October, 1886.

No. 277.—The following is published for general information :

No. 126 T.E., dated 13th October, 1886.

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

Admission of Telegraph Officers to the Provident Fund.

Read again—

Public Works Department Resolution No. 195, G., dated 4th February, 1885.

Read also—

Despatch to Secretary of State, No. 1886 (Financial), dated 22nd June, 1886.

Despatch from Secretary of State, No. 17 (Telegraph), dated 19th August, 1886.

RESOLUTION.—With the approval of the Secretary of State, the Governor-General in Council has been pleased to sanction the admission of Superior Officers of the Indian Telegraph Department to the benefits of the Provident Fund, which are now enjoyed by Civil members of the Engineer and Superior Accounts Establishments of the Public Works Department, on the same terms and conditions.

ORDER.—Ordered, that this Resolution be forwarded to the Director-General of Telegraphs for information and guidance, with reference to his letter No. 18 E.T., dated 3rd May, 1886; and to the Financial Department for information. Also that it be published in the *Gazette of India*.

The 22nd October, 1886.

No. 280.—The Governor-General in Council is pleased to make the following officiating appointments in the Indian Telegraph Department during the absence on privilege leave of Mr. A. J. Leppoc-Cappel, Director-General of Telegraphs :

Colonel H. A. Mallock, R.S.C., Deputy Director-General, as Director-General, and Mr. W. R. Brooke, Director of Construction, as Deputy Director-General, of Telegraphs.

No. 281.—Consequent on the return to duty of Mr. J. Burke, Superintendent, 2nd Grade, Indian Telegraph Department, on 26th September, 1886, the following Officers reverted to their former appointments from that date :

Names.	From	To
Mr. M. R. Trower	Officiating Superintendent, 2nd Grade	Superintendent, 3rd Grade.
Mr. G. J. Hare	Officiating Superintendent, 3rd Grade	Officiating Superintendent, 4th Grade.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 44.] SIMLA, SATURDAY, OCTOBER 30, 1886.

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

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SUPPLEMENT No. 44.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 29th October, 1886.

No. 362.—Lord H. Ulick Browne is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st October, 1886.

JUDICIAL.

The 27th October, 1886.

No. 1903.—The services of Captain C. J. Roberts, officiating Cantonment Magistrate, Punjab, are replaced at the disposal of the Military Department, with effect from the afternoon of the 26th September, 1886.

PATENTS.

The 25th October, 1886.

No. 1496.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 73 *of* 1886.—David E. Gostling, Architect, of 47 Apollo Street, and James Morris, of 1 Hummum Street, Fort Bombay, practising as architects at 1 Hummum Street, Bombay, under the name of Gostling and Morris, for coolers for the purpose of cooling the water used in lowering the temperature of, or condensing the ether or similar chemicals used in the manufacture of ice and cooling liquids, and for the purpose of cooling the injection water used in condensing the steam employed in working the steam engines of ice and other machines and of prime movers generally.

No. 86 *of* 1886.—William Gallon, Civil Engineer, Associate Member, Institute of Civil Engineers of Castle Chambers, High Street, Sheffield, in the County of York, England, for a Tea-Rolling Machine.

No. 146 *of* 1886.—George Garson, of Edinburgh, in the County of Midlothian, North Britain, Civil Engineer, for improvements in suspension bridges.

A. P. MACDONNELL,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 27th October, 1886.

No. 2033 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Ferdinand Louis Foucar as Consul for Germany at Moulmein.

No. 2036 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Herman Hagens as Vice-Consul for Denmark at Bassein.

No. 2047 *G.*—Sir Lepel Griffin, K.C.S.I., C.S., Resident of the 1st Class, and Governor-General's Agent for Central India, is granted privilege leave for one month and twenty-seven days, with effect from the 13th September, 1886.

The 28th October, 1886.

No. 2050 *G.*—The following reversions and postings will take place in the Political Department consequent on the return from furlough of Colonel C. K. M. Walter, Resident of the 2nd Class and Resident in Meywar:—

Colonel C. B. Euan-Smith, C.S.I., officiating Resident of the 2nd Class and officiating Resident in Meywar, reverts to his substantive grade of Additional Political Agent of the 2nd Class, and Political Agent in Bhurtpore and Kerowlee.

Lieutenant-Colonel F. A. Wilson, officiating Additional Political Agent of the 2nd Class, and Political Agent in Bhurtpore and Kerowlee, reverts to his substantive grade of Political Agent of the 2nd Class. Lieutenant-Colonel Wilson is posted as Political Agent in Bundelkhand, with effect from the date of joining.

Major D. Robertson, officiating Political Agent of the 2nd Class, and Political Agent in Bundelkhand, is posted as Assistant to the Resident in Mysore, and Secretary to the Chief Commissioner of Coorg, with effect from the date of joining.

The 29th October, 1886.

No. 2441 *E.*—In exercise of the powers conferred by the Foreign Jurisdiction and Extradition Act XXI of 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to extend the provisions of Section 34 of the Police Act V of 1861, so far as applicable, to the bazaar at Quetta.

The 27th October, 1886.

No. 3802 *I.*—In exercise of the powers conferred by Sections 8 and 9 respectively of the Indian Christian Marriage Act XV of 1872, the Governor-General in Council is pleased—

(*a*) to appoint the Reverend W. E. Robbins of the Methodist Episcopal Church, Igatpuri, to be a Marriage Registrar in respect of all places within the territories of His Highness the Nizam of Hyderabad; and

(*b*) to license the said Reverend W. E. Robbins to grant certificates of marriage between Native Christians within the said territories.

The 29th October, 1886.

No. 3851 *I.*—Whereas His Highness the Maharaja Sindia has ceded to the British Government full jurisdiction within those portions of land which lie within the Gwalior State and are occupied, or may be hereafter occupied, by the Sindia State Railway (including the lands occupied as stations, out-buildings and for other railway purposes): In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following Notification:—

1. The Resident for the time being at Gwalior shall exercise the powers of a District Magistrate and a Court of Session, as described in the Code of Criminal Procedure, 1882, within the aforesaid lands: Provided that, in any case in which the complainant (if any) and all the accused persons are not British subjects, it shall be in the discretion of the said Resident to decline to exercise the powers hereby conferred upon him.

2. The Agent to the Governor-General in Central India for the time being shall exercise the powers of a Court of Session and a High Court, as described in the said Code, in respect of all offences over which magisterial jurisdiction is exercised by the said Resident within the aforesaid lands: Provided that the said Resident shall not commit any accused person for trial to the Agent to the Governor-General acting as a Court of Session.

3. The Agent to the Governor-General in Central India for the time being shall exercise the powers of a High Court, as described in the said Code, in respect of all offences over which the jurisdiction of a Court of Session is exercised by the said Resident within the aforesaid lands.

4. In the exercise of the jurisdiction of a Court of Session conferred upon him by this Notification, the said Resident may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1882, for the trial of warrant cases by Magistrates.

5. The administration of the police within the aforesaid lands shall be vested in the person for the time being holding the office of Assistant Inspector-General of Railway Police in the North-Western Provinces, who, subject to the control of the Resident at Gwalior, shall exercise within the aforesaid lands all such police powers as may be exercised by a District Superintendent of Police under any law for the time being in force in British territory.

6. The Assistant Inspector-General of Railway Police in the North-Western Provinces for the time being shall exercise within the aforesaid lands, in subordination to the Resident at Gwalior, the powers of a Magistrate of the 2nd class, as described in Act X of 1882: Provided that in any case in which the complainant (if any) and all the accused persons are not British subjects, it shall be in the discretion of the said Assistant Inspector-General of Railway Police to decline to exercise the powers hereby conferred upon him.

7. The provisions, so far as they may be applicable, of the Indian Penal Code XLV of 1860, the Whipping Act VI of 1864, and the Code of Criminal Procedure X of 1882, shall be in force in the aforesaid lands.

8. The provisions of this Notification apply to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects.

9. The Notification of the Government of India in the Foreign Department which is cited below is hereby cancelled:

Notification No. 426-G., dated the 10th February, 1883.

H. M. DURAND,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

ACCOUNTS AND FINANCE.

Simla, the 26th October, 1886.

No. 3918.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

September 1886.

(Lakhs of Rupees.)

[For the explanation of these heads, see *Gazette of India*, dated 22nd December, 1883, Part I, page 497.]	In September		To end of September		Whole year.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals, Preliminary 1885-86.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	86	84	8,67	8,81	23,32	23,15
Opium	1,09	76	4,00	4,44	9,23	8,94
Salt	54	45	3,16	3,07	6,39	6,34
Stamps	29	28	1,95	1,92	3,69	3,66
Excise	36	34	2,16	2,06	4,14	4,15
Provincial Rates	14	13	1,22	1,22	2,91	2,98
Customs	6	6	51	53	1,17	1,20
Assessed Taxes	14	2	61	44	1,34	50
Forest (Madras and Bombay only)	3	3	15	13	42	43
Registration	2	3	16	17	31	31
Tributes from Native States	1	1	19	19	71	70
Other Civil Revenue	23	23	1,50	1,49	3,20	3,13
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	3,77	3,18	25,18	24,47	56,83	55,49
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 28	— 21	— 1,85	— 1,92	— 3,82	— 3,81
Opium	— 42	— 41	— 2,43	— 2,71	— 2,65	— 3,05
Other Civil Expenditure	— 1,61	— 1,56	— 9,88	— 10,06	— 22,45	— 20,99
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 2,31	— 2,18	— 14,16	— 14,69	— 28,92	— 27,85
Extraordinary Receipts	...	...	...	...	...	+ 2,17
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues)	+ 12	+ 7	+ 1,69	+ 22	+ 49	+ 91
Forest, Telegraph, Marine (Net as above)	— 4	— 2	— 9	— 22	— 1	— 33
Guaranteed and Subsidized Railways (Net as above)	+ 23	+ 31	+ 2,25	+ 2,45	+ 4,07	+ 4,99
Do. Repayment of surplus profits, &c.	...	— 2	— 4	— 3	— 42	— 47
Military Receipts	+ 5	+ 12	+ 41	+ 45	+ 83	+ 1,13
Military Issues	— 1,14	— 1,06	— 6,60	— 7,55	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts	+ 42	+ 25	+ 2,61	+ 1,72	— 2,35	+ 4,28
„ „ Issues	— 58	— 38	— 4,18	— 2,93		— 5,97
East Indian Railway Receipts	+ 31	+ 29	+ 2,16	+ 2,05	+ 2,80	+ 4,18
„ „ „ Issues	— 15	— 10	— 67	— 62		— 1,35
Ordinary Branches Receipts	+ 9	+ 9	+ 99	+ 73	— 5,44	+ 1,70
„ „ Issues	— 49	— 54	— 3,10	— 3,00		— 7,58
TOTAL NON-CIVIL DEPARTMENTS	— 1,18	— 99	— 4,57	— 7,33	— 13,02	— 13,29
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments)	+ 63	...	— 46	— 6	— 2	— 48
Mint Certificates and Bullion Advances (Net as above)	+ 12	+ 20	— 13	+ 20	...	+ 17
Exchange on Remittance Account	— 53	— 24	— 1,72	— 87	— 4,55	— 3,34
Council Bills paid (including Telegraphic) at Rs. 10 per £	— 1,42	— 25	— 5,00	— 3,59	— 13,33	— 11,16
Other Debt heads (Net as above)	+ 4	— 2	— 27	+ 20	+ 1,23	— 1,50
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 1,16	— 31	— 7,58	— 4,12	— 16,67	— 16,31
GRAND TOTAL RECEIPTS AND ISSUES	— 88	— 30	— 1,13	— 1,67	— 1,78	+ 21
Opening Cash Balance in Treasuries and Presidency Banks	12,50	11,17	12,75	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks	11,62	10,87	11,62	10,87	10,62	12,75

ACCOUNTS AND FINANCE.
Mint.

No. 3977.

The 29th October, 1886.

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

Read—

The following letters submitting Reports on the working of the Mints and the Assay Departments of Calcutta and Bombay for the year 1885-86:

From Colonel J. H. White, R.E., Mint Master, Bombay, No. 835, dated 16th August 1886.

From Major A. W. Baird, R.E., Officiating Mint Master, Calcutta, No. 839, dated 27th July 1886.

From Surgeon-Major J. Scully, Assay Master, Calcutta, No. 45, dated 26th July 1886.

From Captain G. Martin, Assay Master, Bombay, dated August 1886.

RESOLUTION.

Imports and Coinage: Gold.—The net imports of gold into India in 1885-86 amounted in value to Rs. 2,76,29,347 against Rs. 4,67,19,365 in the preceding year. No gold was tendered for coinage or coined in the Bombay Mint; in Calcutta the value of the gold received for coinage was only Rs. 95,875, being less by Rs. 51,192 than in the previous year. The value of the gold which was coined was Rs. 2,25,855.

The balance of gold held in the Bombay Mint which, at the beginning of 1885-86, was valued at Rs. 6,141, was at its close reduced to Rs. 4,602, the difference representing the value of gold medals struck for private parties and public departments. It may be said that practically none of the gold imported into this country is coined and circulated as money.

2. *Imports and Coinage: Silver.*—The net imports of silver into India and the coinage in each year in both the Mints from 1872-73 were—

	Net imports. Lakhs.	Coinage. Lakhs.
1872-73	72	398
1873-74	249	237
1874-75	464	490
1875-76	155	255
1876-77	720	627
1877-78	1,468	1,618
1878-79	397	721
1879-80	787	1,025
1880-81	389	425
1881-82	538	219
1882-83	748	651
1883-84	641	366
1884-85	725	579
1885-86	1,161	1,029
Total ...	8,514	8,640

The coinage therefore in these 14 years was 126 lakhs in excess of the quantity of silver imported, the difference representing the value of worn and defaced coin sent for recoinage, native uncurrent coin received as bullion, Indo-Portuguese silver coin, and ornaments, and also the loss in melting.

3. The coinage of silver at both Mints, during the year 1885-86, exceeded that of the previous year by Rs. 4,49,13,353. No silver coin has been struck for the Portuguese Indian Government since 1883-84.

4. *Total Coinage: Gold and Silver.*—The total coinage of gold and silver at each Mint is shewn below separately for the last five years:

	Calcutta.					Bombay.				
	1881-82.	1882-83.	1883-84.	1884-85.	1885-86.	1881-82.	1882-83.	1883-84.	1884-85.	1885-86.
Value—	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Gold	3,33,70[illegible]	1,71,94[illegible]	...	1,20,64[illegible]	2,25,855	...	...	...		...
Silver	84,77,510	1,42,99,176	1,77,40,6[illegible]	1,23,71,06[illegible]	1,45,07,321	1,33,85,24[illegible]	5,07,85,49[illegible]	2,38,87,10[illegible]	4,55,71,252	6,81,58,350
Total ...	88,17,215	1,44,74,02[illegible]	1,27,16,600	1,25,00,71[illegible]	1,40,23,176	1,33,85,242	5,07,85,194	2,38,87,103	4,55,71,252	6,81,58,350

5. *Recoinage of old coin.*—Defaced and uncurrent coin of the value of Rs. 3,24,958 was remitted to the Bombay Mint for recoinage, and received at par at a cost of Rs. 4,605; the amount of such coin remitted to the Calcutta Mint was Rs. 43,02,166, principally from the Punjab and the North-Western Provinces, the cost of receipt at par being Rs. 63,329. The loss on this account represents the deficiency below standard weight of the coin received. The receipt of uncurrent coin during 1884-85 was Rs. 3,22,351 in Bombay and Rs. 22,07,584 in Calcutta. A coin ceases to be a legal tender when it loses more than 2 per cent. of its weight, and if all the coin brought to the Mints in 1885-86 were to this extent under weight, the loss on recoinage should have amounted to Rs. 92,542 instead of Rs. 67,934. The actual loss was equivalent to 1·472 per cent. in Calcutta and 1·417 per cent. in Bombay. A large proportion of these coins must therefore have been within the legal tender of weight, the reason being that defaced coins are sent for recoinage, although they have lost loss than 2 per cent. in weight.

6. *Amount of Silver offered for coinage on tender on behalf of owner or of the Currency Department.*—In 1885-86, silver to the value of Rs. 1,97,46,701 was tendered by the public for coinage in the Calcutta Mint; in 1884-85 the amount was Rs. 1,81,15,995. The value of the silver transferred by the Paper Currency Department for coinage was Rs. 2,85,77,262 against Rs. 1,08,55,163 in the previous year.

In the Bombay Mint, all the silver tendered during 1885-86 was on behalf of the Currency Department, which ordered coinage of bullion weighing 68,639,140 tolas. This quantity included country silver and ornaments weighing 319,382 tolas, and native coins weighing 207,314 tolas. In 1884-85 the quantities received on similar accounts were tolas 1,867,751 and 1,637,234 respectively.

7. *Copper Coinage.*—The coinage of copper amounted to Rs. 8,13,610 in 1885-86, being less than that of the previous year by Rs. 2,44,200. This included a coinage of 7,412,670 cent pieces of the value of Rs. 1,66,785 for the Government of the Straits Settlements. No copper was coined in the Bombay Mint during the year owing to the Mint having been fully engaged in coining silver.

8. The coinage of copper in each Mint for the last five years has been as follows:

	Calcutta. Value.	Bombay. Value.
	Rs.	Rs.
1881-82	39,950	50,009
1882-83	8,62,580	2,14,214
1883-84	11,54,245	2,19,389
1884-85	7,02,560	3,55,250
1885-86	8,13,610	...

9. In the Bombay Mint 200 tons of copper cakes were received during the year 1885-86 from Her Majesty's Secretary of State for India at an average rate of Rs. 33¼ per cwt. Uncurrent British Indian copper coin of the

nominal value of Rs. 21,635, old Indo-Portuguese copper coin valued at Rs. 10,197, and copper coins of native mintage amounting to Rs. 1,96,732 were remitted to the Bombay Mint for destruction.

10. The gain on copper coinage in both Mints for the last five years is shewn below:

	Rs.
1881-82	1,39,707
1882-83	3,50,091
1883-84	5,60,227
1884-85	5,69,684
1885-86	1,11,053

11. *Operative losses in Mints.*—The operative losses at Calcutta and Bombay during 1885-86 were Rs. 96,065 and Rs. 60,736 against Rs. 52,952 and Rs. 45,762 in the preceding year. These sums include a loss on account of melting and recoinage of Government remittances to the extent of Rs. 94,499 in Calcutta and Rs. 8,849 in Bombay.

12. The proportion of loss in the melting and coining of silver in the two Mints per 100 tolas has been as follows for the last five years:

	Melting.		Coining.	
	Calcutta.	Bombay.	Calcutta.	Bombay.
	Pies.	Pies.	Pies.	Pies.
1881-82	6·7	7	9	7
1882-83	7·8	7·5	9·1	6
1883-84	7·2	9·5	8·6	6
1884-85	6·9	6	4·2	8·5
1885-86	5·2	6	2·6	1

13. The rate of loss in coining for 1885-86 was the lowest on record, a satisfactory result mainly due to the adoption of the new process of annealing. This new procedure, among other advantages, renders it easier to trace a deficiency of standard metal in other branches of the Mechanical Department.

14. *Revenue and Expenditure.*—The total revenue and expenditure of each of the Mints from 1881-82 to 1885-86 are shewn separately below:

	Revenue.		Expenditure.	
	Calcutta.	Bombay.	Calcutta.	Bombay.
	Rs.	Rs.	Rs.	Rs.
1881-82	2,11,295	8,68,528	2,90,413	6,45,716
1882-83	2,70,213	11,67,658	10,51,988	9,42,703
1883-84	2,23,937	5,57,634	9,75,327	7,46,422
1884-85	2,83,731	10,03,616	12,06,282	8,39,083
1885-86	6,52,755	15,40,263	10,56,864	9,66,724
Total ...	16,41,931	46,42,699	51,80,814	41,40,657

15. The total revenue of both Mints during the last five years amounts to Rs. 62,84,630 and the total expenditure to Rs. 93,21,531, shewing a loss for the period of Rs. 30,36,901, or an annual loss of Rs. 6,07,380. There was a gain last year of Rs. 1,69,426 against a loss of Rs. 7,58,018 in 1884-85.

16. The expenditure on account of Salaries and Establishments in the two Mints was as follows:

	Calcutta.		Bombay.	
	1884-85.	1885-86.	1884-85.	1885-86.
Fixed Establishment	1,96,168	2,04,401	2,19,534	2,15,853
Extra Establishment	58,647	82,950	39,363	59,918
Total ...	2,55,115	2,87,351	2,58,897	2,75,771

The increase in both cases was due to the increase in coinage.

17. The expenditure on stores in Calcutta during 1885-86 was Rs. 86,792 against Rs. 1,10,853 in the previous year, and in Bombay Rs. 2,38,603 against Rs. 1,16,719 in 1884-85.

18. *Pro formâ charges.*—The *pro formâ* charges in the years 1884-85 and 1885-86 were calculated respectively in the Calcutta Mint at Rs. 7,69,328 and Rs. 5,37,874, and in the Bombay Mint at Rs. 3,65,798 and Rs. 3,15,992. The decrease in 1885-86 is mainly due to a smaller interest charge on the average silver working balance, which was lower than in 1884-85 on account of the larger coinage. The decrease in the Calcutta Mint is also due to the cost of pension and furlough allowances of superior servants having been calculated at one-seventh of the salary instead of one-fifth as formerly: the calculation should be at one-sixth of salary.

19. *Capital Account.*—An addition of Rs. 14,714 and Rs. 1,12,714 was made to the Capital Accounts of the Mints at Calcutta and Bombay respectively during the year on account of buildings and plant; Rs. 1,499 and Rs. 3,241 were written off to profit and loss in the Calcutta and Bombay Mints. The total at debit of Capital Account to end of 1885-86 was Rs. 76,35,773 in Calcutta and Rs. 35,52,942 in Bombay, as detailed below:

	Calcutta. Rs.	Bombay. Rs.
Land	20,09,200	12,62,200
Building	33,22,109	15,71,616
Plant	23,04,464	7,19,126
Total ...	76,35,773	35,52,942

20. *Reports on the working of the Assay Departments.*—Separate reports on the working of the Assay Departments of the Mints have now for the first time been submitted.

21. The principal duties of the Assay Departments are—

(1) to assay and value gold and silver bullion tendered at the Mint;

(2) to assay, before coinage is commenced, bullion alligated to standard fineness, that is, after it has by melting been mixed with alloy in such proportion, recommended by the Assay Master, as will make the metal of the fineness necessary to yield coins of the fineness required by the Indian Coinage Act; and

(3) to ascertain, before the coins are issued from the Mint, by a pyx trial, whether the fineness and weight are in accordance with the provisions of the Coinage Act.

The process of assay adopted for both (1) bullion tendered and (2) bullion alligated to standard is as follows:

The molten metal is thoroughly stirred and a small portion taken from each pot and granulated by pouring into a basin of cold water. The granulated sample so obtained is assayed in duplicate and the resulting figure is taken as the assay report for all the bars cast from the pot so sampled. It is now the practice in both Mints to pre-melt all bullion tendered for coinage, of whatever fineness and in whatever shape it may be, in order that this process may be applied, as it possesses advantages over assay on a piece cut from a bar or ingot taken to represent the whole mass.

Assay of pyx coins (3) is an assay of samples of each batch of coins when ready for issue. From every lakh of gold and silver coins finished in the Mint or from a whole day's coinage in gold or silver, if that happens to be less than a lakh of pieces, a fixed number of coins is taken as a sample and submitted to assay; these coins constitute the "pyx." If the result of the assay of these coins proves that they fall within the limit of fineness and weight prescribed in the Coinage Act, the lakh or whole day's coinage which they represent is assumed to be correctly coined and is issued from the Mint.

22. Other duties of the Assay Department are—

(1) "Check assays" made for the preparation of samples of pure gold and pure silver, to be worked side by side with the bullion of which the fineness is to be determined by the assay process in order that the results of the ordinary assays may be checked by comparison with the results on these samples of known fineness;

(2) "Parting Assays," to ascertain the small amount of gold contained in the silver coinage;

(3) Assay of Mint drosses, conducted periodically with a view—

(*a*) to ascertain that the process of recovery of the particles of precious metals which get mixed, in the course of mechanical operations, with the sweepings of the various rooms, &c., has been carried up to the limit within which such recovery can perfectly be made; and

(*b*) to determine approximately the actual amounts of metal left in the drosses for purposes of account under the head of "operative losses."

(4) Assay of counterfeit coins;

(5) Miscellaneous assays for Government Departments and others; and

(6) Custody of standard weights and measures, and the verification and adjustment of weights sent to the Mint for this purpose.

23. *Assays made.*—The total number of assays made in Calcutta in 1885-86 was 19,630 and in Bombay 32,319.

24. *Assays of silver bullion alligated to standard.*—The average fineness of the bullion assayed for the whole year in the Calcutta Mint was 916·14 and 916·02 in Bombay. These averages, below the standard required for coins, are found necessary in the bullion for coinage in order to produce coins up to the standard of 916·66. This is due to the fact that in the process of manufacture the coins are subject to refinage, first by being cut from a comparatively rich part of the strap, and second by blanching.

25. *"Parting" assay of silver coins.*—To ascertain the amount of gold present in the silver coinage, samples are taken every month, and the amount of gold per mille found in these samples is taken as the average proportion of gold contained in silver coins issued from the Mint in that month. The average proportion of gold found in silver coins at the Calcutta Mint during 1885-86 amounted to ·227 per mille—the maximum was ·535 and the minimum ·087. The average of the Bombay Mint was ·239 per mille, the maximum being ·315 and the minimum ·060. The fluctuations are due to the source from which the silver coined is derived. Silver in its native state commonly contains gold in small and variable proportion. But silver imported from Europe or America is found to contain only very minute quantities of gold, if any, the gold having been extracted before exportation in refineries at a profit to those establishments. In Eastern

countries, where no silver refining establishments exist, notable quantities of gold remain mixed with the silver produced in those regions. It is therefore inferred that a rise in the proportion of gold found in the silver coins means that a certain amount of Chinese, Burmese, or Indian silver is being worked for coinage.

26. *Pyx trials of silver coins.*—The coinage is tested in the following way:—From every lakh of rupees coined, a certain number of pieces are taken at random for pyx assay. Of these, some coins are assayed singly and the remainder are melted and assayed together. To test the weight of the rupees, sample pieces are taken at random from every lakh struck and weighed coin by coin.

The results of the pyx trials in 1885-86 are thus stated.

In Calcutta, the average weights of the sample pieces were—

Rupees	...	...	Grains 179·996 or ·004	only	below standard.
½ Rupees	...	...	„ 89·993 „ ·007	„	„
¼ „	...	...	„ 45·005 „ ·005	„	above „
⅛ „	...	...	„ 22·497 „ ·003	„	below „

and the average fineness—

Rupees	...	...	...	916·668	All up to or above the standard.
½ Rupees	...	...	...	9.6·645	
¼ „	...	...	...	916·773	
⅛ „	...	...	...	916·684	

In Bombay only 34 coins in the whole year were found to differ appreciably from the standard in weight, of which 18 were above and 16 below the standard; and only one lakh had to be readjusted for weight, in consequence of two coins in it being found light beyond remedy; while the average fineness of the coins tested singly was 916·535, and of those melted and tested together 916·735.

These results are satisfactory.

27. *Pyx trials in England.*—Another test of these coins is made in England. From every lakh of gold or silver coins, or from every whole day's coinage when that happens to be less than one lakh, *one* coin is set apart for trial in England. At the end of the year the coins so collected are despatched to Her Majesty's Secretary of State, who obtains a report on their weight and fineness from the Assay Department of the London Mint. This report is subsequently published in the *Gazette of India* for the information of the general public. The London report shews the small quantity of gold found in silver coins separately, so that, to make the results of the English comparable with the Indian test, the proportion of gold has to be added to the fineness stated.

28. *Dross Assays.*—During 1885-86, the dross assays made in Calcutta were larger than usual, in consequence of a number of experiments made to test the working of a new system of washing. In Bombay there was the usual number of such assays.

29. *Silver containing Bismuth.*—The presence of bismuth was found in certain consignments of silver tendered for coinage in both the Mints. Such silver has been found to be brittle and therefore unfit for coinage, and special care is taken not to admit it in the Mints for the purpose of coinage.

30. *Administration of the Mints and Assay Departments.*—The Governor-General in Council acknowledges the efficiency with which both Mints and Assay Departments have been controlled and worked by the officers in charge. The reform in the process of assay recently introduced has worked very satisfactorily. The available balance of coined rupees was quite 50 lakhs higher in 1885-86 than it would have been had the accelerated processes not been introduced, and the saving in interest alone has not on the average been less than Rs. 1,50,000 yearly.

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

LEAVE AND APPOINTMENTS.

The 29th October, 1886.

No. 3962.—Major R. V. Riddell, R.E., Mint Master, Calcutta, having returned from furlough on private affairs, resumed charge of his office from Surgeon-Major J. Scully before noon on the 23rd October, 1886.

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME TAX.

The 29th October, 1886.

No. 3920.—In exercise of the power conferred on him by section 38 of Act II of 1886, His Excellency the Governor-General in Council is pleased to rule that a capital sum paid in commutation of the whole or a portion of a pension is not liable to tax under the said Act.

ORDER.—Ordered, that this Resolution be communicated to the Military Department, with reference to its office memorandum No. 1490-B., dated the 15th October, 1886; to the other Departments of the Government of India; to all Local Governments and Administrations; and to all Accountants-General and Comptrollers.

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 23rd October, 1886.

No. 711.

The Right Hon'ble the Governor-General in Council has received with deep regret intelligence of the death in Burma, on the 20th instant, of HIS EXCELLENCY LIEUTENANT-GENERAL SIR H. T. MACPHERSON, V.C., K.C.B., K.C.S.I., Commander-in-Chief of the Madras Army, and Commanding the Forces in Burma under the orders of the Government of India.

Her Majesty's Government have desired the Governor-General in Council to say that they share in the regret felt by the Government of India at the public loss sustained by the death of this gallant and distinguished Soldier.

As a mark of respect to the late SIR HERBERT MACPHERSON, the Governor-General in Council directs that the flag of Fort William be lowered to half-mast high during the whole of the 25th instant, and that fifteen minute guns be fired from the ramparts of Fort William on that date.

Simla, the 29th October, 1886.

APPOINTMENTS.

No. 712.—ORDNANCE DEPARTMENT—

Captain R. H. Mahon, R.A., Commissary of Ordnance, 3rd Class, to be an Assistant Superintendent of Factories, *vice* Major T. Mayhew, R.A., resigned. Dated 1st October, 1886.

Captain C. E. Jervois, R.A., Commissary of Ordnance, 4th Class, and Commissary of Ordnance, 3rd Class, *sub. pro tem.*, to be Commissary of Ordnance, 3rd Class, *vice* Captain R. H. Mahon, R.A., appointed an Assistant Superintendent of Factories. Dated 1st October, 1886.

Captain J. D. H. Waller, R.A., Commissary of Ordnance, 4th Class, and officiating Commissary of Ordnance, 3rd Class, to be an Additional Commissary of Ordnance, 3rd Class, during the absence of Captain Jervois on field service in Burma. Dated 1st October, 1886.

Lieutenant L. G. Watkins, R.A., officiating Commissary of Ordnance, 3rd Class, to be Commissary of Ordnance, 4th Class, *vice* Captain W. G. Massy, R.A., promoted. Dated 19th September, 1886.

No. 713.—PERSONAL STAFF—

The following appointment has been made on the Personal Staff of Major-General His Royal Highness the Duke of Connaught and Strathearn, K.G., K.T., K.P., G.C.S.I., G.C.M.G., C.B., Commanding the Rawal Pindi Division:—

Major O. C. Hannay, Argyll and Sutherland Highlanders, to be Aide-de-Camp. Dated 27th September, 1886.

No. 714.—STAFF CORPS—

The undermentioned officers appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted to the Madras Staff Corps, with effect from the dates of their arrival in India:—

Lieutenant S. L. Aplin, Royal Marine Light Infantry.

Lieutenant A. L. Harries, Royal Marine Light Infantry.

No. 715.—VOLUNTEER CORPS—

3rd, or Sind Punjab and Indus Valley Railways, Volunteer Rifle Corps.

Major Lewis Conway-Gordon, C.I.E., Royal Engineers, to be Lieutenant-Colonel Commandant, *vice* Lieutenant-Colonel B. T. Hill, who has resigned the appointment.

FURLOUGH AND LEAVE.

No. 716.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Major-General O. R. Newmarch, Bengal S. C., Secretary to the Government of India, Military Department, (p. a.) for one year, under rule IX of the regulations of 1868.

No. 717.—Captain B. Briscoe, Bengal S. C., 40th Bengal Infantry, is granted leave out of India, (m. c.) under the leave rules for the Staff Corps. Pension service,—fourteen years and 234 days.

No. 718.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Lieutenant-Colonel A. D. Butter, Bengal S. C., (p. a.) up to the 4th April, 1887. Pension service,—over thirty years.

Lieutenant-Colonel T. St. Q. Clutterbuck, General List, Infantry, (p. a.) for one year. Pension service,—twenty-five years and 327 days.

No. 719.—Surgeon H. Hamilton, M.D., has been granted an extension of furlough, (m. c.) for six months, by the Secretary of State for India.

LONDON GAZETTE.

No. 720.—The following extracts are published for general information :—

"*London Gazette,*" *dated the 24th September, 1886, page* 4677.

"WAR OFFICE;

Pall Mall, 24th September, 1886.

MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels :—

Theophilus Higginson, Madras Staff Corps. Dated 26th June, 1886.

* * * * *"

"*London Gazette,*" *dated the 28th September, 1886, pages* 4738 *and* 4739.

"INDIA OFFICE;

28th September, 1886.

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

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Maitland Cowper, from the Leinster Regiment. Dated 13th October, 1884, but to rank from 29th March, 1881.

Lieutenant John Douglas McAndrew, from the Suffolk Regiment. Dated 2nd July, 1884, but to rank from 1st July, 1881.

Lieutenant Algernon George Peyton, from the East Surrey Regiment. Dated 25th April, 1884, but to rank from 1st July, 1881.

Lieutenant William Adam Cuppage, from the Liverpool Regiment. Dated 15th October, 1884, but to rank from 1st July, 1881.

Lieutenant Cecil Davis, from the Manchester Regiment. Dated 15th March, 1885, but to rank from 1st July, 1881.

Lieutenant John Denis Perkins, from the Liverpool Regiment. Dated 10th November, 1884, but to rank from 10th May, 1882.

Lieutenant Alexander Augustus Elphinstone Campbell, from the Derbyshire Regiment. Dated 23rd November, 1884, but to rank from 10th May, 1882.

Lieutenant John Manners Smith, from the Norfolk Regiment. Dated 25th March, 1885, but to rank from 10th March, 1883.

* * * *

The Queen has also approved of the transfer of the undermentioned Officer to the half Pay List :—

Lieutenant Edward Cooke Cox, Bombay Staff Corps. Dated 28th September, 1886."

PROMOTIONS.

No. 721.—NATIVE ARMY—

14th Bengal Lancers.

Ressaidar Bisesar Singh to be Woordie-Major, *vice* Ressaidar Woordie-Major Lál Sing, promoted,—with effect from the 1st May, 1886.

25th Bengal Infantry.

Jemadar Jamít Singh to be Subadar, *vice* Subadar Mán Singh, deceased,—with effect from the 17th August, 1886.

Havildar Híra Singh from the 5th Bengal Infantry to be Jemadar, *vice* Jemadar Jamít Singh, promoted,—with effect from the 15th September, 1886.

No. 722.—PUNJAB FRONTIER FORCE—

5th Punjab Infantry.

Jemadar Hazrat Shah to be Subadar, and Havildar Wazír Khán to be Jemadar, *vice* Subadar Báz Gúl, invalided,—with effect from the 10th August, 1886.

6th Punjab Infantry.

Jemadar Khazána to be Subadar, and Havildar Motí to be Jemadar, *vice* Subadar Brijbasi, invalided,—with effect from the 1st October, 1886.

No. 723.—VOLUNTEER CORPS—

Cossipore Artillery Volunteers, "B" Battery.

Lieutenant Cadwallader Edward Palmer to be Captain, *vice* Captain J. F. Butchart, who has resigned the appointment.

RETIREMENTS.

No. 724.—The undermentioned officers have been permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval :—

Colonel Francis Gellie, Bengal S. C.,—13th November, 1886.

Deputy Surgeon-General Charles Planck,—4th August, 1886.

Deputy Surgeon-General Henry Walter Bellew, C.S.I.,—14th November, 1886.

REWARDS.

No. 725.—GOOD SERVICE PENSIONS—

It is notified that, on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified :—

From the 20th March, 1886, in room of Major-General Sir Charles John Stanley Gough, K.C.B., V.C., Bengal Cavalry.

COLONEL HENRY GEORGE DELAFOSSE, C.B., LATE OF THE 101ST BENGAL FUSILIERS.

Dates of Commissions.

Ensign	...	9th December, 1854.
Lieutenant	...	23rd November, 1856.
Captain	...	21st June, 1861.
Brevet Major	...	22nd June, 1861.
Major	...	10th January, 1872.
Brevet Lieutenant-Colonel	...	4th March, 1872.
Lieutenant-Colonel	...	22nd September, 1875.
Brevet Colonel	...	1st October, 1877.

Appointments.

Regimental duty, 53rd Bengal Native Infantry,—9th December, 1854 to June, 1857.

Doing duty with European Recruit Depot at Barrackpore,—15th February, 1860 to 11th December, 1860.

Regimental duty, 73rd Native Infantry,—12th December, 1860 to 11th June, 1861.

Regimental duty, 101st Foot,—30th July, 1862 to 21st September, 1880.

Commanding, No. 25, Regimental District,—30th November, 1881.

War Services.

Indian Mutiny, 1857-58.—Siege of Cawnpore; first relief of Lucknow; defence and final relief of Lucknow and re-taking of Cawnpore. (Despatch, *London Gazette,* 31st March, 1858. Received thanks of Governor-General in Council. Medal with 2 clasps; Brevet of Major; one year's service for Cawnpore; one year's service for Lucknow.)

Sikkim Expedition, 1861.

North-Western Frontier of India Campaign, 1863.—Engagements at the Umbeyla Pass. (Despatch, *London Gazette,* 19th March, 1864. Medal with clasp.)

No. 726.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd Classes of the Order of British India from the date specified :—

BOMBAY.

To the 1st Class, with the title of Sirdar Bahadur.

Ressaldar-Major Dhaúkal Singh, *Bahadur,* 3rd Bombay Cavalry, *vice* Ressaldar-Major Húsáin Ali, *Sirdar Bahadur,* deceased,—14th July, 1886.

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

Ressaldar Mír Sábit Ali, 3rd Bombay Cavalry, *vice* Ressaldar-Major Dhaúkal Singh, *Bahadur,* promoted,—14th July, 1886.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 727.—The following promotions are made in the establishment of the Barrack Department, with effect from the 13th August, 1886 :

Names.	From	To	Nature of promotion.
Conductor J. Holehouse...	Barrack Master, Class II ...	Barrack Master, Class I ...	Permanent.
Sub-Conductor T. Johnston.	Temporary Barrack Master, Class II.	Barrack Master, Class II ...	Permanent.
Sub-Conductor E. Dubery	Assistant Barrack Master ...	Barrack Master, Class II ...	Temporary.

MARINE DEPARTMENT.

FURLOUGH AND LEAVE.

No. 42.—Mr. C. W. Owen, 2nd Grade Officer, Her Majesty's Indian Marine, has been granted an extension of furlough, (m. c.) for six months, by the Secretary of State for India.

RESIGNATIONS.

No. 43.—Mr. A. W. Deane, 1st Grade Officer, Her Majesty's Indian Marine, is permitted to resign the service,—15th October, 1886.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Simla, the 29th October, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned and warrant officers, on the dates specified, were received in the Military Department between the 9th and the 29th October, 1886.

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Sub-Medical Department	Sub-Assistant Apothecary W. J. Jennings.	8th October, 1886.	Meerut ...	...	
Suffolk Regiment (Probationer, Bengal Staff Corps).	Lieutenant J. M. O'H. Sherer	19th October, 1886.	Jhansi ...	...	
Medical Staff ...	Surgeon J. Pedlow ...	21st October, 1886.	Minbu ...	...	

O. R. NEWMARCH, *Major-General*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st October, 1886.

No. 277.—The services of Mr. T. Michell, Executive Engineer, 3rd Grade, sub. *pro tem.*, State Railways, on his return from furlough, are placed at the disposal of the Director-General of Railways.

The 25th October, 1886.

No. 282.—Mr. T. Concannon, Executive Engineer, 4th Grade, *temporary rank*, Burma, temporarily employed on State Railways in Bengal, is retransferred to Burma.

No. 283.—Messrs. E. J. Alexander and E. T. Faulkner, Assistant Engineers, 1st Grade, State Railways, are transferred from the Establishment under the Government of Bengal to that under the Chief Commissioner of Assam.

No. 285.—The services of Mr. E. T. Anthony, Accountant, 1st Grade, and Honorary Assistant Examiner, Madras, on special duty under the Government of India, are placed temporarily at the disposal of the Director-General of Railways for employment in the Manager's Office, North-Western Railway.

The 26th October, 1886.

No. 286.—Mr. R. A. English, officiating Examiner of Accounts, Sind-Sagar State Railway, is, on the return of Mr. Goodfellow from privilege leave, transferred to the Office of the Accountant-General, Public Works Department.

No. 287.—Mr. E. H. Johns, Deputy Examiner, is, on return from furlough, posted temporarily to the Office of the Examiner of Accounts, Sind, Pishin and Bolan State Railway.

No. 288.—With reference to Public Works Department Notifications Nos. 290 and 343, dated respectively the 21st October and 19th December, 1885, the following officers, taken over from the staff of the late Sind, Punjab and Delhi Railway Company, are confirmed in their appointments on the permanent non-pensionable Establishment of State Railways, with effect from the 1st July, 1886:

Name.	Class and Grade of the Revenue Establishment in which confirmed.
Mr. J. Lightfoot ...	Class I, Grade 2.
Mr. D. Ross, C.I.E. ...	Class II.
Mr. F. A. Higman ...	Class III.
Mr. C. T. Sandiford ...	Class I, Grade 2.
Mr. R. Tickner ...	Class III.
Mr. A. S. Jameson ...	Class II.
Mr. S. S. Grant ...	Class III.
Mr. W. S. Bocquet ...	Class II.
Mr. R. T. Keene ...	Assistant Engineer.
Mr. J. J. Henderson ...	Assistant Engineer.

The 28th October, 1886.

No. 289.—Major A. D. McArthur, R.E., Superintending Engineer, 3rd Class, *temporary rank*, reverted to his substantive rank of Executive Engineer, 1st Grade, from the forenoon of the 20th October, 1886.

No. 290.—Mr. Alfred Cecil Pereira, Assistant Engineer, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, who has gone through a course of practical training in England, is posted to Madras.

No. 291.—Major-General H. F. Hancock, R.E., Consulting Engineer for Railways, Bombay, is placed on special duty under the Government of India, with effect from the 1st November, 1886.

No. 292.—Colonel K. A. Jopp, R.E., Executive Engineer, 1st Grade, and Deputy Consulting Engineer for Railways, Bombay, is appointed to the charge of the Office of the Consulting Engineer for Railways, Bombay, during the absence on special duty of Major-General H. F. Hancock, R.E., or until further orders.

No. 293.—Mr. J. J. Kenoy, Traffic Candidate, is transferred from the Establishment under the control of the Government of Bengal to that under the Director-General of Railways.

No. 294.—Mr. E. A. Dennys, Examiner, Public Works Accounts, is, on return from furlough, posted to the Office of the Examiner of Guaranteed Railway Accounts, Calcutta.

TELEGRAPH.

The 25th October, 1886.

No. 284.—Mr. J. Burke, Superintendent, 2nd Grade, Indian Telegraph Department, is appointed to officiate as a Superintendent, 1st Grade, with effect from 10th October, 1886.

Consequent on the above, Mr. W. N. Toulmin, officiating Superintendent, 1st Grade, will revert to his substantive appointment of Superintendent, 2nd Grade, from the same date.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

SIMLA, MONDAY, NOVEMBER 1, 1886.

FOREIGN DEPARTMENT.

NOTIFICATION.

No. 1885 F.

Simla, the 1st November, 1886.

On the return to India of the AFGHAN BOUNDARY COMMISSION, the Governor-General in Council desires to place on record his high appreciation of the valuable services rendered by Officers and Men during their two years' absence from British Territory.

COLONEL SIR WEST RIDGEWAY and the Political Officers under his orders have shown skill, judgment, and tenacity in their endeavours to secure the primary objects of the COMMISSION, and the results obtained in other Departments have been highly satisfactory; while the Military Escort, composed of Detachments of the 11th Bengal Lancers and 20th Punjab Infantry, have upheld throughout, by discipline, endurance, and good conduct, the credit of Her Majesty's Army.

The Governor-General in Council heartily congratulates the Members of the COMMISSION upon the completion of their trying duty, and welcomes them back to the British Frontier.

By Order of the Governor-General in Council,

H. M. DURAND,
Secretary to the Government of India.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 45.] SIMLA, SATURDAY, NOVEMBER 6, 1886.

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

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SUPPLEMENT No. 45.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 30th October, 1886.

[Fee, Four annas, payable in stamps.]

No. 1837.—The Governor-General in Council is pleased, under Section 17 of the Indian Arms Act, 1878, to direct that licenses to possess arms or ammunition and to go armed shall in Lower Burma be granted in the following form only, and shall be subject to the following conditions:—

License to possess arms or ammunition and to go armed.

Name, father's name, age, race, and residence of license-holder.	Distinguishing marks of license-holder.	Number of retainers, if any, who may be covered by the license.	Description and number of weapons and quantity of ammunition covered by license.	District or place within which license is valid.	Purpose for which granted.	Date on which license expires.
						The 31st March 188 .

The ____ of ____ 188 .

Seal

(Signature)

____ of the ____

CONDITIONS.

[To be printed on the reverse of the license form.]

This license is granted subject to the provisions of "The Indian Arms Act, 1878," and the rules framed thereunder.

It covers only the persons and arms named therein, unless it is certified to cover retainers of the holder.

It is void after the date named therein.

It extends only to the place or district named therein, unless countersigned for the whole province by the Commissioner or other superior officer.

It authorizes the person or persons acting under it to go armed within the place or district named for *bonâ fide* prosecution of the purpose named on the license, but it does not permit the holder or persons aforesaid to go armed in railway carriages, to fairs, religious processions, or other public assemblages.

The license-holder shall at the time of purchase have the following endorsed upon his license by the vendor from whom he purchases, and under the vendor's signature :—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and amount of the articles purchased;

(3) the date of purchase;

(4) the number and date of the permission to buy and the district in which such permission is given.

The license-holder undertakes to assist, when necessary, in resisting dacoits.

The license-holder shall purchase no arms or ammunition without the permission of a 1st class Magistrate of the district to which this license extends, or of the Superintendent of Police of that district, and he shall not purchase arms or ammunition in a district to which this license does not extend without obtaining the countersignature of the District Magistrate or Superintendent of Police of that district to such permission.

The 1st November, 1886.

No. 1842.—Under the provisions of Section 9 of the Statute 24 and 25 Victoria, Cap. 67, the Governor-General in Council is pleased to direct that His Excellency's Council shall assemble at Calcutta in the jurisdiction of the Lieutenant-Governor of Bengal.

The 4th November, 1886.

PUBLIC SERVICE COMMISSION.

No. 1858A.—The following Resolution is published for general information :

No. 42—1859-98.

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Simla, the 4th November, 1886.

Read—

Paragraphs 2 and 10 of Home Department Resolution No. 34—1573-98, dated the 4th October, 1886, directing the formation of a Commission to enquire into and report upon the question of the admission of Natives of India to the various branches of the Public Service connected with the Civil Administration of the country.

RESOLUTION.

His Excellency the Governor-General in Council is now pleased to appoint the following Gentlemen to be Members of the Commission mentioned in the preamble. His Excellency in Council reserves the power of making,

after further enquiry and consideration, additional nominations, should it at any time appear desirable to do so.—

The Hon'ble SIR C. U. AITCHISON, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab,—*President.*

SIR C. A. TURNER, KT., C.I.E., late Chief Justice of the High Court of Judicature, Madras.

Mr. C. H. T. CROSTHWAITE, Bengal Civil Service, Chief Commissioner of the Central Provinces.

The Hon'ble ROMESH CHUNDER MITTER, B.L., Puisne Judge of the High Court of Judicature, Bengal.

The Hon'ble J. W. QUINTON, Bengal Civil Service, Additional Member of the Council of the Governor-General for making Laws and Regulations.

Mr. F. B. PEACOCK, Bengal Civil Service, Chief Secretary to the Government of Bengal.

RAJA UDHAI PERTAB SINGH, of Bhinga, Oudh.

Mr. H. J. STOKES, Madras Civil Service.

Mr. T. H. STEWART, Bombay Civil Service.

SAYYID AHMAD, KHAN BAHADUR, C.S.I.

Mr. W. B. HUDSON, Mozufferpore.

KAZI SHAHBUDIN, KHAN BAHADUR, C.I.E., late Dewan of Baroda.

M. R. RY. SALEM RAMASWAMI MUDALIYAR, B.L., Madras.

Mr. W. H. RYLAND, Uncovenanted Civil Service, Officiating Superintendent of Stamps and Stationery, Calcutta.

RAO BAHADUR KRISHNAJI LUKSHMAN NULKAR, Poona.

Mr. D. S. WHITE, Madras.

ORDER.—Ordered, that a copy of the above Resolution be forwarded to the President and Members of the Commission and to all Local Governments and Administrations for information, and that it be published in the *Gazette of India*.

Ordered also, that a copy of the Resolution be forwarded to the several Departments of the Government of India for information and communication to the Heads of Departments under them; and that copies be forwarded to the Officers noted in the margin.

Superintendent of Port Blair and the Nicobars.	Registrar of the Calcutta University.
Sanitary Commissioner with the Government of India.	Registrar of the High Court, Calcutta.
Surgeon-General with the Government of India.	Director-General of Statistics to the Government of India.
Secretary to the Board of Examiners.	Director-General of the Archæological Survey of India.

MEDICAL.

The 4th November, 1886.

No. 574.—The services of Surgeon-Major W. F. Murray, M.B., are placed temporarily at the disposal of the Military Department.

EDUCATION.

The 2nd November, 1886.

No. 400.—The Governor-General in Council has been pleased to appoint the Honourable W. W. Hunter, C.S.I., C.I.E., LL.D., C.S., to be Vice-Chancellor of the University of Calcutta in succession to the Honourable C. P. Ilbert, C.S.I., C.I.E., resigned.

ECCLESIASTICAL.

The 4th November, 1886.

No. 231.—*Corrigendum.*—Substitute the following Rule for Rule XXVIII, Part IV, of the revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 20th June, 1885 :—

The rate of compensation for sittings for Roman Catholic soldiers shall be determined by the Public Works Department with reference to the value and description of the accommodation provided, subject to a limit of Rs. 3 per seat per annum, broken periods within a year counting as a year; but when sittings are occupied consecutively for any period exceeding twelve months, payment will be made for the number of months in excess of the year, for which the sittings are so occupied, at the rate fixed for the year.

UPPER BURMA.

The 3rd November, 1886.

No. 14.—*Appointment.*—The Reverend J. F. W. Gompertz, Chaplain of Saugor, to be Chaplain of Ningyan, in Upper Burma, with effect from the 30th October, 1886.

No. 18.—*Appointment.*—The Reverend J. W. Adams, M.A., V.C., Chaplain of Meerut, to be Chaplain of Shwebo, in Upper Burma, with effect from the 30th October, 1886.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

UPPER BURMA.

NOTIFICATION.

Dated 26th October, 1886.

Under the provisions of Section 3 of the Scheduled Districts Act, 1874, with the previous sanction of the Governor-General in Council the Chief Commissioner of Burma declares that with effect from the date of the Notification the said Act is in force in the whole of Upper Burma, except the Shan States.

H. T. WHITE,
Secretary for Upper Burma to the Chief Commissioner.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.

GENERAL.

Simla, the 4th November, 1886.

No. 2025—39-14 *G.*—Sir E. C. Buck, KT., returned from the furlough granted him in Notification No. 102—39-8 G., dated the 18th February last, and assumed charge of the office of Secretary to the Government of India in the Revenue and Agricultural Department on the afternoon of the 4th November, 1886.

The services of Mr. C. J. Lyall, M.A., C.I.E., officiating Secretary to the Government of India in the Revenue and Agricultural Department, are replaced at the disposal of the Home Department.

W. R. LAWRENCE,
Under-Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

No. 1885 *F.*

Simla, the 1st November, 1886.

On the return to India of the AFGHAN BOUNDARY COMMISSION, the Governor-General in Council desires to place on record his high appreciation of the valuable services rendered by Officers and Men during their two years' absence from British Territory.

COLONEL SIR WEST RIDGEWAY and the Political Officers under his orders have shown skill, judgment, and tenacity in their endeavours to secure the primary objects of the COMMISSION, and the results obtained in other Departments have been highly satisfactory; while the Military Escort, composed of Detachments of the 11th Bengal Lancers and 20th Punjab Infantry, have upheld throughout, by discipline, endurance, and good conduct, the credit of Her Majesty's Army.

The Governor-General in Council heartily congratulates the Members of the COMMISSION upon the completion of their trying duty, and welcomes them back to the British Frontier.

The 4th November, 1886.

Erratum.

No. 1997 *F.*—In Foreign Department Notification No. 1728 F., dated the 12th October, 1886, *for* "Ressaldar-Major Bahawuldeen Khan, Bahadur, 1st Regiment, Central India Horse," *read* "Subadar Muhammad Husain, 2nd Sikh Infantry."

No. 2089 *G.*—Lieutenant-Colonel H. C. A. Szczepanski, B.S.C., Deputy Commissioner, 1st Class, Buldana, is appointed to officiate as Judicial Commissioner, Hyderabad Assigned Districts, with effect from the 18th November, 1886, during the absence on twenty days' privilege leave of Colonel J. G. Bell or until further orders.

No. 2092 *G.*—The Governor-General in Council is pleased to recognize the appointment of Mr. Augustus Thole as in temporary charge of the German Consulate at Karachi.

The 3rd November, 1886.

No. 2461 *E.*—With reference to Foreign Department Notification No. 150E., dated the 21st January, 1886, it is notified that R. Utam Chand, Head Clerk in the Office of the Political Agent of Thal Chotiali, officiated, *vice* Diwan Ganpat Rai, as Native Assistant to the Governor-General's Agent in Baluchistan from the forenoon of the 29th November, 1885 to the afternoon of the 25th January, 1886.

No. 2466 *E.*—In supersession of paragraph 2 of Foreign Department Notification No. 1865 E., dated the 6th August, 1886, Hari Chand, Naib Tahsildar of Sibi, is appointed to be Tahsildar of Sibi substantive *pro tempore*, with effect from the 14th May, 1886.

2. In continuation of Foreign Department Notification No. 1807E., dated the 6th August, 1886, Amar Singh, second clerk in the Office of the Political Agent of Thal Chotiali, is appointed to be Tahsildar on special duty in Bori substantive *pro tempore*, *vice* Mallk Diwan Chand, deceased, and with effect from the 11th July, 1886.

No. 3918 *I.*—The Governor-General in Council has received with much satisfaction the intelligence that Her Highness the Begum of Bhopal has abolished all transit duties hitherto levied within the Bhopal State.

The 5th November, 1886.

No. 3027 *I.*—Whereas His Highness the Maharaja of Patiala, His Highness the Raja of Jhind and the Nawab of Dujana have granted to the British Government full jurisdiction within the lands which lie within their respective States and are occupied, or may be hereafter occupied by the Rewari-Ferozpur State Railway (including the lands occupied as stations, out-buildings and for other railway purposes): In exercise of this jurisdiction, and of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification:—

1. All laws for the time being in force in the Hissar district of the Punjab are hereby extended to the aforesaid lands.

2. The Deputy Commissioner of the Hissar district, the Commissioner of the Delhi Division, the Financial Commissioners of the Punjab, and the Lieutenant-Governor of the Punjab and its Dependencies, for the time being shall respectively have within the aforesaid lands the same executive powers as they may respectively exercise within the British territories subject to their administration.

3. British Courts having jurisdiction within the Hissar district may exercise within the aforesaid lands the jurisdiction which they respectively exercise within the said district.

4. Within the aforesaid lands the administration of the Police shall be vested in the Assistant Inspector-General of Railway Police, or such other officer as the said Lieutenant-Governor may appoint, by name or in virtue of office, in that behalf. The Assistant Inspector-General, or other officer as aforesaid, shall have the same Police powers as may be exercised by the District Superintendent of Police, under any law for the time being in force in the Hissar district, in subordination to the Deputy Commissioner of the Hissar district and the Inspector-General of Police in the Punjab.

No. 3930 *I.*—Whereas the Rulers of the States mentioned in the margin have ceded to the British Government full jurisdiction within those portions of land which lie within their respective territories and are occupied, or may be hereafter occupied by the railways comprised in the Rajputana-Malwa Railway system (including lands occupied as stations, out-buildings, and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to extend Act III of 1867 to the aforesaid lands, subject to the following modifications:—

Ulwur.	Marwar.
Bhurtpore.	Sirohi.
Jeypore.	Meywar.
Kishangarh.	Tonk.

(*a*) The preamble, the first two paragraphs of Section 1 and Sections 2 and 18 shall be omitted.

(*b*) In Section 5 for the words "Lieutenant-Governor or Chief Commissioner," and in Section 17 for the words "Lieutenant-Governor or Chief Commissioner as the case may be" the words "Agent to the Governor-General in Rajputana" shall be read.

(*c*) In Section 17 for the words and figures "Section 61 of the Code of Criminal Procedure" the words and figures "Sections 386 to 389 (both inclusive) of the Code of Criminal Procedure, 1882" shall be read.

No. 3933 *I.*—The Governor-General in Council is pleased to extend Act XXI of 1860 (an Act for the registration of Literary, Scientific, and Charitable Societies) to the Civil and Military Station of Bangalore, subject to the following modification, namely,—

In Section 13 for the words "principal Court of original civil jurisdiction of the district in which the chief building of the society is situate," the words "Civil Court of the Civil and Military Station of Bangalore" shall be substituted.

No. 3934 *I.*—In exercise of the powers conferred by Sections 4 and 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased—

(*a*) to appoint the Agent for the time being to the Governor-General at Baroda, being a European British subject, to be a Justice of the Peace within the cantonment of Baroda; and

(*b*) to direct that the High Court of Bombay shall be the Court to which the said Justice of the Peace shall commit European British subjects for trial.

No. 3936 *I.*—In exercise of the powers conferred by Sections 4 and 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased—

(*a*) to appoint the Cantonment Magistrate for the time being of the cantonment of Baroda, being a European British subject, to be a Justice of the Peace within the limits of that Cantonment; and

(*b*) to direct that the High Court of Bombay shall be the Court to which the said Justice of the Peace shall commit European British subjects for trial.

No. 3938 *I.*

Whereas it is expedient to make better provision for the organization and administration of municipalities in the Hyderabad Assigned Districts, His Excellency the Viceroy and Governor-General in Council is pleased to issue the following orders :—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) These orders may be called the "Berar Municipal Law, 1886," and are hereinafter referred to as "this Law."

(*2*) This Law extends to the Hyderabad Assigned Districts ; and

(*3*) It shall come into force on the first day of January, 1887.

(*4*) Any power conferred by this Law to make rules or issue orders may be exercised at any time after the publication of this Law in the *Gazette of India ;* but a rule or order so made or issued shall not take effect until this Law comes into force.

Definitions.

2. In this Law, unless there is something repugnant in the subject or context,—

(*1*) "committee" means a municipal committee constituted under this Law :

(*2*) "municipality" means a local area to which this Law has been applied under section 4 or section 5 :

(*3*) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service :

(*4*) "Resident" means the Resident at Hyderabad :

(*5*) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in a municipality or in a local area to which the Resident has by notification declared his intention to apply this Law :

(*6*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway :

(*7*) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if the land or building were let to a tenant :

(*8*) "notification" means a notification published by authority of the Resident in the Residency Orders :

(*9*) "notified" means published as aforesaid : and

(*10*) "prescribed" means prescribed by rules made by the Resident under this Law.

Notification of intention to apply this Law.

3. (*1*) The Resident may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Law to any town or to any group of towns in the immediate neighbourhood of one another.

(*2*) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town :

Provided that it shall not, without the previous consent of the Governor-General in Council, so include any part of a military cantonment.

Application of this Law.

4. (*1*) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of this Law, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take his objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (*1*), the Resident may, by notification, apply this Law to the local area.

Special rule as to application of this Law to towns to which Act IV of 1873 applies.

5. The Resident may, by notification, apply this Law to any local area which is a municipality established under Act IV of 1873, and shall, within three months from the date on which this Law comes into force, so apply it to every such local area unless before the expiration of that period—

(*a*) this Law has been applied under section 4 to some local area in which that local area is comprised ; or

(*b*) the Resident has declared, by notification, that the provisions of this Law are unsuited to that local area.

CHAPTER II.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality and consisting of—

(*a*) so many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality ; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Resident may, subject to rules made under this Law, appoint in this behalf.

Magistrate to convene meeting to determine system of representation and election.

7. (*1*) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Law has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from date of the meeting as the Resident may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(*2*) The Resident may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting.

8. Notices under section 7 shall be issued to the following persons, namely :—

(*a*) all Honorary Magistrates having jurisdiction within the limits of the municipality ;

(*b*) when the municipality comprises any local area for which a municipal committee has been appointed under Act IV of 1873, the members of that committee ; and

(*c*) any leading residents of the municipality not included under the foregoing clauses who in the opinion of the District Magistrate should be allowed to take part in the discussion.

Matters to be considered at the meeting.

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the District Magistrate to the Resident, proposals regarding the following matters, namely :—

(*a*) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards ;

(*b*) the number of representatives proper for the municipality or for each ward ;

(*c*) the qualifications of electors and of candidates for election ;

(*d*) the registration of electors ;

(*e*) the nomination of candidates, the time of election and the mode of recording votes ; and

(*f*) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

Power to Resident to make rules regarding representation and election.

10. (*1*) The Resident shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with the fine which may extend to fifty rupees.

(*2*) The Resident may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under this section ; but no amendment made under this sub-section shall take effect until six months after it has been published in the Residency Orders.

(*3*) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of member of committee.

11. (*1*) The term of office of a member of a committee shall be fixed by the Resident by rule made under this Law, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*2*) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

Resignation of member.

12. A member of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Powers of Resident as to removal of members.

13. (*1*) The Resident may remove any member of a committee—

(*a*) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a member ;

(*b*) if he has been declared by notification to be disqualified for employment in the public service ;

(*c*) if he, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of the committee ;

(*d*) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order ; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(*2*) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

Filling of casual vacancies.

14. (*1*) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place :

Provided that the Resident may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (*b*), direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of an appointed member of a committee becomes vacant as aforesaid, the Resident may, if he thinks fit, but subject to the rules made this under Law, appoint a new member to fill the place.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under this Law, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Incorporation of committee.

16. A committee shall come into existence at such time as the Resident may, by notification, appoint in this behalf.

Time for committees coming into existence.

17. (*1*) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area which is a municipality under Act IV of 1873, the following consequences shall ensue, namely :—

Consequences of establishment of committee where committee exists.

(*a*) the said Act IV of 1873 shall cease to apply to the local area;

(*b*) the committee (if any) constituted under that Act for the local area shall cease to exist;

(*c*) all property vested in the old committee shall, for the purposes of this Law, vest in the committee constituted under this Law (hereinafter called the new committee) subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Law had not been passed;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Resident; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(*2*) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area in which Book Circular No. XIV of 1881 is in force, that Book Circular shall cease to have effect in that local area, and the committee constituted under that Book Circular for that local area shall cease to exist.

Chairman and Vice-chairman.

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Resident, but not otherwise, become chairman of the committee :

Election or appointment of chairman.

Provided that—

(*a*) if the office of chairman remains vacant for three months from the date of the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Resident may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman ; and

(*b*) in such municipalities as the Resident may, from time to time, by notification, exempt from the operation of this section, the Resident may, from time to time, appoint such person as he thinks fit by name or by virtue of office to be chairman.

19. In every municipality the committee shall, from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

Election of vice-chairman.

20. (*1*) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

Term of office of chairman and vice-chairman.

(*2*) The term of office of any other person elected to be chairman, or of a chairman appointed by the Resident, shall be such term not exceeding three years as the Resident may by rule prescribe.

(*3*) The term of office of a vice-chairman shall be one year :

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(*4*) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

21. (*1*) A chairman of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Resignation of chairman or vice-chairman.

(*2*) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

22. The Resident may remove any chairman or vice-chairman of a committee from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee.

Removal of chairman or vice-chairman.

23. (*1*) If an elected chairman or a vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

Casual vacancies in office of chairman or vice-chairman.

(*2*) If a chairman appointed by the Resident dies, resigns his office or is removed, the Resident shall appoint another chairman.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office :

Provided that if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(*4*) A person going out of office under sub-section (*3*) shall, if otherwise qualified, be again eligible for election or appointment.

24. When a person not already a member of the committee is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

Chairman to become member if not already member.

Notification of Elections, Appointments and Vacancies.

25. Every election and appointment of a member or chairman of a committee and every vacancy in the office of member or chairman shall be notified.

Notification of elections, appointments and vacancies.

Joint Committees.

26. (*1*) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Joint committees.

(*2*) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Commissioner shall be final.

Conduct of Business.

27. (*1*) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

Time for holding meetings.

(*2*) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

28. (*1*) A meeting of a committee shall be either ordinary or special.

Ordinary and special meetings.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Law or the rules made under this Law to be transacted at a special meeting.

29. (*1*) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the whole committee.

Quorum.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34 :

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present there at or not.

30. (*1*) At every meeting of a committee the chairman, if present, shall preside.

Chairman of meeting.

(*2*) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(*3*) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

31. (*1*) Except as otherwise provided by this Law, or by any rule made by the Resident under this Law, all questions which may come before any meeting of a committee shall be decided by the majority of the votes of the members present.

Vote of majority decisive.

(*2*) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

32. The Civil Surgeon, the Executive Engineer and the Inspector of Schools shall be entitled to attend any meeting of the committee, and to address the committee on any matter affecting respectively sanitation, public works and public instruction.

Certain officers entitled to attend and speak.

33. (*1*) Every resolution passed by a committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or vernacular newspaper, or in such other manner as the Resident may direct.

Resolutions to be recorded and published.

(*2*) A copy of every resolution passed by a committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate.

34. (*1*) Every committee may, from time to time, at a special meeting, make rules consistent with this Law and any rules made under this Law by the Resident as to—

Power to make rules as to meetings and proceedings.

(*a*) the time and place of its meetings;

(*b*) the manner of convening ordinary and special meetings respectively, and of giving notice thereof;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the division of duties among the members of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Law; and

(*g*) all other similar matters.

(*2*) Every rule made under this section shall be published in such manner as the Resident may direct.

Officers and Servants.

35. (*1*) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

Appointment of secretary.

(*2*) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(*3*) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases the committee may, with the previous sanction of the Commissioner, assign to a secretary such pay as it thinks fit.

36. Subject to the other provisions of this Law, and to such rules as the Resident may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Employment of other officers and servants.

37. In the case of a Government official a committee may—

Pensions of Government officials serving committees.

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Resident.

38. In the case of an officer or servant not being a Government official, a committee may—

Pensions of others.

(*1*) grant him leave-allowances and, if he is employed under a committee constituted under Act IV of 1873 when this Law comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Resident—

(*a*) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

39. (*1*) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

Authority to contract.

(*2*) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

40. (*1*) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

Mode of executing contracts.

(*2*) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the committee may delegate to one or more of its members the power of executing any contract which he is or they are empowered to enter into under section 39, sub-section (*1*).

(*3*) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee.

CHAPTER III.

TAXATION.

Taxation.

41. (*1*) Subject to any general rules or special orders which the Governor-General in Council may make in this behalf, and to any rules made by the Resident under this Law, a committee may, from time to time, for the purposes of this Law and in the manner by this Law directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

Taxes which may be imposed.

(*A*) with the previous sanction of the Resident—

(*a*) a tax on buildings and lands situate within the municipality, not exceeding seven-and-a-half per centum on the annual value of the buildings and lands;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(*d*) a tax on vehicles and animals used as aforesaid entering the municipality;

(*e*) a tax on menial and domestic servants;

(*f*) an octroi on animals for slaughter, or goods, or both, brought within the municipality for consumption or use therein; and

(*B*) with the previous sanction of the Resident and of the Governor-General in Council, any other tax.

(*2*) In this section, "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let:

Provided that, in the case of land which is assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or, when the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

42. When a committee has, in exercise of the powers conferred by this Law, provided for the performance, with regard to any buildings or lands by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Resident, in the manner by this Law directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Law, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Scavenging-tax.

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

43. (*1*) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Resident, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Law directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

Water-tax.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purpose.

44. (*1*) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

Procedure in imposing taxes.

(*2*) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(*5*) The Resident, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Resident sanctions any such proposals which require the further sanction of the Governor-General in Council, he shall submit the same to the Governor-General in Council, with the objections (if any) received through the committee; and the Governor-General in Council may sanction the proposals, or refuse to sanction them, or return them to the Resident for further consideration.

(*7*) When the proposals of a committee have been sanctioned by the Resident, or by the Resident and the Governor-General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(*8*) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(*a*) no tax shall come into force until it has been notified;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(*c*) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(*9*) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

45. A committee may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to abolish or reduce taxes.

46. (*1*) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

Power to exempt from taxation.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power for Resident to suspend levy of tax.

47. (1) If at any time it appears to the Resident, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Resident, the Resident may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Resident may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

48. No tax imposed under this Law shall be invalid merely for defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

49. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Resident, may, by rule, from time to time, direct.

Receipts to be given.

50. For all sums paid on account of any tax under this Law a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment.

Appeals against taxation.

51. (1) An appeal against the assessment or levy of any tax under this Law shall lie to the District Magistrate, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Resident in this behalf.

(2) The order of the appellate authority, shall be final.

Limitation for appeals.

52. (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the notice prescribed by section 55, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

Taxation not to be questioned except under this Law.

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Law is provided.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Law.

54. All taxes leviable in any local area under Act IV of 1873, at the time when a committee having authority over that local area comes into existence under this Law, shall, so far as their imposition and assessment are consistent with this Law and within the powers conferred thereby, be deemed to have been imposed and assessed under this Law.

Taxes on Immoveable Property.

Preparation of assessment-list.

55. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

Publication of notice of assessment.

56. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of any property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

57. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

Settlement of list.

58. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard, either in person or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to inspection by all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

59. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent as he thinks fit.

New list need not be prepared every year.

60. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

61. (1) When a tax payable under section 41, sub-section (1), clause (a), or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (1), clause (a), or under section 42 or section 43, is wholly or in great part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

Taxes on immoveable property by whom payable.

62. (1) A tax payable under section 41, sub-section (1), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of taxes payable by owner.

63. (1) When any sum is due on account of a tax payable under this Law in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(3) The amount of every such arrear may be recovered, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

Octroi and Tolls.

Power to search where octroi is leviable.

64. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to examine article liable to octroi.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

Presentation of bill for octroi.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

67. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and

sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee under this Law or otherwise;

(*b*) all fines realized in cases in which prosecutions are instituted under this Law or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(*c*) when there has been included within the municipality any municipality constituted under Act IV of 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

Application of fund.

69. (*1*) The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Resident to be equitably debitable to the committee in return for services rendered to it by those Departments.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and, with the sanction of the Commissioner, outside the municipality, when such application of the fund is for the benefit of the inhabitants of the municipality, namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;

(*b*) the watering and lighting of such streets or any of them;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief-works, in time of famine or scarcity;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of municipal fund.

70. (*1*) In places where there is a Government treasury or sub-treasury the municipal fund shall be kept in the treasury or sub-treasury.

(*2*) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Resident may in each case think sufficient.

Investment of same.

71. (*1*) A committee may, from time to time, with the previous sanction of the Resident, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor-General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Management of public institutions.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Resident.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

73. Every committee shall maintain a police-establishment for watch and ward, and the prevention and suppression of nuisances, within the municipality, and for the enforcement of this Law and the rules made thereunder, and of the orders of the committee.

Constitution of establishment.

74. The establishment maintained under section 73 shall, as the committee with the approval of the Resident may direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Resident, direct.

Appointment, punishment and duties of municipal watchmen.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Resident may make in this behalf; and shall perform such duties, and be liable to such penalties, as may be prescribed with the sanction of the Governor-General in Council.

Duties of municipal police enrolled under Act V of 1861.

76. If the establishment is part of the general police force, the Resident may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

Powers under section 34 of Act V of 1861.

77. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Law shall have the powers of a police-officer under that section.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street.

Power to permit temporary occupation of street, &c.

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

82. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

84. (*1*) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future or beyond the front of the building on either side thereof, the committee may whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

85. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Law given by the committee within one month after receiving such no-

tice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely :—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and constructions.

86. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Law, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

Bathing and washing places.

87. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

88. The committee may fix places within, or, with the approval of the District Magistrate, beyond the limits of the municipality, for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

89. (*1*) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal at any other place for sale within the municipality shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

90. (*1*) The committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Law without the permission in writing of the committee.

(*4*) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary

to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Removal of corpses.

91. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

93. (*1*) The committee, by any person authorised by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

94. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally limewashed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on building or land.

95. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation; or

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Law empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

96. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

97. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

98. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

(*2*) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality.

(*3*) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality, and charging scavenging-tax, at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(*4*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorised by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

99. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

100. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof, and for discharging the same so as not to inconvenience persons passing along the streets.

Troughs and pipes for rain-water.

101. (*1*) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

102. (*1*) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool or to close any cesspool belonging thereto.

Repair and closing of drains, privies and cesspools.

(*2*) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Law, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

103. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, watercourse or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Unauthorized buildings over drains, &c.

104. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptable for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, &c., near any source of water-supply.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood;

Power to require drainage, &c., of unwholesome tanks, &c.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

106. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Building, &c., in ruinous or dangerous state.

Buildings and Grounds in unsanitary Condition.

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon, which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to have building or land cleansed

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

Power in respect of building unfit for habitation.

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

113. (*1*) The Resident may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(*2*) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (*1*), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

114. (*1*) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow; or

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naptha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(*2*) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(*3*) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(*4*) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(*5*) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

115. (*1*) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(*2*) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

116. (*1*) A committee may, from time to time, at a special meeting, make rules—

Power of committee to make rules.

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses, and the conditions under which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) generally for carrying out the purposes of this Law.

(*2*) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*3*) No rule made under this section shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

117. (*1*) When any notice under this chapter requires any act to be done for which no time is fixed by this Law, it shall fix a reasonable time for doing the same.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

118. (*1*) Where, under this Law, the owner or occupier of property is required by the committee to execute any work, and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(*3*) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit or, on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

119. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by his Law to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, X of 1870. 1870, sections 3, 8 to 12, 51 to 53, and 56 to 59, so far as they can be made applicable.

Appeals against certain orders of committee.

120. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 116 may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

121. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Discharging sewage.

122. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

Non-removal of filth, &c.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to fifty rupees.

Making or altering drains without authority.

124. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has been issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

126. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

127. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punished with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

128. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees.

Discharging firearms, &c.

129. Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees.

Control of elephants and camels.

130. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punished with fine which may extend to twenty rupees.

Taking elephants along streets.

131. Whoever, contrary to any orders of the committee, takes an elephant along a street, shall be punished with fine which may extend to twenty rupees.

Suffering dogs to be at large.

132. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

133. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building-materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

134. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees.

Picketting animals and collecting carts.

135. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

136. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punished with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

137. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees.

Penalty for disobedience to orders of committee under chapter VI.

138. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by chapter VI, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which

may extend to fifty rupees and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

Prosecution to be suspended in certain cases.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner or District Magistrate.

140. The Commissioner, or the District Magistrate when he is not a member of the committee, may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee;

(*c*) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for; and

(*d*) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

Power to suspend action by committee or joint committee.

141. (*1*) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done in pursuance of, or under cover of, this Law, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(*2*) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Resident, who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit.

Extraordinary powers of District Magistrate in case of emergency.

142. (*1*) In cases of emergency, the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

(*3*) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

Powers of Resident in case of default of committee.

143. (*1*) If at any time it appears to the Resident that a committee has made default in performing any duty imposed on it by or under this Law or any other law, the Resident may, by order, in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Resident may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee

(*3*) If the expense is not so paid, the District Magistrate, with the previous sanction of the Resident, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

Power of Resident to supersede committee in case of incompetency, persistent default or abuse of powers.

144. (*1*) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Law or any other law for the time being in force, or exceeds or abuses its powers, the Resident may, with the previous approval of the Governor-General in Council, by an order published, with the reasons for making it, in the Residency Orders, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a committee is so superseded, the following consequences shall ensue:—

(*a*) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Resident appoints in that behalf; and

(*c*) all property vested in the committee shall, during the period of supersession, vest in the Government.

(*3*) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under clause (*a*) of sub-section (*2*) shall not be deemed disqualified for being members.

Power of Resident to frame forms and make rules.

145. (*1*) The Resident may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules consistent with this Law—

(*a*) as to the appointment of members of a committee;

(*b*) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or who have been appointed to that office by the Resident;

(*c*) as to the filling of casual vacancies among elected and appointed members of a committee;

(*d*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*e*) as to the assessment and collection of taxes imposed under this Law and for preventing evasion of the same;

(*f*) as to the authority on which money may be paid from the municipal fund;

(*g*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange, or otherwise;

(*h*) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;

(*i*) as to the intermediate office or offices, if any, through which correspondence between committees and the Resident or his officers, and representations addressed to the Resident, under this Law, shall pass;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

(*l*) as to the priority to be given to the several duties of the committee;

(*m*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*n*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Law, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*o*) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(*p*) as to the returns, statements and reports to be submitted by committees;

(*q*) as to the publication of notices; and,

(*r*) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Law.

(*2*) In making rules under clause (*e*) of sub-section (*1*), the Resident may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

CHAPTER IX.

SUPPLEMENTAL.

Penalty on member, officer or servant of committee being interested in contract made with committee.

146. (*1*) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

(*2*) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Suits against committee and its officers.

147. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1877.

Liability of members for loss, waste or misapplication.

148. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Government.

Acquisition of land under Act X of 1870.

149. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Law, the Resident may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment X of 1870.

by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

Procedure for making rules.

150. (*1*) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*2*) Every rule made under any of those sections shall be published in such manner as the Resident may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

Prosecutions.

151. A Court shall not take cognizance of an offence punishable under this Law, or the rules made under this Law, except on the complaint of the committee or of some person authorised by the committee in this behalf.

Saving of prosecutions under other laws.

152. Nothing in this Law shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Law 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 Law or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Recovery of taxes, &c.

153. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Notification of intention to alter limits of municipality.

154. The Resident may, by notification, and in such other manner as he may determine, declare his intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor-General in Council.

Alteration of limits of municipality.

155. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take the objection into consideration.

(*2*) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (*1*), the Resident may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. (*1*) When a local area is excluded from a municipality under section 155,—

(*a*) this Law, and all rules, orders, directions and powers made, issued or conferred under this Law, shall cease to apply thereto; and

(*b*) the Resident shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in the Government for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Government; and, on the publication of the scheme in the Residency Orders, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in the Government under sub-section (*1*) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Law, and all rules, orders, directions and powers made, issued or conferred under this Law and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers exerciseable from time to time.

158. All powers conferred by this Law on the Governor-General in Council or on the Resident may be exercised from time to time as occasion requires.

Saving of Act XI of 1879.

159. Nothing in this Law shall affect the Local Authorities Loan Act, 1879, as applied to the Hyderabad Assigned Districts.

Member of committee to be municipal commissioner.

160. Every member of a committee constituted under this Law shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Vacancies and irregularities not to invalidate proceedings.

161. Anything done or any proceeding taken under this Law shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

CHAPTER X.

EXCEPTIONAL PROVISIONS.

Power to except municipalities from operation of provisions of this Law regarding election.

162. (*1*) If it appears to the Resident that the circumstances of any municipality are such that the provisions of this Law requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Resident may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Resident:

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor-General in Council.

(*2*) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (*1*), the Resident may appoint such of the members of the committee as would otherwise have been elected.

Power to withdraw municipal area altogether from operation of this Law or Act IV of 1873.

163. (*1*) The Resident may, with the previous sanction of the Governor-General in Council, by notification, withdraw from the operation of this Law or Act IV of 1873 the area of any municipality constituted under this Law or that Act.

(*2*) When a notification is issued under this section in respect of any municipality, this Law or that Act, as the case may be, and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in the Government, and the liabilities of the committee shall be transferred to the Government.

(*3*) All property vested in the Government under sub-section (*2*) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

W. J. CUNINGHAM,
for Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

EXEMPTIONS, &c.

Simla, the 5th November, 1886.

No. 4080.—Whereas under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November, 1880, the Commissioners for making improvements in the Port of Calcutta have paid to the Collector of Stamp Revenue the sum of Rs. 2,141 as composition for the stamp-duty chargeable on the loan of Rs. 4,28,200 which has been raised by the undermentioned debentures—

	Rs.
Nos. 3519 to 3526 @ Rs. 10,000 each dated 1st April, 1886 ...	80,000
Nos. 3527 to 3545 of Rs. 10,000 each dated 1st June, 1886 ..	1,90,000
No. 3540 of Rs. 8,000 dated 1st June, 1886	8,000
No. 3547 of Rs. 200 dated 1st June, 1886	200
Nos. 3548 to 3562 of Rs. 10,000 each dated 1st July, 1886 ...	1,50,000

Therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from payment of any stamp-duty with which they might otherwise be chargeable, whether on issue, renewal, subdivision, or consolidation.

SEPARATE REVENUE.

STAMPS.

JUDICIAL STAMPS.

EXEMPTIONS, &c.

The 5th November, 1886.

No. 4088.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor-General in Council is pleased to direct that the fee payable under that Act on a copy of an order passed under Section 26 of Act II of 1886 shall be limited to one anna.

J. F. FINLAY,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 5th November, 1886.

SPECIAL.

No. 723.—The following Notification by the Foreign Department is republished for information:—

NOTIFICATION.

No. 1885 *F.*

The 1st November, 1886.

On the return to India of the AFGHAN BOUNDARY COMMISSION, the Governor-General in Council desires to place on record his high appreciation of the valuable services rendered by officers and men during their two years' absence from British Territory.

COLONEL SIR WEST RIDGEWAY and the Political officers under his orders have shown skill, judgment, and tenacity in their endeavours to secure the primary objects of the COMMISSION, and the results obtained in other Departments have been highly satisfactory; while the Military Escort, composed of detachments of the 11th Bengal Lancers and 20th Punjab Infantry, have upheld throughout, by discipline, endurance, and good conduct, the credit of Her Majesty's Army.

The Governor-General in Council heartily congratulates the members of the COMMISSION upon the completion of their trying duty, and welcomes them back to the British Frontier

APPOINTMENTS.

No. 729.—BRIGADE STAFF—

Major J. C. R. Glasgow, Suffolk Regiment, to be a Brigade-Major on the Establishment, *vice* Major H. A. Cherry, whose tenure of appointment has expired. Dated 21st October, 1886.

No. 730.—COMMISSARIAT DEPARTMENT—

Lieutenant A. M. Caulfield, Northumberland Fusiliers, to officiate as Sub-Assistant Commissary-General for Transport, 2nd Class, *vice* Lieutenant P. R. Mockler, Warwickshire Regiment, replaced at the disposal of the Commander-in-Chief for duty with his regiment. Dated 13th August, 1886.

No. 731.—STAFF CORPS—

The undermentioned officers appointed by the Secretary of State for India probationers for the Indian Staff Corps are posted as follows, with effect from the dates of their arrival in India:—

MADRAS STAFF CORPS.

Lieutenant A. F. P. Paxton, Yorkshire Regiment.

Lieutenant A. W. Newbold, Royal Sussex Regiment.

Lieutenant A. H. Allenby, York and Lancaster Regiment.

BOMBAY STAFF CORPS.

Lieutenant F. D. Behrend, West Riding Regiment.

FURLOUGH AND LEAVE.

No. 732.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel J. R. Wilmer, Bengal S. C., Deputy Superintendent, 4th Grade, officiating 3rd Grade, Survey of India, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Conductor R. J. Whitmore, Ordnance Department, (p. a.) for one year, under rule I of the regulations of 1875.

No. 733.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Captain M. C. Cooke-Collis, Bengal S. C., (Queen's Own) Corps of Guides, Infantry, (p. a.) for 182 days. Pension service,—fourteen years and 311 days.

Captain A. W. T. Radcliffe, Bengal S. C., 14th Bengal Infantry, (p. a.) for one year. Pension service,—thirteen years and 88 days.

No. 734.—Lieutenant A. W. Cripps, Leinster Regiment, Wing Officer, 20th Bengal Infantry, on probation, is permitted to proceed to England (m. c.), under clause 12, India Army Circulars, 1885.

No. 735.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel H. W. Webster, Bengal S. C., (p. a.) for five months.

Major C. E. Hallet, Bengal S. C., (m. c.) for two months.

Major the Hon'ble G. C. Napier, C.I.E., General List, Infantry, (m. c.) for six months.

Captain R. C. Maxwell, R.E., (p. a.) for 274 days.

PROMOTIONS.

No. 736.—The following promotions are made, subject to Her Majesty's approval:—

To be Colonels in the Army.

Lieutenant-Colonel Charles Alfred Moore, Bombay Cavalry,—4th November, 1886.

Lieutenant-Colonel Charles Campbell Hewetson, Madras S. C.,—4th November, 1886.

BENGAL STAFF CORPS.

To be Major.

Captain William Hutt Curzon Wyllie, C.I.E.,—30th October, 1886.

BENGAL ARMY.

To be Lieutenant-Colonels.

Major and Brevet Lieutenant-Colonel Davie Henry Robertson, General List, Infantry,—4th November, 1886.

Major Andrew McCrae Bruce, General List, Infantry,—4th November, 1886.

MEDICAL DEPARTMENT.

To be Brigade-Surgeon.

Surgeon-Major James Hunt Condon, M.D., *vice* Brigade-Surgeon J. Fairweather, retired. Dated 19th October, 1886.

No. 737.—NATIVE ARMY—

No. 1, Bengal Mountain Battery.

Jemadar Jáfar Shah, from No. 3 (Peshawar) Mountain Battery, Punjab Frontier Force, to be Subadar;

Quartermaster and Pay-Havildar Solúkhan Singh, from No. 3 (Peshawar) Mountain Battery, Punjab Frontier Force, to be Jemadar;

Havildar Késar Singh, from No. 1 (Kohat) Mountain Battery, Punjab Frontier Force, to be Jemadar.

No. 2, Bengal Mountain Battery.

Havildar Alam Shére, from No. 2 (Derajat) Mountain Battery, Punjab Frontier Force, to be Jemadar;

Havildar Emán Ali Sháh, from No. 2 (Derajat) Mountain Battery, Punjab Frontier Force, to be Jemadar,—

with effect from the 5th November, 1886.

No. 738.—PUNJAB FRONTIER FORCE—

1st Sikh Infantry.

Drill-Havildar Sonú to be Jemadar, *vice* Jemadar Shamsáddin, transferred to the Burmah Police, with effect from the 6th October, 1886.

REWARDS.

No. 739.—GOOD SERVICE PENSIONS—

It is notified that, on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified:

From the 16th June, 1886, in room of Colonel Bendyshe Walton, C.I.E., Bengal S. C., succeeded to the Colonel's allowance.

COLONEL (BRIGADIER-GENERAL) FRANCIS BOOTH NORMAN, C.B.

Dates of Commissions.

Ensign	...	8th December, 1848.
Lieutenant	...	15th April, 1854.
Brevet Captain	...	18th February, 1861.
Captain	...	28th June, 1861.
Brevet Major	...	10th November, 1865.
Major	...	8th December, 1868.
Lieutenant-Colonel	...	8th December, 1874.
Brevet Colonel	...	22nd November, 1879.

Appointments.

Regimental duty, late 14th Regiment Native Infantry, from 1st May, 1849, to 23rd March, 1855.
Executive Engineer, Public Works Department, from 24th March to 13th November, 1855.
Regimental duty, from 14th November, 1855, to 24th April, 1858.
Deputy-Assistant Quartermaster-General, Bengal, from 25th April, 1858, to 9th April, 1863.
Assistant Quartermaster-General, Bengal, from 10th April, 1863, to 10th April, 1868.
Second-in-Command, 24th Punjab Infantry, from 1st June, 1868, to 7th August, 1879.
Commandant, 24th Punjab Infantry, from 7th August, 1879, to 25th April, 1885.
Commanding Mooltan Brigade, from 25th October, 1880, to 25th February, 1881.
General duty, from 26th April to 10th June, 1885.
Commanding Peshawar District, from 11th June to 28th October, 1885.
Commanding 1st Brigade, Burma Field Force, from 29th October, 1885, to 12th May, 1886.
Commanding Sialkot Brigade, from 13th May, 1886, to date.

War Services.

Indian Mutiny, 1857.—At Ferozepore.—Medal.

North-West Frontier of India, 1863.—Operations in the Umbeyla Pass, storming of the Conical Hill, and destruction of Lálú.—Despatches, G. G. O. 76 of 1864; Medal with clasp.

Bhootan Campaign, 1864-65-66.—Capture of four stockades in Gooroogaon Pass, recapture of Diwangiri, advance on Tongsoo, and capture of Suleeka.—Clasp; Brevet of Major.

Hazara Campaign, 1868.—Clasp.

Afghan War, 1878-79-80.—2nd Bazar Valley Expedition; defence of Jagdalak, and operations against Asmatoolah Khan. March from Kabul to Kandahar, and battle of Kandahar, 1st September, 1880.—Despatches, G. G. O. 610 of 1879, 177 and 582 of 1880; Medal with clasp, Bronze Star, C.B., Brevet of Colonel.

Burma Campaign, 1885-86.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

MILITARY DEPARTMENT

NOTIFICATION.

Simla, the 5th November, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 30th October and the 5th November, 1886:

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
The Connaught Rangers	Captain D. J. N. Webb ...	25th October, 1886.	Jullundur ...	...	
Bombay Staff Corps (2nd Central India Horse).	Lieutenant G. K. Daly ...	21st October, 1886.	Poona ...	...	

Statement of Deposits on account of Estates between the 23rd October and the 5th November, 1886.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total amount of deposit.	Amount paid in India.	Date on which paid, or to be paid.
					Rs. A. P.		
Thomas Joseph Willans ...	Major ...	Royal Engineers	4th July, 1886	Will left	2,760 14 7	...	...
Hibbert Sullivan Parker ...	Surgeon ...	Medical Staff ...	1st August, 1886	Intestate	0 0 6	...	...
Charles Lysons* ...	Lieutenant ...	Royal Welsh Fusiliers.	19th April, 1886	Will left	1,182 7 8	...	5th January, 1887.

* *Next-of-kin.*—General Daniel Lysons, 22 Warwick Square, London, W.
Executors—Lieutenant H. Lysons, V.C., Scottish Rifles, Aldershot, England, and Lieutenant A. C. King, Royal Welsh Fusiliers.

O. R. NEWMARCH, *Major-General,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 1st November, 1886.

No. 295.—Captain E. A. Waller, R.E., Examiner of Public Works Accounts, Hyderabad, is granted furlough out of India for one year, under Chapter V, Section 50, of the Civil Leave Code.

The 2nd November, 1886.

No. 297.—It is hereby notified that in Railway Despatch No. 85, dated 30th September, 1886, Her Majesty's Secretary of State for India has accorded sanction to the revised estimates, amounting to Rs. 1,88,00,000, of the cost of constructing the Bellary-Kistna State Railway.

No. 298.—Major F. Firebrace, R.E., Superintending Engineer, 1st Class, temporary rank, and Under-Secretary to the Government of India in the Public Works Department, is appointed to officiate as Consulting Engineer for Railways, Bombay, during the absence of Major-General H. F. Hancock, R.E., or until further orders.

No. 299.—Captain H. Clarke, R.E., Examiner, attached to the Office of the Examiner of Accounts, Military Works, is appointed Examiner, Public Works Accounts, Hyderabad, *vice* Captain E. A. Waller, R.E., proceeding on furlough.

The 3rd November, 1886.

No. 300.—Mr. F. L. Dibblee and Mr. T. E. Owen, Executive Engineers, 1st Grade, State Railways, are transferred from the Establishment under the Government of Bengal to that under the Chief Commissioner of Burma.

No. 301.—Mr. E. C. Elliot, Executive Engineer, 4th Grade, temporary rank, State Railways, is transferred from the Establishment under the Director-General of Railways to that under the Chief Commissioner of Burma.

No. 302.—Mr. W. E. Newham, Assistant Engineer, 1st Grade, State Railways, is on return from furlough placed at the disposal of the Chief Commissioner of Burma.

No. 303.—Mr. H. T. Wadley, Assistant Engineer, 2nd Grade, State Railways, is transferred from the Establishment under the Director-General of Railways to that under the Chief Commissioner of Burma.

No. 304.—Captain G. F. Wilson, R.E., Assistant to the Director-General of Railways, is placed in charge of that portion of the Office of the Accountant-General, Public Works Department, which will remain at Simla.

TELEGRAPH.

The 2nd November, 1886.

No. 296.—The Governor-General in Council is pleased to make the following officiating appointments in the Indian Telegraph Department, during the absence on leave of Mr. A. J. Leppoc Cappel, Director-General of Telegraphs in India:

Colonel H. A. Mallock, R.S.C., Deputy Director-General, as Director-General, and
Mr. W. R. Brooke, Director, as Deputy Director-General, of Telegraphs.

This cancels Public Works Department Notification No. 280, dated 22nd October, 1886.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 47.}. CALCUTTA, SATURDAY, NOVEMBER 20, 1886.

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

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

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

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

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

SUPPLEMENT No. 47.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 18th November, 1886.

No. 23.—His Excellency the Governor-General, under the authority vested in him by the Statute 24 and 25 Vic., Cap. 67, Section 10, has been pleased to nominate Mr. W. S. Whiteside, of the Madras Civil Service, to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 16th November, 1886.

No. 1946.—The Governor-General in Council is pleased, under Section 27 of the Indian Arms Act, XI of 1878, to modify as follows the exemptions made in Home Department Notification No. 1168, dated 23rd July, 1880:—

Clause (3) of the exemptions made by Notification No. 518, dated 6th March, 1879, shall apply to the Punjab, so far as it relates to Military and Naval officers, soldiers, sailors and volunteers serving the Government.

The 19th November, 1886.

No. 1979.—Maung Tetto, Extra Assistant Commissioner, 4th Grade, Burma, is reduced to Myook of the 1st Grade, with effect from the 1st August, 1886.

PATENT.

The 18th November, 1886.

No. 1361.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:

No. 41 of 1886.—Charles Ray Augier, of Umaria (Rewah), Engineer, for an improved machine for the extraction of the juice of the cane.

No. 99 of 1886.—John Brown, Engineer, of London, England, for improvements in apparatus for withering and desiccating the leaves of tea or other plants or materials.

No. 106 of 1886.—Poonnapankum Valoo Moodeliar, late Telegraph Inspector, Madras Railway Company, and Thundalum Colundayeppah Moodeliar, Merasdar, residing Choolay Lunker Paupier Street, No. 38, for a combined water lift and sugar-cane mill, entitled "Three-Thundoyootha Lever."

No. 155 of 1886.—Henry Ffrench Bromhead, of London, England, Gas Engineer, for improvements in gas regulators or governors.

No. 158 of 1886.—Thomas Russell Crampton, of No. 4, Victoria Street, in the City of Westminster, England, Civil Engineer, for improvements in locomotives and other steam engines.

No. 161 of 1886.—Samuel Maurice Johnson, of the Muir Mills Company, Cawnpore, for improvements in tents.

No. 171 of 1886.—Michel Martin Bair, of 60, Rue La Boetie, Paris, in the Republic of France, Engineer, for improvements in electric batteries.

No. 177 of 1886.—Alexander Schanschieff, of Gipsy Hill, in the county of Surrey, England, Electrician, for improvements in galvanic batteries and in the preparation of liquid to be used in such batteries.

No. 180 of 1886.—Alfred John Gasking, of Enfield, in the county of Middlesex, England, Leather Salesman, for improvements in bands or chains for the transmission of work.

No. 187 of 1886.—Harry Scott Forbes, of 91, Highgate Road, London, England, Gentleman, for improvements in lamps for burning volatile hydrocarbons.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Calcutta, the 17th November, 1886.

No. 904—115-7 *S.*—Major T. H. Holdich, R.E., Officiating Deputy Superintendent, 2nd Grade, Survey of India Department, is permitted to resume the furlough granted to him in Military Department Notification No. 100, dated the 22nd February, 1884, from which he was recalled to duty in July, 1884, with effect from such date as his services can be spared.

E. C. BUCK,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 10th November, 1886.

No. 2132 *G.*—Mr. J. R. FitzGerald, C.S., Officiating Political Agent of the 2nd Class, and 1st Assistant and Secretary for Berar to the Resident at Hyderabad, is granted fifteen months' furlough to Europe, on medical certificate, under Section 50, Chapter V, of the Civil Leave Code, with effect from the 14th October, 1886.

No. 2134 *G.*—Mr. A. H. T. Martindale, C.S., Political Agent of the 3rd Class, is, on return from furlough, appointed to officiate as a Political Agent of the 2nd Class, and is posted as 1st Assistant and Secretary for Berar to the Resident at Hyderabad, with effect from the 1st November, 1886.

No. 2136 *G.*—The services of Mr. C. E. Housden, Supernumerary Assistant Engineer of the 1st Grade, are replaced at the disposal of the Public Works Department, with effect from the 31st October, 1886.

The 13th November, 1886.

No. 2167 *G.*—The following reversions are made in the graded list of the Political Department, with effect from the 27th October, 1886, consequent on the return from privilege leave of Mr. R. I. Bruce, C.I.E., Political Agent of the 1st Class :—

Lieutenant-Colonel A. W. Roberts, from Officiating Political Agent of the 1st Class, to Officiating Political Agent of the 2nd Class.

Lieutenant-Colonel V. E. Law, from Officiating Political Agent of the 2nd Class, to his substantive grade of Political Agent of the 3rd Class.

Captain G. Gaisford, Officiating Political Agent of the 3rd Class and Political Agent at Thal Chotiali, vacates his appointment.

The 16th November, 1886.

No. 2175 *G.*—Lieutenant E. E. Robertson, whose services were temporarily placed at the disposal of the Military Department by Foreign Department Notification No. 689G., dated the 30th March, 1886, resumed charge of his duties as Squadron Officer, 1st Regiment, Central India Horse, on the 26th October, 1886.

INTERNAL.

The 10th November, 1886.

No. 4005 *I.*—In exercise of the powers conferred by Sections 8 and 9 respectively of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased—

(*a*) to appoint the Reverend E. Chute, of the American Baptist Mission, Palmoor, to be a Marriage Registrar in respect of all places within the territories of His Highness the Nizam of Hyderabad ; and

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

The 11th November, 1886.

No. 4021 *I.*—The Governor-General in Council is pleased to extend Act X of 1886 (An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts), with the exception of Sections 3, 4, 20 and 25 and so much of Section 12 as enacts the new Section 475 A of the Code of Criminal Procedure, 1882, to the Civil and Military Station of Bangalore, subject to the following modifications, namely :—

(1) For "the Local Government," wherever that expression occurs, read "the Resident in Mysore."

(2) In Section 23, for "British India," wherever those words occur, read "the Civil and Military Station of Bangalore."

The 16th November, 1886.

No. 4060*I.*—In continuation of the Foreign Department Notifications Nos. 126G.P. and 2170I., dated respectively the 28th April, 1881, and 12th June, 1884, and in exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification :—

1. In addition to the Courts constituted for the Civil and Military Station of Bangalore by existing notifications, there shall be a Court of the Munsiff subordinate to the Court of the Civil Judge, with jurisdiction to try all original suits in which the amount or value of the subject-matter does not exceed ₹500.

2. The Second Magistrate of the said station for the time being shall be the presiding officer of the Court of the Munsiff.

3. Appeals from the decrees and orders of the Court of the Munsiff shall, when such appeals are allowed by law, lie to the Civil Judge.

W. J. CUNINGHAM,
for Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 19th November, 1886.

APPOINTMENTS.

No. 749.—ADJUTANT-GENERAL'S DEPARTMENT—

Captain Sir R. A. W. Colleton, *Bart.*, Royal Welsh Fusiliers, Adjutant, Nagpore Volunteer Rifle Corps, to be a Deputy-Assistant Adjutant-General for Musketry, *vice* Captain T. H. Goldney, who has resigned that appointment. Dated 3rd November, 1886.

No. 750.—HORSE BREEDING OPERATIONS—

First Class Veterinary-Surgeon J. C. Dwyer, Army Veterinary Department, to be an Assistant Superintendent of Horse Breeding Operations, *vice* First Class Veterinary-Surgeon F. Garratt, deceased. Dated 3rd November, 1886.

No. 751.—MILITARY SECRETARIAT—

Lieutenant-Colonel E. H. H. Collen, Bengal S. C., Accountant-General, Military Department, to officiate as Secretary to the Government of India, Military Department, *vice* Major-General O. R. Newmarch, on furlough. Dated 13th November, 1886.

No. 752.—MILITARY SECRETARIAT, ACCOUNTS BRANCH—

Lieutenant-Colonel H. G. Pritchard, Madras S. C., Controller of Military Accounts, Bombay, to officiate as Accountant-General, Military Department, *vice* Lieutenant-Colonel Collen, appointed to officiate as Secretary to the Government of India, Military Department. Dated 13th November, 1886.

No. 753.—NATIVE ARMY—

5th Bengal Cavalry.

The following direct appointment is made, with effect from the 3rd July, 1886 :—

Tirkha Ram, to be Jemadar, *vice* Jemadar Súchét Singh, promoted.

STAFF CORPS.

No. 754.—The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India :—

Lieutenant Herbert Edward Boileau, Cheshire Regiment, Squadron Officer, 5th Bengal Cavalry,—3rd September, 1884.

Lieutenant Hereward Llewelyn Roberts, Royal Munster Fusiliers, Officiating Squadron Officer, 1st Bengal Cavalry,—27th October, 1885.

No. 755.—Lieutenant William Clarence Colebrook Leslie, Royal Irish Regiment, Wing Officer, 33rd Bengal Infantry, having completed eighteen months from date of appointment on probation, is admitted to the Bengal Staff Corps, from the 3rd March, 1885, subject to the confirmation of the Secretary of State for India.

FURLOUGH AND LEAVE.

No. 756.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Captain C. H. Brookes, R.E., Executive Engineer, 2nd grade, Military Works Department, (p.a.) for two years, under rule IX of the regulations of 1868.

Lieutenant C. E. Mardall, Bengal S. C., Assistant Military Accountant, (p.a.) for one year, under rule 1 of the regulations of 1875.

No. 757.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Major W. H. Meiklejohn, General List, Infantry, 20th Bengal Infantry, (p.a.) for one year.—Pension service,—23 years, 310 days.

Captain and Brevet-Major J. P. C. Neville, Bengal S.C., 14th Bengal Lancers, (p.a.) for one year.—Pension service,—19 years, 343 days.

Captain F. G. Vivian, Bengal S.C., 18th Bengal Infantry, Adjutant, Ghazipur Volunteer Rifle Corps, (p.a.) for one year.—Pension service,—15 years, 319 days.

Lieutenant R. T. Crowther, Bengal S.C., 23rd Bengal Infantry, (p.a.) for one year.—Pension service,—6 years, 310 days.

No. 758.—Lieutenant-Colonel H. J. Peet, General List, Infantry, Deputy Commissioner, 3rd grade, officiating 2nd grade, Assam, is granted furlough in and out of India, (p.a.) for one year and 182 days, under rule IX of the regulations of 1868, with effect from the date of quitting his station.

No. 759.—Captain F. N. Maude, R.E., is granted 61 days' extension of the furlough allowed him in G. G. O. No. 476 of 1886.

No. 760.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel A. F. P. Harcourt, Bengal S.C., (m.c.) for 182 days.

Colonel R. F. C. A. Tytler, General List, Infantry, (m.c.) for six months.

Lieutenant-Colonel J. Waterhouse, Bengal S.C., (p.a.) for 18 days.

Major G. T. Morris, Bengal S.C., (p.a.) for six months.

Lieutenant E. E. Couper, Bengal S.C., (p.a.) for 45 days.

Lieutenant H. H. Dobbie, Bengal S.C., (m.c.) for four months.

Surgeon-Major J. J. Monteath, M.D., (m.c.) for six months.

Conductor W. Scott, Ordnance Department, (m.c.) for two months.

No. 761.—The undermentioned officers are permitted to reside out of India under G. G. O. No. 209 of 1882, drawing pay under rule I of the leave rules for the Staff Corps:—

Colonel G. A. Prendergast, Bengal S.C.—Pension service,—36 years, 133 days.

Colonel R. Worsley, Infantry.—Pension service,—28 years, 48 days.

LONDON GAZETTE.

No. 762.—The following extracts are published for general information:—

"London Gazette" dated the 12th October, 1886, page 4958.

"WAR OFFICE, PALL MALL,

12th October, 1886.

* * * *

MEMORANDA.

* * * *

INDIAN STAFF CORPS.

Colonel William Bannerman, Bombay, has been removed to the Unemployed Supernumerary List. Dated 23rd September, 1886."

"London Gazette" dated the 15th October, 1886, pages 5008 and 5009.

"India Office, 15th October, 1886.

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

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Thomas Shepherd. Dated 4th August, 1886.

To be Majors.

Captain George Montalt Bellasis. Dated 7th August, 1886.

Captain Edward Baynes Nixon. Dated 21st August, 1886.

To be Captains.

Lieutenant Frederick George Pollock. Dated 9th August, 1886.

Lieutenant Kenneth Stewart Davison. Dated 19th August, 1886.

BENGAL CAVALRY.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel Henry Phipson Peacock. Dated 18th May, 1886.

BENGAL INFANTRY.

To be Lieutenant-Colonels.

Major Thomas St. Quintin Clutterbuck. Dated 1st August, 1886.

Major Herbert Maynard Ramsay. Dated 4th August, 1886.

BENGAL MEDICAL ESTABLISHMENT.

To be Brigade-Surgeon.

Surgeon-Major Charles Peter Costello. Dated 30th June, 1886.

* * * *

BOMBAY INFANTRY.

To be Colonel.

Lieutenant-Colonel and Colonel in the Army Robert Augustus Carew Hunt. Dated 30th July, 1886."

PROMOTIONS.

No. 763.—NATIVE ARMY—

7th Bengal Cavalry.

Ressaidar Harji Ram to be Woordie-Major, with effect from the 8th April, 1886.

12th Bengal Cavalry.

Duffadar Búta Singh, from the 3rd Punjab Cavalry, to be Jemadar, on augmentation, with effect from the 26th October, 1886.

11th Bengal Infantry.

Jemadar Kanhái Parshád Dúbé to be Subadar, and Havildar Gaya-din Singh to be Jemadar, *vice* Subadar Khúman Singh, invalided, with effect from the 30th October, 1886.

Havildar Issub Khan to be Jemadar, *vice* Jemadar Pirág Ditchit, transferred to the Burmah Police.

With effect from the 7th September, 1886.

20th Bengal Infantry.

Havildar Rám Singh to be Jemadar, *vice* Jemadar Sáwan Singh, invalided.

With effect from the 27th July, 1886.

No. 764.—PUNJAB FRONTIER FORCE—

4th Sikh Infantry.

Havildar Bela Singh to be Jemadar, *vice* Jemadar Santa Singh, transferred to the Burmah Police, with effect from the 18th September, 1886.

RETIREMENTS.

No. 765.—The undermentioned officers have been permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval:—

Lieutenant-Colonel Harvey Young Murray, Cavalry,—30th October, 1886.

Surgeon Francis Joseph Tuohy, M.D., half-pay list,—21st November, 1886.

No. 766.—Major Arthur Benjamin Clare, General List, Infantry, is permitted to retire from the service, with effect from the 15th September, 1886, subject to Her Majesty's approval.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 19th November, 1886.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned and Warrant Officers, on the dates specified, were received in the Military Department between the 5th and the 19th November, 1886.

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Bengal Staff Corps .	Lieut.-General Sir H. T. Macpherson, K.C.B., K.C.S.I.	20th October, 1886.	On board the *Irrawaddy*, near Prome.		
Public Works Department.	Conductor D. Gunning .	30th October, 1886.	Moradnagar.		

Statement of Deposits on account of Estates between the 5th and the 19th November, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					R a. p.		
William Francis Trotter (a).	Major .	Bengal Staff Corps.	13th July, 1886	Intestate .	5,307 4 1	...	7th Jan., 1887.
Philip Anderson Watson.	Lieutenant .	Bombay Staff Corps.	28th May, 1886	Intestate .	487 1 6	...	7th Jan., 1887.

(a) *Widow*—Mrs. Jessie Trotter.
Address—Villa Bergheim, Heidelberg.
Children—Frances Maggie Wilby.
Frank Wallace Dabiell.
Violet Ada Gertrude.
Everard Graham Stanley.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.—ACCOUNTS.

Calcutta, the 19th November, 1886.

No. 4216.

Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.

October 1886. **(Lakhs of Rupees.)**

[For the explanation of these heads, see *Gazette of India*, dated 22nd December 1883, Part I, page 497.]	In October		To end of October		Whole year.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals Preliminary 1885-86.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	27	27	8,94	9,08	23,32	23,15
Opium	40	72	5,30	5,16	9,23	8,94
Salt	48	50	3,66	3,57	6,39	6,34
Stamps	18	20	2,13	2,12	3,69	3,66
Excise	35	34	2,52	2,40	4,14	4,15
Provincial Rates	7	7	1,29	1,29	2,91	2,98
Customs	7	7	59	60	1,17	1,20
Assessed Taxes	10	1	72	45	1,34	50
Forest (Madras and Bombay only)	2	2	17	14	42	43
Registration	2	2	18	19	31	31
Tributes from Native States	3	4	22	23	71	70
Other Civil Revenue	18	20	1,68	1,69	3,20	3,13
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	2,17	2,46	27,40	26,92	56,83	55,49
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 32	— 35	— 2,18	— 2,26	— 3,82	— 3,81
Opium	— 4	— 6	— 2,47	— 2,76	— 2,65	— 3,05
Other Civil Expenditure	— 1,54	— 1,73	— 11,51	— 11,80	— 22,45	— 20,99
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 1,90	— 2,14	— 16,16	— 16,82	— 28,92	— 27,85
Extraordinary Receipts	...	...	...	...	...	+ 2,17
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more,—Receipts less, than issues)	+ 6	+ 5	+ 1,76	+ 27	+ 49	+ 91
Forest, Telegraph, Marine (Net as above)	— 5	— 3	— 15	— 25	— 1	— 33
Guaranteed and subsidized Railways (Net as above)	+ 26	+ 46	+ 2,50	+ 2,92	+ 4,07	+ 4,99
Do. Repayment of surplus profits, &c.	...	...	— 4	— 3	— 42	— 47
Military Receipts	+ 5	+ 9	+ 49	+ 54	+ 83	+ 1,13
Military issues	— 1,11	— 1,22	— 7,73	— 8,77	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts	+ 40	+ 29	+ 3,05	+ 2,00	— 2,35	+ 4,28
„ „ Issues	— 56	— 38	— 4,87	— 3,31		— 5,97
East Indian Railway Receipts	+ 29	+ 35	+ 2,44	+ 2,40	+ 2,80	+ 4,18
„ „ „ Issues	— 6	— 11	— 73	— 73		— 1,35
Ordinary Branches Receipts	+ 7	+ 9	+ 1,08	+ 82	— 5,44	+ 1,70
„ „ Issues	— 44	— 54	— 3,55	— 4,14		— 7,58
TOTAL NON-CIVIL DEPARTMENTS	— 1,09	— 95	— 5,75	— 8,28	— 13,02	— 13,29
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more,—Receipts less, than payments)	+ 34	...	— 15	— 6	— 2	— 48
Mint Certificates and Bullion Advances (Net as above)	+ 10	— 12	— 4	+ 8	...	+ 17
Exchange on Remittance Account	— 26	— 26	— 1,84	— 1,13	— 4,55	— 3,34
Council Bills paid (including Telegraphic) at ₹10 per £	— 14	— 73	— 5,16	— 4,31	— 13,33	— 11,16
Other Debt heads (Net as above)	— 13	+ 4	— 33	+ 23	+ 1,23	— 1,50
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 9	— 1,07	— 7,52	— 5,19	— 16,67	— 16,31
GRAND TOTAL RECEIPTS AND ISSUES	— 91	— 1,70	— 2,03	— 3,37	— 1,78	+ 21
Opening Cash Balance in Treasuries and Presidency Banks	11,63	10,87	12,75	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks	10,72	9,17	10,72	9,17	10,62	12,75

LEAVE AND APPOINTMENTS.

The 16th November, 1886.

No. 4178.—Babu Umacharan Chuckerbutty, Chief Superintendent in the Office of the Comptroller, Central Provinces, having returned from privilege leave, resumed charge of his duties, before noon, on the 1st November, 1886.

CODES.

The 19th November, 1886.

No. 4221.

CIVIL PENSION CODE.

Page 54.

Section 107.

Insert the following as Rule (f) under this section:—

Except under clause (*a*) of Section 107, in no case shall a medical certificate of incapacity for service be granted unless the applicant produce a letter from the head of his office or his department, to show that the latter is aware of his intention to appear before the Medical Officer.

J. WESTLAND,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 13th November, 1886.

No. 307.—Mr. J. M. Montague, Executive Engineer, 4th grade, sub. *pro tem.*, State Railways, is, on return from furlough, transferred from the Establishment under the Director-General of Railways to that under the Chief Commissioner, Burma, for employment on the Mandalay-Tounghoo Railway.

No. 308.—Mr. W. R. Foy, Assistant Engineer, 1st grade, and Mr. J. Leonard, Assistant Engineer, 2nd grade, are transferred from Assam to Burma.

The 15th November, 1886.

No. 309.—Messrs. C. H. Wollaston, and A. D. Anthony, Apprentice Engineers, Burma, are promoted to Assistant Engineer, 3rd grade, with effect from the 5th November, 1886.

No. 310.—Colonel J. G. Forbes, R.E., Chief Engineer and Joint Secretary to the Government of the North-Western Provinces and Oudh, in the Public Works Department, Irrigation Branch, having vacated his appointment under Rule III of Public Works Department No. 293, dated 3rd September, 1880, is re-appointed to that post, with effect from the 15th November, 1886.

The 16th November, 1886.

No. 311.—The services of Mr. A. R. Colquhoun, Executive Engineer, 2nd grade, sub. *pro tem.*, Burma, are permanently placed at the disposal of the Home Department.

No. 312.—The services of Mr. H. L. Tilly, Assistant Engineer, 1st grade, Burma, and Mr. H. M. S. Mathews, Assistant Superintendent, Indian Telegraph Department, are placed temporarily at the disposal of the Home Department.

The 17th November, 1886.

No. 313.—The following transfers are ordered:—

Mr. G. J. Perram, Executive Engineer, 2nd grade, from Central Provinces to Coorg.

Mr. F. Sharp, Executive Engineer, 4th grade, from Coorg to Central Provinces.

No. 314.—Major A. D. McArthur, R.E., Executive Engineer, 1st grade, Bengal, is promoted to Superintending Engineer, 3rd class, temporary rank, with effect from the 1st November, 1886.

No. 316.—Mr. C. E. Housden, Executive Engineer, 4th grade, sub. *pro tem.*, is transferred from Rajputana to Burma.

The 18th November, 1886.

No. 317.—Mr. J. M. Montague, Executive Engineer, 4th grade, sub. *pro tem.*, State Railways, is, on return from furlough, transferred from the establishment under the Director-General of Railways to that under the Government of Bengal.

This cancels Public Works Department Notification No. 307, dated 13th November, 1886.

No. 318.—Mr. W. Chadwick, Assistant Engineer, 1st grade, State Railways, is transferred from the Establishment under the Government of Bengal to that under the Chief Commissioner of Burma for employment on the Tounghoo-Mandalay Railway.

No. 320.—Mr. W. A. Darling, Executive Engineer, 4th grade, sub. *pro tem.*, Bengal, is permitted to retire from the service, with effect from the 17th August, 1886.

No. 321.—Mr. R. D. Buck, Assistant Engineer, 1st grade, is transferred from Assam to Burma.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 49.] CALCUTTA, SATURDAY, DECEMBER 4, 1886.

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

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

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

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

Nothing for Publication.

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

Nothing for Publication.

SUPPLEMENT No. 44.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 27th November, 1886.

The arrival of His Excellency the Viceroy has been postponed from Monday, the 13th December, 1886, to Tuesday, the 14th December, 1886.

Arrangements for the reception of His Excellency the Viceroy, as published in the Notification of the 20th October, 1886, will hold good on the 14th December, 1886.

By Command,
L. GORDON, *Captain*,
A.-D.-C.,
For *Military Secretary to the Viceroy.*

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Calcutta, the 29th November, 1886.

No. 322.—Mr. C. T. Hall is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st December, 1886.

UPPER BURMA.

ESTABLISHMENTS.

The 3rd December, 1886.

No. 50.—The undermentioned gentlemen are appointed on probation to be Assistant Commissioners of the 4th grade in Burma:—

Lieutenant W. Ayerst, 25th Bombay Light Infantry.

Mr J. B. Dunlop.

MEDICAL.

The 1st December, 1886.

No. 637.—The services of the following Commissioned Medical Officers are placed, pro tem., at the disposal of the Government of the Punjab, with effect from the dates specified opposite their names:—

Surgeon T. R. Mulroney, M.D.,—1st September, 1886.

Surgeon D. St. J. D. Grant,—19th October, 1886.

The 2nd December, 1886.

No. 641.—The services of Surgeon-Major K. P. Gupta, M.B., are replaced at the disposal of the Government of Bengal, with effect from the date on which he is relieved of his present appointment of Medical Officer in charge of the left wing of the 8th Regiment, Native Infantry, at Buxa.

The 3rd December, 1886.

No. 643.—APPOINTMENT. — Surgeon-Major Samuel Haslett Browne, M.D., to be Joint Medical Officer of Simla.

JUDICIAL.

The 30th November, 1886.

No. 1738.—The Hon'ble L. R Tottenham, a Judge of the High Court of Judicature at Fort William in Bengal, obtained furlough with effect from the 5th March, 1886, to the 12th September last, both days inclusive.

This cancels Home Department Notification No. 81, dated the 16th January, 1886.

PATENTS.

The 2nd December, 1886.

No. 1533.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:

No. 42 of 1886.—James Brown, of 11 Seacome Street, Liverpool, in the County of Lancaster, England, Engineer, and Thomas Andrew Porter, of 39 Chesnut Grove, Bootle, also in the County of Lancaster, England, advertising contractor, for an improved means of, and apparatus for, climbing chimneys, shafts, columns, steeples and like erections.

No. 79 of 1886.—Eduard Schmidt, Railway Inspector, residing at Frimmersrode, Kingdom of Prussia, German Empire, for improvements in railway sleepers.

No. 107 of 1886.—The Cassel Gold Extracting Company, Limited, of 157 West George Street, Glasgow, Scotland, for an improved process and apparatus for treating metals, alloys, and especially auriferous ores by electrolysis.

No. 131 of 1886.—George Brownen, Fellow of the Chemical Society, of No. 15 Althorp Road, Upper Tooting, in the County of Surrey, England, for the preparation of extracts and beverages from the leaves of the coca plant.

No. 140 of 1886.—William Hood Gilruth, Planter, Ceylon, late of Assam, for separating, sorting and twisting bruised and rolled green tea leaves.

No. 162 of 1886.—Henry Bull, of Epsom in the County of Surrey in England and of Serampore near Calcutta in the Empire of India, brick manufacturer and contractor, for an improved and more economical method in the formation of brick-kilns and of burning and manufacturing bricks, tiles and other goods.

No. 184 of 1886.—John G. Dobbie, Engineer, 14 Bridge Road, Mazagon, Bombay, for ascertaining and verifying the immersion and corresponding displacement of steam and sailing ships.

No. 195 of 1886.—Mary Walker and George Edward Walker, trading as Sampson, Bridgwood and Son, of Anchor Pottery, Longton, in the County of Stafford, England, Earthenware Manufacturers, and Jean Baptiste Germeuil Bonnaud, of Longton aforesaid, Photographer, for process for producing lithographic or zincographic copies of photographic or other designs.

No. 204 of 1886.—Albert Marcius Silber, of Wood Street, Cheapside, in the City of London, England, Merchant, for an improvement in over-head lamps.

No. 205 of 1886.—Everard Richard Calthrop, of Malabar Hill, Bombay, Locomotive Engineer, Great Indian Peninsula Railway, for means of holding window and louvre sashes for railway carriages and other vehicles.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Calcutta, the 3rd December, 1886.

No. 945—83-29 *S.*—In consequence of the return to duty of Mr. F. R. Mallet, Superintendent, Geological Survey, the following changes are made with effect from the 25th ultimo:—

Mr. C. L. Griesbach, Officiating Superintendent, will revert to his substantive appointment as Deputy Superintendent, 2nd grade.

Mr. E. J. Jones, Officiating as Deputy Superintendent, 2nd grade, and as Curator, will revert to his substantive appointment as Assistant Superintendent, 3rd grade, and will cease to act as Curator.

E. C. BUCK,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 1st December, 1886.

No. 2220 *G.*—Captain C. Herbert, Political Assistant of the 1st class, sub. *pro tem.*, is posted as Assistant to the Governor-General's Agent in Rajputana, with effect from the date of joining.

No. 2222 *G.*—Surgeon W. W. Webb, M.B., Indian Medical Service, is appointed to be Medical Officer of the Meywar Bhil Corps, with effect from the 26th June, 1886, but will continue to officiate as Residency Surgeon in Meywar, until further orders.

No. 2224 *G.*—Mr. H. M. Durand, C.S.I., C.S., Secretary to the Government of India in the Foreign Department, is granted three months' privilege leave, with effect from the 2nd December, 1886, or the subsequent date on which he may avail himself of it.

The 2nd December, 1886.

No. 2231 *G.*—Mr. J. H. Lace, Assistant Conservator of Forests, in Baluchistan, is granted

three months' privilege leave, with effect from the 23rd November, 1886, or the subsequent date on which he may avail himself of it.

No. 2234 *G.*—The services of Lieutenant C. M. Crawford, Officiating Wing Officer, Meywar Bhil Corps, are replaced at the disposal of the Military Department, with effect from the date on which he is relieved of his duties.

No. 2241 *G.*—The services of Captain A. G. A. Durand, S.C., Squadron Commander of the 1st Regiment, Central India Horse, are placed at the disposal of the Military Department for employment as Officiating Deputy Assistant Quartermaster-General, *during the absence of* Captain C. H. H. Beley, on special duty in Burma.

The 3rd December, 1886.

No. 2248 *G.*—Assistant Surgeon Abdur Rahim Hakim, Khan Bahadur, Native Assistant to the Political Resident in the Persian Gulf, is granted privilege leave for three months, with effect from the 1st January, 1887, or the subsequent date on which he may avail himself of it.

No. 2251 *G.*—The services of Lieutenant H. S. P. Davies, Political Assistant of the 3rd class, sub. *pro tem.*, and Assistant to the Governor-General's Agent in Central India, are replaced at the disposal of the Government of the Punjab, with effect from the date on which he is relieved of his duties.

No. 2254 *G.*—Lieutenant L. S. Newmarch, Officiating Political Assistant of the 2nd class, and Assistant to the Governor-General's Agent in Rajputana, is posted as an Assistant to the Governor-General's Agent in Central India, with effect from the date of joining.

No. 2258 *G.*—The Governor-General in Council is pleased to recognize the appointment of Mr. B. D. Armour as Acting Consul for the United States of America, at Aden, during the absence of Mr. J. A. Jones.

No. 2261 *G.*—Colonel Sir O. B. C. St. John, K.C.S.I., R.E., Resident of the 2nd class, and Officiating Governor-General's Agent in Baluchistan, is granted privilege leave for one month, with effect from the 19th December, 1886, or the subsequent date on which he may avail himself of it.

EXTERNAL.

The 1st December, 1886.

No. 2604 *E.*—The following orders of Her Majesty the Queen in Council are published for general information:—

At the Court at Balmoral, the 24th day of September, 1886.

PRESENT:

The QUEEN'S Most Excellent Majesty in Council.

Whereas by the "Foreign Deserters Act, 1852," it is provided, that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to such power, when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

And whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant ships in the territories of the Oriental Republic of the Uruguay:

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of the Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the London Gazette, seamen, not being slaves, and not being British subjects, who within Her Majesty's dominions desert from merchant ships belonging to the Oriental Republic of the Uruguay, shall be liable to be apprehended and carried on board their respective ships:

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence, if any, has been fully carried into effect:

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

At the Court at Balmoral, the 24th day of September, 1886.

PRESENT:

The QUEEN'S Most Excellent Majesty in Council.

Whereas by the "Foreign Deserters Act, 1852," it is provided that, whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within Her Majesty's dominions, shall be liable to be apprehended, and carried on board their respective ships, and may limit the operation of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

And whereas it has been made to appear to Her Majesty that due facilities will be given for recovering and apprehending seamen who desert from British merchant ships in the dominions and possessions of the Republic of the Equator.

Now, therefore, Her Majesty, by virtue of the power vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the London Gazette, seamen, not being slaves, and not being British subjects, who, within Her Majesty's dominions, desert from merchant ships

belonging to the Republic of the Equator, shall be liable to be apprehended and carried on board their respective ships: Provided always, that if any such deserter has committed any crime in Her Majesty's dominions, he may be detained till he has been tried by a competent court, and until his sentence, if any, has been carried into effect.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

G. S. FORBES,
for *Secretary to the Government of India.*

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Calcutta, the 3rd December, 1886.

No. 4487.—Mr. H. M. Kisch, Postmaster-General, Bengal, having returned from privilege leave, resumed charge of his duties from Mr. E. Hutton, before noon, on the 16th November, 1886.

CODES.

The 30th November, 1886.

CIVIL PENSION CODE.

Chapter IX.

Page 30.

Section 57.

No. 4393.—*Insert the following in line 5 of Exception (6) under this section, before the words "is a civil or a military charge":*—

"and of a warrant medical officer in civil employment (see Special Army Circular, dated 16th July, 1884, paragraph 36)."

The 2nd December, 1886.

CIVIL PENSION CODE.

Page 99.

Section 179.

No. 4439.—Add the following rule to this Section:—

4. Before sanctioning, or submitting for the orders of the Government of India, as the case may be, an application for the commutation of a pension, the Local Government shall obtain a report from the Account Officer as to the amount payable in commutation.

[NOTE.—This rule also applies to political pensions.]

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

The 30th November, 1886.

No. 4401.—Whereas the Municipality of the City of Bombay raised from the year 1867 to 1885 debenture loans amounting to ₹86,50,500, and issued the bonds on properly stamped papers of the aggregate value of ₹49,025-1-6, and has now requested that the terms of the Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, may be extended to those debenture bonds which are as follow:—

	₹
Nos. 1 to 2246, dated 14th April, 1868, at ₹500 each	11 23,000
Nos. 1 to 700, dated 10th September, 1867, at ₹500 each	3,50,000
Nos. 701 to 1230, dated 14th August, 1868, at ₹500 each	2,65,000
Nos. 364 to 5388, dated 1st November, and 1st December, 1878, at ₹500 each	25,12,500
Nos. 1 to 14 A., dated 1st July, 1885, at ₹500 each	7,000
Nos. 1 to 886 B., dated 1st July, 1885, at ₹500 each	4,43,000
Nos. 1 to 102 E., dated 1st July, 1885, at ₹500 each	51,000
Nos. 1 to 320 J., dated 1st July, 1885, at ₹500 each	1,60,000
Nos. 1 to 7478 N.N., dated 1st July, 1885, at ₹500 each	37,39,000
TOTAL	86,50,500

In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council is pleased to exempt the above-mentioned debentures from any stamp duty with which they might otherwise be chargeable whether on renewal, subdivision or consolidation.

J. WESTLAND,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 3rd December, 1886.

APPOINTMENTS.

MEDICAL DEPARTMENT.

No. 788.—Surgeon-Major W. F. Murray, M.B., Indian Medical Service, Bengal Establishment, to be Medical Officer, Lawrence Military Asylum, Sanawar, *vice* Surgeon-Major G. P. Mackenzie, M.B., whose tenure of service in that appointment has expired. Dated 8th November, 1886.

No. 789.—The undermentioned Surgeon appointed to the Bengal Establishment in G. G. O. No. 632 of 1886, reported his arrival at Bombay on the date specified:—

Surgeon Henry Fooks,—6th October, 1886.

No. 790.—In continuation of G. G. O. No. 426 of 1886, it is notified that the appointments of Garrison Surgeon at Chunar and Attock have been abolished,—the former from 1st December, 1886, and the latter from such date as the officer now holding the appointment may have been relieved of the civil medical duties.

STAFF CORPS.

No. 791.—Lieutenant James Levett Kaye, Berkshire Regiment, officiating Squadron Officer, 5th Bengal Cavalry, is admitted to the Bengal Staff Corps from the 12th July, 1885, subject to the confirmation of the Secretary of State for India.

No. 792.—The undermentioned officers having completed eighteen months from date of appointment on probation, are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant William Frederic Shakespear, 4th Dragoon Guards, Squadron Officer, 6th Bengal Cavalry,—30th January, 1885.

Lieutenant Llewellyn James Howell, Oxfordshire Light Infantry, Squadron Officer, 16th Bengal Cavalry,—31st January, 1885.

VOLUNTEER CORPS.

1st Punjab Volunteer Rifle Corps.

No. 793.—Mr. Arthur Milford Ker to be Lieutenant, *vice* Lieutenant C. E. Gladstone, become supernumerary.

East Indian Railway Volunteer Rifle Corps.

No. 794.—Mr. Richard Augustine Selway Chard, to be Honorary Surgeon.

Seebpore College Volunteer Rifle Corps.

No. 795.—Mr. John Samuel Slater to be Captain, *vice* Captain J. T. Simpson.

FURLOUGH AND LEAVE.

No. 796.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Surgeon-Major G. Massy, (m. c.) for 91 days, under rule XI, clause I, of the regulations of 1868.

No. 797.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty:—

Captain C. B. Brownlow, Bengal S.C., 1st Punjab Infantry, Punjab Frontier Force, (p.a.) for one year.—Pension service,—11 years, 84 days.

Lieutenant W. H. M. Stewart, Bengal S.C., 1st Punjab Cavalry, Punjab Frontier Force, (p.a.) for one year.—Pension service,—8 years, 192 days.

Lieutenant A. G. Davidson, Bengal S.C., 5th Infantry, Hyderabad Contingent, (m.c.) for one year.—Pension service,—5 years, 42 days.

No. 798.—Lieutenant-Colonel F. H. Thomas, General List, Infantry, Assistant Commissary General, 2nd class, is granted leave in India for the 16th July, 1886, under the leave rules for the Staff Corps.

No. 799.—Colonel P. Story, Infantry, is permitted to reside out of India.

No. 800.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel W. C. S. Clarke, Bengal S.C., (p.a.) for 61 days.

Colonel J. M. Stewart, Infantry, without pay, till 1st April, 1887.

Lieutenant W. H. Simpson, Bengal S.C., (m.c.) for 183 days.

Surgeon-Major J. W. Johnston, M.D., (m.c.) for six months.

Surgeon-Major T. Moloney, M.D., (m.c.) for three months.

PENSIONS.

No. 801.—Sub-Conductor Owen Rice Ryall, Commissariat Department, is transferred to the pension establishment.

PROMOTIONS.

NATIVE ARMY.

1st Battalion 2nd Goorkha Regiment.

No. 802.—Subadar Balú Singh Khattri to be Subadar-Major, Jemadar Débi Singh Khattri to be Subadar, and Havildar Gúmán Singh Thápá to be Jemadar, *vice* Subadar-Major Moti Rám Thápá, invalided.

With effect from the 1st October, 1886.

No. 803.—PUNJAB FRONTIER FORCE—

No. 3 (Peshawar) Mountain Battery.

Havildar-Major Kharak Singh to be Jemadar, *vice* Jemadar Jaffir Shah, transferred to No. 1 Bengal Mountain Battery.

With effect from the 5th November, 1886.

No. 804.—VOLUNTEER CORPS—

Rangoon Volunteer Rifle Corps.

Captain George Francis Travers Drapes, to be Major.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 29th November, 1886.

No. 328.—With reference to His Excellency the Commander-in-Chief's General Order, dated 4th November, 1886, the services of Major L. F. Brown, R.E., Executive Engineer, 3rd grade, State Railways, are replaced at the disposal of the Military Department.

No. 329.—Mr. W. H. Brand, Examiner of Accounts, Central Provinces, State Railways, is granted furlough to Europe on private affairs for fourteen months, under Section 50 of the Civil Leave Code.

No. 330.—Mr. F. R. Hutchinson, Examiner of Public Works Accounts, Central India, is appointed Examiner of State Railway Accounts, Central Provinces.

Mr. I. S. Sherlock-Hubbard is appointed Examiner, Public Works Accounts, Central India.

No. 331.—Colonel R. C. B. Pemberton, R.E., Consulting Engineer to the Government of India for Guaranteed Railways, Lucknow, having vacated his appointment under Rule III of Public Works Department Notification No. 293, dated 3rd September, 1880, is re-appointed to that post, with effect from the 29th November, 1886.

The 30th November, 1886.

No. 332.—The services of Mr. C. F. Gilbert, Executive Engineer, 4th grade, sub. *pro tem.*, Rajputana, are, on return from furlough, placed at the disposal of the Foreign Department, with effect from the 3rd November, 1886.

No. 333.—Colonel R. Home, C.I.E., R.E., Chief Engineer and Joint Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch, is appointed Inspector-General of Irrigation and Deputy Secretary to the Government of India in the Public Works Department, in succession to Major-General H. A. Brownlow, R.E.

Colonel J. M. Heywood, R.E., Superintending Engineer, 1st class, Bengal, on furlough, is promoted to Chief Engineer, 3rd class, *special*, and appointed Chief Engineer and Joint Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch, *vice* Colonel R. Home, R.E.

Major F. J. Home, R.E., Superintending Engineer, 2nd class, North-Western Provinces and Oudh, is temporarily transferred to the Punjab and appointed to officiate as Chief Engineer and Joint Secretary to that Government, with the temporary rank of Chief Engineer, 3rd class, *vice* Colonel Heywood, R.E.

The 3rd December, 1886.

No. 334.—Major-General H. F. Hancock, R.E., Chief Engineer. 1st class, Consulting Engineer for Guaranteed Railways, Bombay, is appointed to officiate as Director General of Railways, and Deputy Secretary to the Government of India, in the Public Works Department, Railway Branch, during the absence on furlough of Colonel F. S Stanton, R.E., or until further orders.

No. 336.—The transfer of Mr. W. E. Curry, Deputy Examiner, from the Office of the Government Examiner of Accounts, Southern Mahratta Railway Company, to that of the Examiner of Guaranteed Railway Accounts, Madras, notified in Public Works Department Notification No. 268, dated 15th October, 1886, is cancelled.

Mr. Curry's services are placed at the disposal of the Agent of the Southern Mahratta Railway Company, under the rules in Chapter III of the Civil Pension Code, with retrospective effect from 1st May 1886 for employment in the Office of the Auditor of the Company's Accounts.

Mr. H. A. D. Wathen, Deputy Examiner, is transferred from the Office of the Examiner of State Railway Accounts, Central Provinces, to that of the Examiner of Guaranteed Railway Accounts, Madras.

No. 338.—Mr. E. H. Johns, Deputy Examiner, is transferred from the Office of the Examiner of Accounts, Sind-Peshin and Bolan State Railways, to that of the Examiner of Account, Burma State Railways.

TELEGRAPH.

The 3rd December, 1886.

No. 335.—The following officiating appointments are made in the Indian Telegraph Department, with effect from 15th November, 1886, until further orders :—

Mr. W. R. D. Bignell, Superintendent, 1st grade, to be a Director.

Mr. A. B. Larkins, Superintendent, 5th grade, and Officiating Superintendent, 4th grade, to be a Superintendent, 3rd grade.

No. 337.—The following reversions are made in the Indian Telegraph Department, with effect from 13th November, 1886, consequent on the return to duty of Mr. J. C. Douglas, Superintendent, 2nd grade :—

Names.	From	To
Mr. C. E. Pitman, C. I. E.	Officiating Superintendent, 2nd grade	Superintendent, 3rd grade.
„ C. Duffin	Officiating Superintendent, 3rd grade	Superintendent, 4th grade.
„ W. R. Phillipps	Officiating Superintendent, 4th grade	Officiating Superintendent, 5th grade.
„ M. R. W. P. Adams	Officiating Superintendent, 5th grade	Assistant Superintendent, 1st grade.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

CALCUTTA, MONDAY, DECEMBER 6, 1886.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 6th December, 1886.

The arrival of His Excellency the Viceroy has been postponed from Tuesday, the 14th December, 1886, to Wednesday, the 15th December, 1886.

Arrangements for the reception of His Excellency the Viceroy, as published in the Notification of the 20th October, 1886, will hold good on the 15th December, 1886.

By Command,
F. ROWAN HAMILTON, *Major*,
for *Military Secretary to the Viceroy.*

Printed and published for the GOVERNMENT OF INDIA *at the Office of the* SUPERINTENDENT OF GOVERNMENT PRINTING, *No. 8, Hastings Street, Calcutta.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 50.] CALCUTTA, SATURDAY, DECEMBER 11, 1886.

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

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

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

Nothing for Publication.

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Nothing for Publication.

SUPPLEMENT No. 50.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 6th December, 1886.

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By Command,
F. ROWAN HAMILTON, *Major*,
for *Military Secretary to the Viceroy.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 9th December, 1886.

No. 24.—In exercise of the power conferred by the Statute 24 and 25 Vic., Cap. 67, Section 19, the Governor-General in Council has been pleased to appoint Friday, the 17th instant, at 11 A.M., as the time, and the Council Chamber in the Government House, Calcutta, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 10th December, 1886.

No. 2152.—The following extract, paragraph 1, from a Despatch received from Her Majesty's Secretary of State for India, No. 90 (Public), dated the 28th October, 1886, is published for general information:—

The undermentioned gentlemen have been appointed members of the Bengal Civil Service, in the following order and to the provinces placed against their names:—

Mr. James Goyen, North-Western Provinces, Punjab, &c.

Mr. William Herbert Lee, Bengal, Lower Provinces.
Mr. Arthur Goodeve Chuckerbutty, Bengal, Lower Provinces.
Mr. Patrick James Fagan, North-Western Provinces, Punjab, &c.
Mr. Ernest Rogers, North-Western Provinces, Punjab, &c.
Mr. Edward Claudius Scotney George, Burma.
Mr. Henry Montague Lawrie, North-Western Provinces, Punjab, &c.
Mr. John Walter Hose, North-Western Provinces, Punjab, &c.
Mr. Henry James McIntosh, Bengal, Lower Provinces.
Mr. Arthur Christian Greer, North-Western Provinces, Punjab, &c.
Mr. John Windsor, Bengal, Lower Provinces.
Mr. Edward Geake, Bengal, Lower Provinces,
Mr. Thomas William Richardson, Bengal, Lower Provinces.
Mr. Edmund Alexander Malony, North-Western Provinces, Punjab, &c.
Mr. Frederick McBlaine, Bengal, Lower Provinces.
Mr. Hugh O'Beirne, North-Western Provinces, Punjab, &c.
Mr. John Clark, Bengal, Lower Provinces.
Mr. Evasis Hampden Radicé, North-Western Provinces, Punjab, &c.
Mr. Franklin Eden Taylor, North-Western Provinces, Punjab, &c.
Mr. Frederic James Cooke, North-Western Provinces, Punjab, &c.
Mr. Henry Scott Smith, North-Western Provinces, Punjab, &c.
Mr. Henry Ward Lyle, North-Western Provinces, Punjab, &c.
Mr. Havilland Le Mesurier, Bengal, Lower Provinces.
Mr. Denis Calnan, North-Western Provinces, Punjab, &c.
Mr. Lokendranath Palit, Bengal, Lower Provinces.

ESTABLISHMENTS.

The 9th December, 1886.

No. 403.—Mr. H. C. Barstow is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 3rd November, 1886.

UPPER BURMA.

ESTABLISHMENTS.

The 8th December, 1886.

No. 56.—Lieutenant H. N. Warde, 43rd Goorkha Light Infantry, is appointed on probation to be an Assistant Commissioner of the 4th grade in Burma.

MEDICAL.

The 8th December, 1886.

No. 642.—The services of Surgeon-Major R. T. Wright, M.D., are temporarily placed at the disposal of the Government of the North-Western Provinces and Oudh.

The 9th December, 1886.

No. 646.—Surgeon S. Little, M.D., Medical Officer, North-Western State Railway, is granted one year's furlough to Europe on medical certificate, under Section 50 of the Civil Leave Code.

ECCLESIASTICAL.

The 8th December, 1886.

No. 322.—Her Majesty's Secretary of State for India has permitted the Reverend A. O. Hardy, a Senior Chaplain on the Bengal Ecclesiastical Establishment, to retire from the service, with effect from the 15th November last.

PATENTS.

The 10th December, 1886.

No. 1566.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:

No. 48 of 1886.—James Henry Barber, of Blackstone Tea Estate, Ceylon, for improvements in rolling and twisting tea leaves in the manufacture of tea.

No. 104 of 1886.—Peter William Fleury, of No. 93, Lower Circular Road, 24-Pergunnahs, Bengal, India, for a method of working Dynamo-Electric Light Machines by an improved manual power motor, adapted for India.

No. 112 of 1886.—Chaimsonovitz Prosper Elieson, of London, England, Electrician, for improvements in electrical accumulators or storage batteries.

No. 196 of 1886.—Charles Ashburnham Floyd, of Eastbourne in the County of Sussex, England, for an improvement in hansom cabs.

No. 201 of 1886.—Alexander Douglas Larymore, Deputy Inspector General of Jails, Bengal, and at present a resident of Alipore near Calcutta, for the "poor man's punkha chair" and "baby's punkha cradle."

No. 212 of 1886.—Ralph Smith Jennings, of Baltimore, Maryland, United States of America, for improved means and apparatus for effecting the drying of articles of merchandise or for like purposes.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Calcutta, the 10th December, 1886.

No. 1072—61-15 G.—Mr. W. R. Lawrence, C. S., who was appointed by Notification No. 682—61-9 G., dated the 10th September, 1886, to be Under-Secretary to the Government of India in the Revenue and Agricultural Department, substantively *pro tempore*, is confirmed in that appointment.

SURVEYS.

The 10th December, 1886.

No. 958—62-25 S.—In exercise of the powers conferred by Section 5 of the Scheduled Districts Act, 1874, with the previous sanction of the Governor-General in Council, the Chief Commissioner of Burma extends to the town of Mandalay, with effect from the date of this Notification, the Burma Boundaries Act, 1880.

E. C. BUCK,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Camp Mysore, the 1st December, 1886.

No. 110 *C. G.*—Mr. T. Harris, B.A., Head Master of the Government College at Ajmere, is appointed to officiate as Principal of the College and as Inspector of Schools in Ajmere-Merwara, with effect from the 4th August, 1886, during the absence on leave of Mr. F. L. Reid.

W. J. CUNINGHAM,
for *Secretary to the Government of India.*

Fort William, the 8th December, 1886.

No. 2277 *G.*—Mr. W. J. Cuningham, Bo. C.S., Under-Secretary to the Government of India in the Foreign Department, sub. *pro tem.*, is appointed to officiate as Secretary to the Government of India in the Foreign Department, with effect from the afternoon of the 1st December, 1886, during the absence on privilege leave of Mr. H. M. Durand, C.S.I.

G. S. FORBES,
Junior Under-Secretary to the Government of India.

Fort William, the 8th December, 1886.

No. 2275 *G.*—The furlough granted to Mr. R. S. Whiteway, C.S., Settlement Officer, Ajmere-Merwara, in Foreign Department Notification, No. 463G., dated the 10th March, 1886, is hereby extended by two days.

The 9th December, 1886.

No. 2281 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize provisionally the appointment of Ismail Bey Effendi Hazratleri as Consul-General for Turkey at Bombay.

The 10th December, 1886.

No. 4250 *I.*—The Governor-General in Council is pleased to make the following rules relating to the payment of the expenses of complainants and witnesses attending the Criminal Courts of the Rajputana-Malwa Railway Jurisdiction in Central India, which were established by the Notification cited marginally, for the purposes of inquiries, trials or other proceedings under the Code of Criminal Procedure:—

No. 1003 I., dated the 21st March, 1884.

The Courts are authorised to pay at the rates specified below the expenses of complainants and witnesses: *1st*, in all cases, whether non-bailable or bailable, in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the British Government, or of any British Judge, or Magistrate; *2ndly*, in all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as not bailable, when it shall appear to the presiding officer to be directly in furtherance of the interests of public justice; *3rdly*, in bailable cases in which the presiding officer of the Court, if a Magistrate of the 1st class, or the District Magistrate on the recommendation of any Magistrate of the 2nd or 3rd class, considers that in the interests of public justice such payment is required; *4thly*, in all cases in which the witnesses are compelled to attend by the Court under the provisions of section 540 of the Code. No payment shall be made to witnesses summoned at the instance of the complainant under section 244 unless the prosecution appears to the Court to be in furtherance of the interests of public justice.

2. The rates referred to in the foregoing rule are as follows:—

(*a*) for the ordinary labouring class of Natives, 2 annas per diem;

(*b*) for Natives of higher rank in life, 4 annas per diem;

(*c*) for Europeans and Eurasians and Natives of superior rank, a diet allowance according to circumstances. Such allowance shall not generally exceed Rs 3 per diem, but the Court shall have discretion in special cases to fix it at a higher rate.

3. Travelling expenses will be given only when the journey could not with reasonable ease and expedition have been performed on foot, or in the case of persons whose age, position and habits of life render it impossible for them to walk. In such cases, in addition to diet allowance, travelling allowance shall be given at the following rates:—

(*a*) when the journey is by rapid dâk by road, the actual expenses incurred up to a maximum limit of 4 annas a mile;

(*b*) where the journey is wholly or partly by rail—

(1) for Natives generally, railway fare by the lowest class;

(2) for Europeans, Eurasians, and Natives of superior rank, second class railway fare; but the Court may at its discretion award first class fare when the persons concerned would, from their social position, ordinarily travel by the first class.

4. From the above rules are excepted—

(*a*) Government servants, who shall receive no diet allowance, but shall be entitled to travelling allowance according to the rates admissible under the Civil Travelling Allowance Code.

(*b*) Witnesses following any profession, such as medicine or law, who shall receive an allowance not exceeding Rs 5 per diem, according to circumstances; and when they have to travel a distance exceeding five miles, their actual expenses for conveyance (not exceeding 8 annas a mile) or first class railway fare.

The number of days which should be allowed for the journey to and fro will be determined by the Court ordering the payment in each case. For this purpose a table should, if possible, be prepared and kept in each Court, showing the distance of each 'thana' from the sudder station

and subordinate stations, the number of intermediate ferries to be crossed, and the existence or absence of roads or water-ways.

5. A Medical Officer, other than a Civil Surgeon or Officer in medical charge of the civil station, summoned to give evidence in a Criminal Court, touching the result of a *post-mortem* or other examination conducted by him, in cases not falling within the ordinary discharge of his duties, will not be entitled to any remuneration other than the usual expenses paid to a witness.

Government of India (Department of Finance and Commerce) Resolution No. 3050, dated 11th August, 1882.

G. S. FORBES,
for *Secretary to the Government of India.*

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Calcutta, the 7th December, 1886.

No. 4505.—Mr. W. H. Dobbie having been deputed on special duty, made over charge of the Office of Deputy Accountant General, North-Western Provinces and Oudh, after noon, on the 6th, and took charge of his special duties, before noon, on the 9th November, 1886.

Mr. R. Logan having returned from furlough and having been posted as Deputy Accountant General, North-Western Provinces and Oudh, received charge of that appointment, before noon, on the 24th November, 1886.

The 10th December, 1886.

No. 4633.—The following grade reversions and promotions among officers of the Account Department for October and November, 1886, are hereby notified :—

With effect from the 26th October, 1886, in consequence of the return from privilege leave of Mr. E. W. Kellner—

Mr. J. E. Cooke to revert to his substantive appointment as Enrolled Officer, Class II.

Mr. H. G. H. Cowie to revert to his substantive appointment as Enrolled Officer, Class III.

Mr. C. J. Rivett-Carnac to revert to his substantive appointment as Enrolled Officer, Class IV.

Mr. R. C. Chapman to revert to his officiating appointment as Enrolled Officer, Class V.

Mr. W. D. F. Cowley to revert to his substantive appointment as Enrolled Officer, Class VI.

Mr. J. A. Robertson to revert to his appointment as Probationer in Class VII.

With effect from the 27th October, 1886, in consequence of the return from privilege leave of Mr. W. H. Dobbie—

Mr. I. C. Basu to revert to his substantive appointment as Enrolled Officer, Class V.

Mr. G. D. Pudumjee to revert to his substantive appointment as Enrolled Officer, Class VI.

Mr. L. E. Pritchard to revert to his appointment as Probationer, Class VII.

With effect from the 1st November, 1886, in consequence of the return from furlough of Mr. E. Rule—

Mr. J. E. O'Conor to revert to his substantive appointment as Enrolled Officer, Class II.

Mr. R. E. Hamilton to revert to his substantive appointment as Enrolled Officer, Class III.

Mr. R. N. Ray to revert to his substantive appointment as Enrolled Officer, Class IV.

Mr. H. J. Brereton to revert to his substantive appointment as Enrolled Officer, Class V.

Mr. R. C. Chapman to revert to his substantive appointment as Enrolled Officer, Class VI.

Mr. M. Bhattacharjya to revert to his appointment as Probationer, Class VII.

With effect from the 5th November, 1886, in consequence of the departure on furlough of Mr. J. E. O'Conor—

Mr. R. E. Hamilton to officiate as Enrolled Officer, Class II.

With effect from the 6th November, 1886, in consequence of the return to the Department of Mr. G. H. R. Hart, who was seconded :—

Mr. G. H. R. Hart to be an Enrolled Officer, Class IV, and to officiate as Enrolled Officer, Class III.

Mr. F. C. Barnes to cease to be an Enrolled Officer, Class IV, and to be an Enrolled Officer, Class V.

Mr. I. C. Basu to cease to be an Enrolled Officer, Class V, and to be an Enrolled Officer, Class VI.

With effect from the 16th November, 1886, in consequence of the return from furlough of Mr. O. T. Barrow—

Mr. O. T. Barrow to officiate as Enrolled Officer, Class II.

Mr. R. E. Hamilton to revert to his substantive appointment as Enrolled Officer, Class III.

Mr. T. H. S. Biddulph to revert to his substantive appointment as Enrolled Officer, Class IV.

Mr. H. G. H. Keene to revert to his substantive appointment as Enrolled Officer, Class V.

Mr. C. G. Vansittart to revert to his substantive appointment as Enrolled Officer, Class VI.

With effect from the 24th November, 1886, in consequence of the return from furlough of Mr. R. Logan—

Mr. R. Logan to officiate as Enrolled Officer, Class II.

Mr. O. T. Barrow to cease to officiate as Enrolled Officer, Class II, and to officiate as Enrolled Officer, Class III.

Mr. J. Taylor to revert to his substantive appointment as Enrolled Officer, Class IV.

Mr. C. E. Crawley to revert to his substantive appointment as Enrolled Officer, Class V.

Mr. A. H. Anthony to revert to his substantive appointment as Enrolled Officer, Class VI.

STATISTICS AND COMMERCE.

COMMERCE AND TRADE.

LIGHTS AND LIGHT DUES.

The 10th December, 1886.

No. 4643.

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

READ—

Letter from the Colonial Secretary, Straits Settlements, No. C. S. $\frac{8280}{86}$, dated the 19th November, 1886.

Ordered, that copy of the letter and of the Order in Council, be forwarded to the Governments of Bengal, Madras and Bombay, and to the Chief Commissioner of Burma, for information and for the issue of necessary instructions.

Ordered also, that the letter and the Order in Council be published in the *Gazette of India* for general information.

No. C. S. $\frac{8280}{86}$, dated 19th November, 1886.

From—The Colonial Secretary, Straits Settlements,
To—The Secy. to the Govt. of India, Dept. of Finance and Commerce.

I am directed by the Governor to transmit, for the information of the Government of India, the enclosed copies of an Order in Council, dated the 15th ultimo, raising the tolls payable by vessels passing the Straits Lights, with effect from the 1st January, 1887, and to request that the necessary instructions may be given for the collection of the dues at the new rate.

GOVERNMENT NOTIFICATION.

The following Order by His Excellency the Governor in Council is published for general information :—

COLONIAL SECRETARY'S OFFICE,
Singapore, 27th October, 1886.

Whereas by Indian Act No. XIII of 1854 intituled "An Act to repeal Act No. VI of 1852 and to make provision for defraying the cost of the Light-house on Pedra Branca and for maintaining the same and also a Floating Light established in the Straits of Malacca to the West of Singapore and for the establishment and maintenance of such further Lights in or near the said Straits as may be deemed expedient," it was, among other things, enacted that it should be lawful for the Governor-General of India in Council, from time to time, to raise the tolls payable under the said Act in respect of all vessels passing "The Straits' Lights," to any amount not exceeding the amount in the said Act specified: And Whereas by Ordinance No. II of 1867, the powers vested by the said Act in the Governor-General of India in Council were vested in the Governor in Council of the Straits Settlements: And Whereas it is expedient to raise the tolls payable under the said Indian Act.

It is hereby ordered by the Governor in Council as follows :—

On and after the 1st day of January, 1887, the tolls payable in respect of all vessels liable, under the said Indian Act, to pay tolls for passing the Straits Lights shall be at the rates in the said Act specified (that is to say) :—If the voyage be one in the ordinary course whereof the vessel would pass the whole of the Straits Lights, at the rate of one anna per ton; and if the voyage be one in the ordinary course whereof the vessel would pass any one or more of the Lights but not all of them, at the rate of half an anna per ton.

By His Excellency's Command,

A. P. TALBOT,
Clerk of Councils.

COUNCIL CHAMBER,
Singapore, 15th October, 1886.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

EXEMPTIONS, &c.

The 8th December, 1886.

No. 4548.—Whereas under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November, 1880, the Municipality of Madura has paid into the Government Treasury the sum of ₹135 as composition for the stamp duty chargeable on a sum of ₹27,000 which the said Municipality was authorised to borrow and which has been raised by the issue of the undermentioned debentures, dated the 15th October, 1886 :—

No.	₹
2	7,500
3	19,500

In exercise of the powers conferred by section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, subdivision, or consolidation.

SEPARATE REVENUE.

ASSESSED TAXES.

INCOME-TAX.

The 8th December, 1886.

No. 4550.—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to declare that the Provident Fund of the South Indian Railway Company shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No. 593, dated the 5th February, 1886.

J. WESTLAND,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 10th December, 1886.

APPOINTMENTS.

No. 805.—ADJUTANT-GENERAL'S DEPARTMENT—

Colonel H. A. Bushman, C. B., Assistant Adjutant-General, to be 1st Assistant Adjutant-General, *vice* Lieutenant-Colonel H. I. E. Ford, whose tenure of appointment has expired. *Dated 8th December, 1886.*

Major F. B. J. Jerrard, West Riding Regiment, Deputy Assistant Adjutant-General, to be Assistant Adjutant-General, *vice* Colonel Bushman. Dated 8th December, 1886.

No. 806.—BURMA FIELD FORCE—

The undermentioned officers are appointed to the Burma Field Force for special service :—

Major W. Clarke, Oxfordshire Light Infantry.

Captain J. W. Dunlop, Royal Artillery.

Captain A. G. H. Hayne, 15th Madras Infantry.

Captain G. A. Shadforth, Royal Dublin Fusiliers.

Captain T. D. Pilcher, Northumberland Fusiliers.

Lieutenant K. Chesney, 18th Bengal Lancers.

Lieutenant W. H. M. Lowe, 7th Dragoon Guards.

No. 807.—HYDERABAD CONTINGENT—

6th Infantry.

Lieutenant D. W. Purdon, Wing Officer, to be Adjutant, *vice* Captain E. C. M. Lushington, who vacates the appointment on promotion. Dated 18th October, 1886.

No. 808.—PERSONAL STAFF—

The following appointment has been made on the personal staff of the Hon'ble the Lieutenant-Governor of the Punjab :—

Captain J. F. Manifold, R.A., to be Aide-de-Camp. Dated 17th September, 1886.

STAFF CORPS.

No. 809.—Lieutenant Francis Henry Bagot Commeline, South Lancashire Regiment, Squadron Officer, 2nd Bengal Cavalry, having completed eighteen months from date of appointment on probation, is admitted to the Bengal Staff Corps from the 27th April, 1885, subject to the confirmation of the Secretary of State for India.

No. 810.—The undermentioned officers appointed by the Secretary of State for India probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India :—

Bengal Staff Corps.

Lieutenant W. J. P. Kaye, East Kent Regiment.

Madras Staff Corps.

Lieutenant M. W. Douglas, North Staffordshire Regiment.

Lieutenant R. H. Dewing, 1st West India Regiment.

No. 811.—VOLUNTEER CORPS—

2nd Punjab (Simla) Volunteer Rifle Corps.

Mr. Henry Parsall Burt to be Captain, with effect from the 1st September, 1886, *vice* Captain J. E. Catton, deceased.

FURLOUGH AND LEAVE.

No. 812.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Captain W. F. H. Grey, Bengal S. C., Assistant Commissioner, 1st grade, Officiating Deputy Commissioner, Burma, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Brigade-Surgeon E. Bonavia, M.D., (m. c.) for one year,—10 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

No. 813.—The undermentioned officers are granted leave out of India under the leave rules for the Staff Corps, with effect from the dates on which they are respectively struck off duty :—

Lieutenant-Colonel F. H. Thomas, General List, Infantry, Assistant Commissary-General, 2nd class, (p. a) for one year.—Pension service,—26 years, 299 days.

Major J. R. Burlton-Bennet, Bengal S. C., Assistant Commissary-General, 2nd class, (p. a.) for one year.—Pension service,—23 years, 17 days.

Major W. H. Meiklejohn, General List, Infantry, 20th Bengal Infantry, (p. a.) for one year.—Pension service,—24 years, 331 days. [This cancels the leave granted to him in G. G. O. No. 757 of 1886.]

Major W. C. Ramsden, General List, Infantry, 2nd Punjab Infantry, Punjab Frontier Force, (p. a.) for one year.—Pension service,—25 years, 98 days.

No. 814.—Colonel H. V. Mathias, Bengal S.C., is permitted to reside out of India under G. G. O. No. 209 of 1882, drawing pay under rule I of the leave rules for the Staff Corps.—Pension service,—36 years, 309 days.

No. 815.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Captain C. J. Jamieson, Bengal S.C. (p. a.) for 91 days.

Lieutenant C. E. Norton, R.E., (m. c.) for 182 days.

Honorary-Captain R. G. Davies, Public Works Department, (m. c.) for two months.

PROMOTIONS.

No. 816.—The following promotion is made, subject to Her Majesty's approval :—

BENGAL ARMY.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel Sir Joseph West Ridgeway, K.C.S.I., General List, Infantry,—4th December, 1886.

No. 817.—COLONEL'S ALLOWANCE—

The undermentioned officers of the Bengal Staff Corps are admitted to the Colonel's allowance, with effect from the dates specified :—

Colonel Francis Booth Norman, C.B.,—8th December, 1886.

Colonel William George Davies, C.S.I.,—9th December, 1886

Colonel Henry Manley Wemyss,—9th December, 1886.

Colonel Robert Gordon Rogers, C.B.,—9th December, 1886.

Colonel Boyle Torriano Stafford,—9th December, 1886.

No. 818.—NATIVE ARMY—

20th Bengal Infantry.

Jemadar Madat Khan to be Subadar, and Havildar Shah Nawáz to be Jemadar, *vice* Subadar Sayyid Muhammad Sháh, transferred to the Burma Civil Police.

With effect from the 28th September, 1886.

No. 819.—PUNJAB FRONTIER FORCE—

6th Punjab Infantry.

Jemádar Jalábúdin to be Subadar, and Havildar Táj Muhammad to be Jemadar, *vice* Subadar Sandal Khan, invalided.

With effect from the 16th November, 1886.

2nd Battalion 5th Goorkha Regiment.

Subadar Matbar Singh Adikári, from 1st Battalion, to be Subadar-Major.

Jemadar Bál-Kishan Thápá, from 1st Battalion, to be Subadar.

Jemadar Partáb Bisht, from 1st Battalion, to be Subadar.

Havildar Dalbír Alya, from 1st Battalion, to be Jemadar.

Havildar Pars Rám Thápá, from 1st Battalion, to be Jemadar.

Havildar Bhímal Sáhi, from 1st Battalion, to be Jemadar.

Havildar Kálú Gúrung, from 1st Battalion, to be Jemadar.

Havildar Ransúr Rái, from 1st Battalion, to be Jemadar.

With effect from the 20th October, 1886, on the formation of the battalion.

REWARDS.

No. 820.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified :—

From the 27th July, 1886, in room of Major-General Alexander Carnegy, Bombay Staff Corps, succeeded to the Colonel's allowance.

COLONEL (BRIGADIER-GENERAL) MICHAEL WEBBER WILLOUGHBY, C.S.I., BOMBAY STAFF CORPS.

Dates of Commissions.

Ensign	9th June, 1849.
Lieutenant	28th January, 1854.
Captain	9th June, 1861.
Major	9th June, 1869.
Lieutenant-Colonel	9th June, 1875.
Brevet-Colonel	9th June, 1880.

Appointments.

Regimental duty, 22nd and 4th Regiments, Bombay Native Infantry, from 2nd July, 1849, to 20th May 1854.

Commissariat Agent, 1st class, Sub-Assistant Commissary-General, Deputy-Assistant Commissary-General, and Assistant Commissary-General, from 21st May, 1854, to 20th April, 1877.

Deputy Commissary-General from 21st April, 1877, to 31st December, 1880.

Acting Commissary-General from 9th August, 1879, to 19th May, 1880.

Commissary-General from 1st January to 20th February, 1881.

Secretary to Government, Military, Marine, and Ecclesiastical Departments, from 21st February, 1881, to date.

War Services.

Persian Expedition, 1856-57.—Landing at Hallilah Bay, surrender of Bushire, bombardment and capture of forts of Mahumrah. (Despatches,—G. O. Nos. 974 of 56 and 684 of 57; medal and clasp.)

Abyssinian Expedition, 1867-68.—(Despatches,—G. O. No. 493 of 68; medal.

No. 821.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned native officer to the Order of British India from the 27th September, 1886 :—

MADRAS.

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

Subadar Cauleemootoo, "Queen's Own" Sappers and Miners, *vice* pensioned Subadar-Major Yenketsoobarroydoo, *Bahadur*, deceased.

MARINE DEPARTMENT.

PROMOTIONS.

No. 45.—The following promotions are made in Her Majesty's Indian Marine, with effect from 1st January, 1887 :—

To be Engineers.

Assistant-Engineers William Sutherland, George Fennell, and Walter Gerald Keily Mathews.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 4th December, 1886.

No. 339.—The services of Captain C. Hoskyns, R.E., Executive Engineer, 2nd grade, Punjab, are replaced at the disposal of the Military Department, with effect from the 17th November, 1886, the date on which he reverted to the Imperial Establishment.

No. 340.—Mr. F. Morrison, Examiner of Guaranteed Railway Accounts, Bombay, officiated as Examiner of Public Works Accounts, Bombay, in addition to his own duties, from the 13th to 29th September, 1886, both days inclusive.

No. 341.—Captain C. R. Hoskyn, R.E., is appointed to officiate as Examiner of Public Works Accounts, Bombay, with effect from the 30th September, 1886.

No. 342.—The services of Lieutenant-Colonel E. N. Peters, R.E., Executive Engineer, 1st grade, Central Provinces, temporarily on the establishment under the Director General of Railways, are transferred to that under the Chief Commissioner of Burma.

The 9th December, 1886.

No. 343.—Mr. F. W. Roberts, Assistant Engineer, 3rd grade, State Railways, is promoted

to Assistant Engineer, 2nd grade, with effect from the 12th December, 1885.

No. 345.—Mr. C. W. E. Henslowe, class II, Superior Revenue Establishment of State Railways, is transferred from the Establishment under the control of the North-Western Provinces and Oudh Government, to that under the Director General of Railways.

No. 346.—Public Works Department Notification No. 330, dated 29th November, 1886, is cancelled.

No. 347.—Mr. I. S. Sherlock-Hubbard, Examiner of Accounts, attached to the office of the Examiner of Public Works Accounts, Central India, is appointed Examiner of State Railway Accounts, Central Provinces.

The 10th December, 1886.

No. 349.—Mr. R. Woollcombe, Assistant Engineer, 1st grade, State Railways, is transferred from the Engineer Establishment to class III of the Superior Revenue Establishment of State Railways, Locomotive Department, with effect from the 1st January, 1885.

TELEGRAPH.

The 9th December, 1886.

No. 344.—Sir H. C. Mance, KT., C.I.E., Engineer and Electrician, Persian Gulf Telegraphs, is permitted to retire from the service, with effect from 23rd December, 1886.

No. 348.—The following reversions are made in the Indian Telegraph Department, with effect from 26th November, 1886, consequent on the return to duty of Mr. H. A. W. Fanshawe, Superintendent, 4th grade :—

Names.	From	To
Mr. M. Simpson	Officiating Superintendent, 4th grade .	Officiating Superintendent, 5th grade.
Mr. S. H. C. Hutchinson	Officiating Superintendent, 5th grade .	Assistant Superintendent, 1st grade.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

CALCUTTA, THURSDAY, DECEMBER 16, 1886.

CHIEF SECRETARY 23 DEC 86 BMS

HOME DEPARTMENT

NOTIFICATION.

ESTABLISHMENTS.

Calcutta, the 16th December, 1886.

No. 421.

A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India by the resignation of the Honourable Courtenay Peregrine Ilbert, M.A., C.S.I., C.I.E., Her Majesty the Queen, Empress of India, has been graciously pleased to appoint Mr. Andrew Richard Scoble, Q.C., to be an Ordinary Member of the Council of the Governor-General of India.

2. Mr. Scoble, who under instructions from His Excellency the Viceroy and Governor-General of India took upon himself the execution of his office from the forenoon of the 1st instant, has on the forenoon of this day, under the usual salute, taken his seat as an Ordinary Member of the Governor-General's Council.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 51.] CALCUTTA, SATURDAY, DECEMBER 18, 1886.

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

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SUPPLEMENT No. 51.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 17th December, 1886.

No. 25.—The Governor-General, under the authority vested in him by the Statute 24 and 25 Vic., cap. 67, section 10, has been pleased to renominate the Hon'ble G. H. P. Evans to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

UPPER BURMA.

PUBLIC.

Calcutta, the 17th December, 1886.

No. 245.—With a view to encourage the study of the Chinese language among officers of the Burma Commission, the Governor General in Council is pleased to notify, with effect from this date, that any officer of the Commission who shall pass an examination in the Chinese language equivalent to the Higher Standard Examination, which members of the Commission are required to pass in Burmese, shall be entitled to a reward of ₹2,000. The Governor-General in Council is also pleased to notify that any officer who, by passing an elementary examination in Chinese, the standard of which shall be fixed by the Chief Commissioner of Burma, evinces thereby his intention to become a candidate for the reward of ₹2,000, shall, on application, be granted special leave on full pay at Bhamo, or in China for six months for the purpose of studying the Chinese language. The leave will be granted on the distinct understanding that it is to be spent either at Bhamo or in China, and will count as duty qualifying for privilege leave, provided that the examination for which it is granted is successfully passed. An officer shall be eligible for such leave only once. The dialect in which the examination of a candidate for the above named reward shall be first conducted will be that spoken by the Chinese across the Bhamo frontier. After passing in that dialect, an officer will be permitted to gain a further reward of ₹2,000 by qualifying by the same standard in one or two other principal dialects to be selected by the Chief Commissioner of Burma, but under no circumstances will he be able to obtain a reward for proficiency in a second dialect till he has obtained one for his knowledge of the Bhamo frontier dialect.

2. The above rules will be subject to reconsideration after three years.

ESTABLISHMENTS.

The 16th December, 1886.

No. 421.—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India by the resignation of the Honourable Courtenay Peregrine Ilbert, M.A., C.S.I., C.I.E., Her Majesty the Queen, Empress of India, has been graciously pleased to appoint Mr. Andrew Richard Scoble, Q.C., to be an Ordinary Member of the Council of the Governor-General of India.

2. Mr. Scoble, who under instructions from His Excellency the Viceroy and Governor-General of India took upon himself the execution of his office from the forenoon of the 1st instant, has on the forenoon of this day, under the usual salute, taken his seat as an Ordinary Member of the Governor-General's Council.

PATENTS.

The 17th December, 1886.

No. 1616.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:

No. 67 of 1886.—George Turton, of Sheffield, England, Engineer, for improvements in buffers for railway and other purposes.

No. 210 of 1886.—Charles Sheppard, of Bridgend, in the County of Glamorgan, England, Engineer, for an improved soorkee mill.

No. 211 of 1886.—John Grant Smith, of Victoria, in the Colony of Hong-Kong, Merchant, for the manufacture from fresh green ginger of dried ground ginger, crushed ginger, ginger paste, flour of ginger, essential oil of ginger, and essence of ginger.

No. 217 of 1886.—Thomas John Jones, of 11 Queen Victoria Street, in the City of London, England, Electrician, for improvements in Voltaic Batteries.

A. P. MACDONNELL,
Offg. Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Calcutta, the 15th December, 1886.

No. 963—32-41 *S.*—Mr. F. W. Kelly, Assistant Superintendent, Survey of India Department, is granted leave for six months under Chapter X, Section 128, of the Civil Leave Code, with effect from 13th November, 1886.

E. C. BUCK,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 14th December, 1886

No. 2309 *G.*—Captain F. G. Alexander, Bombay Staff Corps, Squadron Commander, 6th Bombay Cavalry, is appointed, with effect from the date of joining, to officiate as Wing Officer and Adjutant of the Bhopal Battalion, during the deputation, on boundary duty, of Captain E. S. Masters, or until further orders.

The 16th December, 1886.

No. 2321 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Hugh Williams as Consular Agent for Italy at Bassein.

The 17th December, 1886.

No. 2328*G.*—Consequent on the return of Lieutenant-Colonel F. A. Wilson, Officiating Additional Political Agent of the 2nd class, and Political Agent in Bhurtpore and Kerowlee, to his substantive grade of Political Agent of the 2nd class, the following reversion is made in the graded list of the Political Department, with effect from the 23rd November, 1886:—

Major E. A. Fraser, from Officiating Political Agent of the 2nd class, to his substantive grade of Political Assistant of the 1st class.

No. 2329*G.*—Major E. A. Fraser, Political Assistant of the 1st class, is appointed to be an Additional Political Agent of the 1st class, with effect from the date of joining, during the period of his employment as Guardian to the Heir-apparent of Jodhpore.

No. 2337*G.*—Mr. G. S. Forbes, M. C. S., Junior Under-Secretary, sub. *pro tem.*, is appointed to be Under-Secretary to the Government of India, in the Foreign Department, sub. *pro tem.*, with effect from the afternoon of the 1st December, 1886, *vice* Mr. W. J. Cuningham, C.S., officiating as Secretary, or until further orders.

No. 2338*G.*—Mr. J. A. Crawford, Bombay C. S., Political Agent of the 3rd class, sub. *pro tem.*, and Assistant Secretary, is appointed to be Junior Under-Secretary to the Government of India in the Foreign Department, sub. *pro tem.*, with effect from the afternoon of the 1st December, 1886, *vice* Mr. G. S. Forbes, C. S., appointed Under-Secretary sub. *pro tem.*, or until further orders.

No. 2339 *G.*—Mr. G. R. Irwin, C. S., is appointed to be a Political Agent of the 3rd class, sub. *pro tem.*, and is posted as Assistant Secretary to the Government of India in the Foreign Department, with effect from the date of joining.

W. J. CUNINGHAM,
Offg. Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Calcutta, the 17th December, 1886.

No. 4723.—Babu Manmatha Nath Bhattacharyya, Probationer in the Accounts Department, having been transferred to the Office of the Comptroller, Burma, made over charge of his duties in the Office of Comptroller, India Treasuries, after noon, on the 29th November, 1886, and received charge of his duties in the Office of the Comptroller, Burma, after noon, on the 6th December, 1886.

CODES.

The 13th December, 1886.

No. 4654.

CIVIL PENSION CODE.

Page 95.

Section 173.

Add the following at the end of this section:—

These instructions should always request that payment be made from some specific date, the date being ascertained from the last-pay certificate.

The 17th December, 1886.

No. 4735.

CIVIL PENSION CODE.

Page 11.

Section 11 (c).

For the words "or of the Municipal Corporation of the City of Bombay" *in this Exception, substitute the following:—*

"the Municipal Commissioner for the City of Bombay."

J. WESTLAND,
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 17th December, 1886.

APPOINTMENTS.

No. 822.—DIVISIONAL STAFF—

Brigadier-General H. C. Wilkinson, C.B., *h. p.*, Commanding the Presidency District, to the Divisional Staff of the army temporarily, *vice* Major-General His Royal Highness the Duke of Connaught and Strathearn, K.G., K.T., K.P., G.C.S.I., G.C.M.G., C.B., appointed Commander-in-Chief of the Bombay Army. Dated 8th December, 1886.

ORDNANCE DEPARTMENT.

No. 823.—Major A. F. Fletcher, R.A., Assistant to the Inspector-General of Ordnance, Bombay Circle, to be Superintendent of the Gun Carriage Factory, Madras, *vice* Colonel H. McLeod, R.A., who has been appointed Inspector-General of Ordnance, Madras. Dated 6th December, 1886.

No. 824.—Lieutenant E. S. F. Walker, R.A., to officiate as Commissary of Ordnance, 4th class, *vice* Lieutenant L. G. Watkins, R.A., officiating as Commissary of Ordnance, 3rd class. Dated 6th November, 1886.

No. 825.—STAFF CORPS—

Lieutenant Leslie Waterfield Shakespear, Liverpool Regiment, Wing Officer, 2nd Battalion, 2nd Goorkha Regiment, having completed eighteen months from date of appointment on probation, is admitted to the Bengal Staff Corps from the 27th January, 1885, subject to the confirmation of the Secretary of State for India.

No. 826.—VOLUNTEER CORPS—

3rd, or Sind, Punjab and Indus Valley Railways Volunteer Rifle Corps.

Mr. Sydney Stuart Grant to be Lieutenant.

FURLOUGH AND LEAVE.

No. 827.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel T. J. Quin, General List, Infantry, Assistant Commissioner, 2nd class, officiating 1st class, North-Western Provinces and Oudh, (p. a.) for one year and 243 days, under rule IX of the regulations of 1868.

No. 828.—Brigade-Surgeon H. Cayley has been granted by the Secretary of State for India an extension of furlough, (m. c.) for three months.

PROMOTIONS.

No. 829.—The following promotions are made, subject to Her Majesty's approval:—

To be Colonels in the Army.

Lieutenant-Colonel Arthur Donald Butter, Bengal S. C.,—12th December, 1886.

Lieutenant-Colonel Cornelius Francis James, Bombay S. C.,—12th December, 1886.

Lieutenant-Colonel Henry Sullivan Jarrett, Bengal S C.—13th December, 1886.

Lieutenant-Colonel Leopold John Herbert Grey, C.S.I., Bengal S. C.,—13th December, 1886.

Lieutenant-Colonel Robert Gedoin Jenkins, Madras S. C.,—13th December, 1886.

Lieutenant-Colonel Edmund Swetenham, Bengal S. C.,—13th December, 1886.

Lieutenant-Colonel Wardlaw Cortlandt Anderson, C.B., Bengal S. C.,—13th December, 1886.

Lieutenant-Colonel George Silver Keith, Madras S. C.,—13th December, 1886.

Lieutenant-Colonel Charles Henry Cantor, Bengal S. C.,—13th December, 1886.

Lieutenant-Colonel George Adolphus Jacob, Bombay S. C.,—13th December, 1886.

Lieutenant-Colonel James Best Taylor, Madras S. C.,—13th December, 1886.
Lieutenant-Colonel Thomas Ormsby Underwood, Madras S. C.,—13th December, 1886.
Lieutenant-Colonel John Alexander Richmond, Madras S. C.,—13th December, 1886.
Lieutenant-Colonel Charles Arkcoll Porteous, Madras S. C.,—13th December, 1886.

BENGAL STAFF CORPS.

To be Major.

Captain and Brevet-Major Josiah Philip Crampton Neville,—11th December, 1886.

No. 830.—NATIVE ARMY—

14th Bengal Infantry.

Havildar Gúrmúkh Singh, from the 7th Bengal Infantry, to be Jemadar, *vice* Jemadar Kesra Singh, transferred to the Punjab Police Levies, Burma,—
With effect from the 1st October, 1886.

No. 831.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Havildar Jhanda Singh to be Jemadar, *vice* Jemadar Súndar Singh, transferred to the Punjab Police Levies, Burma,—
With effect from the 19th October, 1886.

1st Battalion, 5th Goorkha Regiment.

Jemadar Kishenbír Nagarkoti, to be Subadar, *vice* Subadar Hírabír Khattri, invalided,—
With effect from the 1st November, 1886.
Jemadar Sáhabír Alya, to be Subadar, *vice* Subadar Matbar Singh Adikári, transferred to the 2nd Battalion;
Jemadar Lál Singh Thápa, to be Subadar, *vice* Subadar Balirám Thápa, transferred to the 2nd Battalion;
Havildar Kanak Singh Thápa, to be Jemadar, *vice* Kishenbír Nagarkoti, promoted;
Havildar Kharkú Bisht, to be Jemadar, *vice* Jemadar Bálkishan Thápa, transferred to the 2nd Battalion;
Havildar Pirthilál Limbú, to be Jemadar, *vice* Jemadar Partáb Bisht, transferred to the 2nd Battalion;
Havildar Chámú Rána, to be Jemadar, *vice* Jemadar Sáhabír Alya, promoted;
Havildar Jangia Thápa, to be Jemadar, *vice* Jemadar Lál Singh Thápa, promoted,—
With effect from the 20th October, 1886.

No. 832.—VOLUNTEER CORPS—

In G. G. O. No. 783 of 1886, *for* the words "Captain J. J. D. La Touche, who has resigned the appointment," *read* "Captain J. J. D. La Touche, become supernumerary."

RETIREMENTS.

No. 833.—The undermentioned officers have been permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval:—
Colonel James Miller, Bengal S. C.,—4th November, 1886.
Lieutenant Francis Anderson Harris, Bengal S. C., half-pay list,—6th November, 1886.
Surgeon Ernest Lawrie Robinson, half-pay list,—19th January, 1887.

No. 834.—Lieutenant W. D. Gordon, Bengal S. C., has been transferred to the half-pay list, with effect from the 29th December, 1886, subject to Her Majesty's approval.

No. 835.—The undermentioned honorary commissioned officers are transferred to the pension establishment, with effect from the dates specified:—
Honorary-Lieutenant and Deputy-Assistant-Commissary James Rodgers, Army Clothing Department,—17th November, 1886.
First grade Senior Apothecary Edward Vyall,—18th January, 1887.

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 17th December, 1886.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department between the 19th November and the 17th December, 1886.

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
South Yorkshire Regiment.	Lieut. A. A. R. Balfour	11th November, 1886.	Tantabin (Upper Burma)		
Royal (late Bengal) Engineers.	Major Edward Andrew Trevor.	5th December, 1886.	Umballa.		

E. H. H. COLLEN, *Lieut.-Colonel,*
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 14th December, 1886.

No. 350.—Lieutenant-Colonel F. G. Oldham, R.E., Examiner of Public Works Accounts, North-Western Provinces and Oudh, is appointed Examiner of Accounts, Military Works.

No. 351.—Mr. A. C. Newcombe, B.A., is appointed to officiate as Examiner of Public Works Accounts, North-Western Provinces and Oudh, as a temporary arrangement.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 3, 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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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.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Mussoorie, the 23rd June 1886.

No. 5.—Mr. H. E. T. Keelan, Surveyor, 1st Grade, is granted privilege leave for one month, under the provisions of Section 138, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 1st July 1886.

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

No. 666.—*Account of Revenue and Expenditure of the Government of India for the first eleven 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 omitting all amounts below hundreds of pounds.

	Revenue.	Estimates, 1885-86.	April 1884 to February 1885.	April 1885 to February 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	17,878,100	18,420,900	542,800	...
II	Opium	9,025,500	8,061,000	8,106,200	45,200	...
III	Salt	6,400,000	5,831,200	5,690,600	...	140,600
IV	Stamps	3,633,400	3,271,400	3,320,900	49,500	...
V	Excise	4,070,000	3,600,000	3,707,800	107,800	...
VI	Provincial Rates	2,856,800	2,430,400	2,576,900	146,500	...
VII	Customs	1,175,000	847,100	991,900	144,800	...
VIII	Assessed Taxes	514,900	490,300	494,200	3,900	...
IX	Forest	1,060,100	718,400	754,300	35,900	...
X	Registration	281,800	259,900	280,400	20,500	...
XI	Tributes from Native States	691,300	535,400	523,600	...	11,800
XII	Post Office	1,101,700	947,300	1,013,700	66,200	...
XIII	Telegraph	540,100	459,700	524,400	64,700	...
XIV	Mint	125,000	110,300	198,900	88,600	...
XV	Law and Justice	595,300	458,500	487,900	29,400	...
XVI	Police	311,600	275,200	277,000	1,800	...
XVII	Marine	176,400	133,900	171,300	37,400	...
XVIII	Education	201,800	172,600	177,300	4,700	...
XIX	Medical	52,600	46,700	42,200	...	4,500
XX	Scientific and other Minor Departments.	86,100	69,500	62,000	...	7,500
XXI	Interest	650,400	622,800	634,900	12,100	...
XXII	Receipts in aid of Superannuation, &c.	257,700	133,100	180,600	47,500	...
XXIII	Stationery and Printing	54,100	38,700	44,900	6,200	...
XXIV	Miscellaneous	267,700	233,600	270,500	36,900	...
	Productive Public Works.	57,002,900	47,625,300	48,953,300	1,328,000	...
XXV	State Railways (Gross Earnings)	3,841,700	2,965,500	3,840,700	875,200	...
	East Indian Railway (Gross Earnings).	4,550,000	3,857,300	4,224,500	367,200	...
	Eastern Bengal Railway (Gross Earnings).	550,000	405,000	412,600	7,600	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	3,766,300	3,893,700	127,400	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	986,400	746,000	...	240,400
	Unproductive Public Works.					
XXIX	State Railways	148,400	224,400	173,500	...	50,900
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	27,900	87,600	59,700	...
XXXI	Irrigation and Navigation	135,400	122,300	125,700	3,400	...
XXXII	Military Works	40,800	33,000	32,800	...	200
XXXIII	Civil Buildings, Roads, and Services	474,600	423,200	457,900	34,700	...
XXXIV	Army	814,000	633,600	696,700	63,100	...
XXXV	Military Preparations in N.-W. Frontier.	...	...	30,300	30,300	...
„	Military Operations in Burmah	...	...	300	300	...
		71,892,500	61,070,200	63,675,600	2,605,400	...
	England, including Army, Public Works, &c.	197,900	254,100	269,000	14,900	...
	GRAND TOTAL	72,090,400	61,324,300	63,944,600	2,620,300	...

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

THE TREASURY,
Calcutta, the 2nd July 1886.

	Expenditure.	Estimates, 1885-86.	April 1884 to February 1885.	April 1885 to February 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	3,539,500	3,562,900	23,400	...
2	Do. on other Obligations	411,000	230,800	134,500	...	96,300
3	Refunds and Drawbacks	224,400	178,100	185,000	6,900	...
4	Assignments and Compensations	1,248,500	664,300	707,400	43,100	...
5	Land Revenue	3,443,800	2,782,700	2,872,000	89,300	...
6	Opium (including Cost of Production)	2,473,700	2,872,200	2,993,600	121,400	...
7	Salt (do. do.)	492,300	403,700	368,400	...	35,300
8	Stamps	84,800	77,200	76,400	...	800
9	Excise	123,500	94,400	106,200	11,800	...
10	Provincial Rates	113,500	107,600	50,700	...	56,900
11	Customs	133,200	125,900	118,900	...	7,000
12	Assessed Taxes	13,400	11,900	11,000	...	900
13	Forests	725,300	547,600	554,100	6,500	...
14	Registration	181,100	161,500	167,700	6,200	...
15	Post Office	1,161,300	1,012,300	1,066,100	53,800	...
16	Telegraph	607,900	475,000	450,300	...	24,700
17	Mint	77,500	68,500	84,200	15,700	...
18	General Administration	1,335,700	1,211,700	1,242,200	30,500	...
19	Law and Justice	3,437,500	2,989,200	3,022,100	32,900	...
20	Police	2,855,700	2,506,100	2,535,200	29,100	...
21	Marine (including River Navigation)	365,800	304,800	313,800	9,000	...
22	Education	1,291,900	1,077,500	1,070,800	...	6,700
23	Ecclesiastical	169,700	151,000	149,000	...	2,000
24	Medical	760,400	653,200	650,800	...	2,400
25	Political	629,800	566,400	1,026,200	459,800	...
26	Scientific and other Minor Departments	477,900	485,300	496,000	10,700	...
27	Territorial and Political Pensions	654,900	583,800	570,500	...	13,300
28	Civil Furlough and Absentee Allowances	5,200	11,000	4,300	...	6,700
29	Superannuation Allowances and Pensions	763,400	723,800	723,500	...	300
30	Stationery and Printing	374,000	334,500	360,400	25,900	...
31	Miscellaneous	263,700	256,200	243,200	...	13,000
32	Famine Relief	33,000	4,700	34,400	29,700	...
33	Protective Works—Railways	500,000	847,100	...	...	847,100
34	Do. do. Irrigation	287,300	216,600	160,500	...	56,100
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	2,747,600	2,640,500	...	107,100
		33,774,400	29,023,700	28,752,800	...	270,900
	Productive Public Works.					
36	State Railways (Working Expenses)	2,270,500	1,759,000	2,153,800	394,800	...
	East Indian Railway (Working Expenses)	1,826,500	1,663,600	1,690,200	26,600	...
	Eastern Bengal Railway (ditto)	232,500	151,400	264,100	112,700	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	496,500	492,500	...	4,000
38	Irrigation and Navigation (Working Expenses)	593,100	489,400	490,500	1,100	...
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	12,400	27,100	14,700	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	398,000	133,500	184,500	51,000	...
41	Do. (Working & Maintenance)	119,900	156,100	99,700	...	56,400
42	Subsidized Railways	39,800	34,800	34,100	...	700
	Southern Mahratta Railway	80,300	146,700	73,700	...	73,000
43	Frontier Railways	100,000	346,000	...	...	346,000
44	Irrigation and Navigation	706,100	528,800	535,800	7,000	...
45	Military Works	1,088,300	753,100	732,800	...	20,300
46	Civil Buildings, Roads, and Services	4,040,600	3,127,300	2,777,300	...	350,000
47	Army	12,161,500	10,792,700	11,462,600	669,900	...
48	Military Preparations in N.-W. Frontier	...	...	1,982,700	1,982,700	...
	Do. Operations in Burmah	...	...	43,300	43,300	...
		57,951,900	49,615,000	51,797,500	2,182,500	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	13,771,300	13,349,400	...	421,900
		72,306,500	63,386,300	65,146,900	1,760,600	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,900,600	1,076,100	2,051,800	975,700	...
	East Indian Railway	340,000	238,500	190,300	...	48,200
	Eastern Bengal Railway	132,100	247,000	399,100	...	152,900
51	Irrigation and Navigation	813,700	550,600	462,300	...	88,300
	In England—					
	State Railways	862,100	729,300	(b)1,553,500	824,200	...
	East Indian Railway	...	342,000	496,700	154,700	...
	Eastern Bengal Railway	350,900	(a)972,800	538,300	...	434,500
	Irrigation and Navigation	6,000	3,700	6,200	2,500	...
		4,405,400	4,160,600	5,393,800	1,233,200	...
	GRAND TOTAL	76,711,900	67,546,900	70,540,700	2,997,800	...

* 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) Includes £935,459 on account of Frontier Railways.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 26th June 1886.

No. 1540 *G.*—Third Class Hospital Assistant Yusuf Narain, of the Deoli Agency Hospital, was on privilege leave from 2nd to 30th April 1886, inclusive.

No. 1553 *G.*—Lieutenant-Colonel A. R. T. McRae returned from Boundary duty and assumed charge of his duties as 2nd-in-Command and Squadron Commander, Erinpura Irregular Force, on the 19th of June 1886, relieving Lieutenant R. A. Cole, who reverts to his substantive appointment of Adjutant, with effect from the same date.

The 28th June 1886.

No. 1568 *G.*—Third Class Hospital Assistant Abdul Ahud, Northern India Salt Revenue Hospital, Phaludi, was granted privilege leave from 26th April to 17th May 1886, inclusive.

By Order,

E. G. COLVIN,

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

The 29th June 1886.

No. 1580 *G.*—Lieutenant C. Hutton Dawson, Erinpura Irregular Force, returned to duty on the 22nd June 1886, from the privilege leave granted to him in this Office Notification No. 1180 G., dated the 19th May 1886.

By Order,

L. S. NEWMARCH,

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 23rd June 1886.

No. 441-96 *III.*—With reference to the Agent to the Governor General's Notification No. 1449 G., dated the 18th June 1886, Lieutenant-Colonel J. H. L. Greenfield assumed charge of the Office of Cantonment Magistrate, Deoli, from Lieutenant J. A. Bell, on the afternoon of the 9th June 1886.

Lieutenant-Colonel Greenfield is invested, with effect from the 9th instant, 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.

The 28th June 1886.

No. 465-136 *III.*—Under the authority vested in the Local Government by Section 56, Act XXII of 1881 (Excise), the Chief Commissioner of Ajmere-Merwara is pleased to exempt the District of Ajmere-Merwara from the limit to the retail vend of country spirits laid down by Clause (*k*), Section 3, of the Act, for such period as the right of manufacture and vend is leased to the same person under the system known as the farming system. The Chief Commissioner is further pleased to direct that under Clause (*d*), Section 55 of the Act, in all licenses for the manufacture and vend of country spirits granted under the farming system, the limit of retail vend shall be one gallon instead of one ser.

By Order,

E. G. COLVIN,

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

RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 23rd June 1886.

No. 1608 *S.*—Under the provision of Section 9 of the Ajmere Forest Regulation, 1874, the Chief Commissioner of Ajmere is pleased to sanction the following alterations in the Forest Bye-Laws sanctioned in the Rajputana Public Works Department Notification No. 1505 S., dated the 4th June 1875, and published in the Rajputana Official Gazette of 19th June 1875:—

Rule VII.—A revised rule as below is sanctioned in supersession of the present rule:—

Any Forest Official may arrest any person found in the act of doing any of the things prohibited under Rule II (except under Clause (*a*)) and produce him before the Officer in charge of Forests, who may compound the case or direct a criminal prosecution before a Magistrate.

Provided that the person arrested shall be released if he is known to be a resident of any village in the District who is not likely to abscond or if he furnish reasonable security (not exceeding R50) for his re-appearance when called upon to answer the charge made against him.

Provided also that in the absence of the Assistant Conservator, the person arrested shall be conducted without delay before the nearest Magistrate, who may pass such orders as he thinks fit.

Rule VIII.—Cancelled.

Rules IX to XIII.—The numbers will run from VIII to XII.

These alterations will come into force with effect from 15th July 1886.

By Order,

S. S. JACOB, *Lieut.-Colonel,*

Offg. Secy. to the Chief Commr., Ajmere-Merwara.

Statement of the Affairs of the Bank of Bengal for the week ending 29th June 1886.

LIABILITIES.	₹	a.	p.	ASSETS.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	55,92,283	8	0
Reserve Fund	41,56,674	15	0	Other authorized Investments	51,93,466	4	0
Public Deposits at Head Office ₹ 1,19,98,125 7 9	2,79,94,324	6	11	Loans on Government and other authorized Securities	1,16,04,169	1	0
Public Deposits at Branches ₹ 1,59,96,198 15 2				Accounts of Credit on Government and other authorized Securities	89,14,412	0	2
Other Deposits at Head Office and Branches	3,05,07,509	11	2	Bills discounted and purchased	2,64,11,748	5	2
Bank Post Bills, &c.	3,36,419	15	7	Balances with other Banks	14,01,228	0	2
Sundries	21,74,453	14	9	Bullion	3,221	13	0
				Dead Stock	11,42,045	5	0
				Stamps	10,354	3	9
				Sundries	6,53,293	7	10
					6,09,26,222	0	1
				Cash and Currency Notes at Head Office ₹ 1,16,13,252 1 4	2,42,43,160	15	4
				Cash and Currency Notes at Branches ₹ 1,26,29,908 14 0			
RUPEES	8,51,69,382	15	5	RUPEES	8,51,69,382	15	5

BANK OF BENGAL,
Calcutta, 1st July 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 39·7.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 28th June 1886.

No. 56.—Mr R. F. Coppin, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani, on 29th April 1886.

The 29th June 1886.

No. 57.—With reference to Public Works Department Notification No. 163, dated 22nd June 1886, Babu Baroda Prosada Bosu, Executive Engineer, 4th Grade, sub. *pro tem.*, is posted to Sind-Pishin State Railway, Northern Section.

This cancels that portion of the Director General's Notificarion No. 46, dated 17th May 1886, which relates to Babu Krishna Chunder Bandopadhya.

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

NORTH-WESTERN RAILWAY.

NOTIFICATION.

The 25th June 1886.

No. 5.—Mr. W. E. Hartt, Deputy Traffic Superintendent, Class II of the Superior Revenue Establishment, attached to North-Western Railway, has been granted one year's furlough to Europe, with the usual subsidiary leave, with effect from 5th July 1886, or from such date as he may be allowed to avail himself of the same.

L. CONWAY-GORDON,
Manager, North-Western Railway.

Statement of Silver Balance in the Calcutta Mint for the week ending 30th June 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 23rd June 1886	5,94,484	
Value of Government silver in the Mint on the same date	40,22,543	
		46,17,027
ADD—		
Silver received by the Mint during the week on account of the Currency Department	257	
Ditto ditto Government	855	
		1,112
		46,18,139
DEDUCT—		
New coin paid to Reserve Treasury during the week	9,00,000	
Petty items issued for miscellaneous purposes	...	
		9,00,000
Balance on the evening of the 30th June 1886		37,18,139
The Balance comprises—		
Silver held on account of the Currency Department	5,94,318	
Ditto ditto Government	31,23,821	
		37,18,139
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	60	
Ditto ditto Government	...	
		60

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

CALCUTTA MINT,
The 1st July 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.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
6	B 86—72846	100	Post Master General, Madras.

FORT ST. GEORGE,
The 24th June 1886.

C. HALL,
Chief Superintendent,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 1st July 1886.

Bastien, J. V.	Nicholson, G.	Razental, T. W.
Burbridge, J. G.	Okedon, W. P.	Rushall, R. B.
Dundas, R. H. D.	Parry, J. C.	Sandeman, H. D.
Dunn, Mrs. E. A.	Polendine, W.	Schoenemann, C. H. T.
Massor, L. F.		

Letters marked "Care of Post Office."

Barnes, G. J.	Godfrey, J. B.	**Mullen, J.**
Barnett, Mrs, James.	Greenhill, E. G.	Norville, Mrs. L.
Bashem, M. E.	Groseman, L. O.	Olsen, J.
Bates, J. N.	Griffiths, Morris.	Pave, J. B.
Bigex, Mon. E.	Guerrier, H. J.	Percy. A.
Blessett, W. V.	"Gusture."	Poley, J.
B. R.	Hair, G.	Power, J. O.
Burke, E. M.	Hannagan, C. H. M.	Preston, R. C. Campbell.
Bush, C.	Harford, J.	Randall, T.
Butler, T.	Harmer, Capt. Henry.	Rice, W. G. L.
Campbell, Hon. James.	Hoare, R.	Rishworth, B. J.
Capel, Lt.-Col.	Horne, James S.	R. M. E., Miss.
Caws, Capt. A. E.	Hutton, Lt.-Col.	Roberts, H. A.
Cohen, Mr.	J. M. Mc.	Robinson, F. A.
Delany, Mrs. J.	Kelly, Miss G.	Salten, Miss M.
Dimmock, Basil.	Kemp, Elwin.	Sammi, T.
D'Mello, Jose.	K. T. M.	Sargon, S.
Dodd, C. B. N.	Kirkbride, J.	Schmid, Otto.
Dowling, D. G. A.	Knight, Capt. M. J.	Schoeman, G. M.
D'Rozario, H. S. S.	Kohann, Madame Rosa.	Sheldrake, Miss Hannah.
D'Rozario, Miss J.	Kynoch, Mrs. G.	Sole, Rev. A B.
Drury, Surgeon F. J.	Lemarchand, J. R.	Stone, Mrs. T.
Dyson, H. J.	Macqueen, T.	Stuart, C. H.
Easton, Percy H.	Martin, H.	Swingler, Mrs. C.
Ellis, R. H. M.	Martin, Lt. C. W. F.	Thompson, R. D.
Entwistle, R.	McDonald, J.	Todd, H. P.
Fox, R. C. W.	McDonald, Miss.	Tracey, A.
Fraser, H. B.	McLaughlin, John.	Tyrrell, C. A.
Gayer, A. H.	Miller, Capt. John C.	Walker, P. C.
Gayton, E. Hugh.	Morgan, W.	Ward, Lieut. B. R.
"Gertrude."	Morris, Paul.	Williams, C.
Gilbert, Mrs. M.		

Registered Letters.

Grogan, H. C.	Power, J. O.	Wilson, W. T.
Guerner, H. J.	Sutherland, G.	Wrightson, T. N.
Jones, W.		

Unclaimed Letters held in the Barrackpore Post Office on the 21st June 1886.

Arrakiel, M.	Fuffer, R. P.	Mount, F. de.
Banerjee, Shib Nath.	Gibbons, F.	Nicholls, J.
Bhattacharjee, Ram Brohmo.	Hart, H.	Owen, J.
	Hobson, E. A.	Thomas, C. F.
Cook, Alexander.	Jarvis, J.	Zacheriah, H. C.
Flunks, Lt.-Col. W. A.	Mitford, R. C. W.	

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 3rd July 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 . . .	3rd July	Per P. & O. Str. from Bombay.
Ditto ditto ditto .	10th ,,	Ditto.
Ditto Book Post and Pattern Packets .	9th ,,	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 ,,	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. *Bengal.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	12th ,,	Per French Str. *Tibre.*
Straits and Hong-Kong	9th ,,	Per Str. *Taisang.*
Rangoon and Moulmein	7th ,,	Per Str. *Patna.*
Akyab, Kyouk Phyoo, and Rangoon . .	7th ,,	Per Str. *Bushire.*
Port Blair *viâ* Rangoon	7th ,,	Per Str. *Patna.*

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 July 1886 :—

Date of Closing.	Route.
5th July 1886*	By Star Line Private Vessel.
6th July 1886	By P. & O. Steamer from Bombay.
7th July 1886	By P. & O. Steamer from Calcutta.
12th July 1886	By French Steamer.
14th July 1886*	By B. I. S. N. Co.'s Private Vessel.
20th July 1886	By P. & O. Steamer from Bombay.
21st July 1886	By P. & O. Steamer from Calcutta.
28th July 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).

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 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 ليني سے بقيمه نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سولهه روپيه آٹهه آنه '

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

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونمين بكتي هى ماسواے قيمت مذكورهٔ بالا كے محصول ڈاك چار اور 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 foregoign rates.

كرسٹلين سنكونا دوائي بخار '

لال سنكونا بارك كي ايك نئي اور عمده دونه 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 بارهٔ 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 اسوله روپيه آٹهه آنه اور ايك پونڈ ٹين كا بتيس ۳۲ روپيه يهه در 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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HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

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Report on the Dyes and Tans of Bengal. By H. W. M'Cann, M.A., D.S.C. Full bound, cloth. ₹2-8 (3*a.* 6*p.*)

Family Medicine for India. Fourth Edition. By Surgeon-Major Moore. Super-royal 8vo, full cloth. ₹4 (6*a.*) to Government Officers and to the public at large, ₹3 (6*a.*) to Government Officers on receipt of salaries under ₹500 per mensem, on their certifying that the book is to be purchased for their personal use.

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A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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21/1917

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 10, 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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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.

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

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

At the end of paragraph 5 of the Regulations for the Examination for the Degree of M.A., after the words "language from English" the following words have been inserted:—"A candidate for the degree of M. A. in Sanskrit shall be allowed to take up Indian Palæography and Epigraphy instead of any group which he may select of the text-books in Philosophy fixed by the Syndicate. The Syndicate to determine what constitutes a group for the purpose of this Regulation."

From paragraph 11 of the Regulations for the Examination for a License in Medicine and Surgery, and from paragraph 10 of the Regulations for the Examination for the Degree of Bachelor in Medicine, the following words have been omitted:—"and in the case of a candidate who has already failed to pass, on the production of a certificate of having attended a further course of hospital practice and clinical instruction, subsequently to his last failure for one academical year."

Paragraph 6 of the Regulations for the Examination for a License in Medicine and Surgery has been cancelled and the following words have been substituted for it:—"Every candidate shall be examined in the following subjects:—(*a*) Descriptive and Surgical Anatomy, (*b*) Chemistry, organic and inorganic, having special reference to practical medical science, (*c*) Botany, so far as regards the anatomy, histology, and physiology of flowering plants, (*d*) Materia Medica and Pharmacy, so far as regards drugs contained in the British Pharmacopœia, (*e*) General Anatomy and Physiology, (*f*) Practical Chemistry, so far as regards the testing of urine and urinary deposits. The identification of microscopic preparations shall form no part of any of the examinations in the foregoing subjects."

Paragraph 13 of the same Regulations has been cancelled, and the following words have been substituted for it:—"Every candidate shall be examined in the following subjects:—(*a*) Principles and practice of medicine, (*b*) Principles and practice of Surgery, (*c*) Ophthalmic Medicine and Surgery, so far as regards the diseases of the conjunctiva, cornea and iris, (*d*) Midwifery, with the exceptions of the subjects of conception, generation and the physiology of the fœtus, (*e*) Medical jurisprudence, with the exception of the subjects of birth, inheritance, legitimacy, paternity, hermaphroditism, impotence, insanity, and life insurance, (*f*) Hygiene and general pathology. The identification of microscopic preparations shall form no part of any of the questions in the foregoing subjects. The subject of poisons, in the examination in Medical Jurisprudence, shall be limited to the poisons commonly used in India; and in the subject of Pathology no question in special Pathology shall be asked."

W. GRIFFITHS,
Registrar.

SENATE HOUSE,
The 5th July 1886.

The undermentioned Students have passed the First Examination in Engineering:—

SECOND DIVISION.

In Order of Merit.

Martindell, H. E. W. . . Govt. Engrg. College.
Mukhopadhyay, Haricharan . Ditto.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 8th July 1886.

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

NOTIFICATION.

Quetta, the 26th June 1886.

No. 88.—Mr. J. D. Davies, Executive Engineer, 2nd Grade, took over charge of the 1st Division, Frontier Road, from Babu Kirthi Chunder Chowdry, Executive Engineer, 4th Grade, on the forenoon of the 24th June 1886.

A. C. BIGG-WITHER,
Joint Secy. to Agent to Govr. Genl., Baluchistan, P. W. Dept.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 3rd July 1886.

No. 1620 *G.*—The privilege leave granted to Captain W. H. C. Wyllie, C.I.E., Political Agent, Kotah, in this Office Notification No. 904 G., dated the 22nd of April 1886, is extended by twelve days.

The 6th July 1886.

No. 1656 *G.*—With reference to Foreign Department Notification No. 1039 G., dated the 10th of May 1886, Lieutenant G. G. J. S. Jones assumed charge of the duties of Officiating Wing Officer and Adjutant, Deoli Irregular Force, on the 10th of June 1886.

By Order,

L. S. NEWMARCH,
for 1st Asst. to Agent to Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 1st July 1886.

No. 1899-3846.—Under the provisions of Section 5 of the Bangalore Municipal Regulations of 1883, the undermentioned gentlemen have been elected Municipal Commissioners for the Civil and Military Station of Bangalore by the Mahomedan and by the Hindu classes of the inhabitants of the Station, to fill up vacancies in the Municipal Board:—

To represent the Mahomedan class.

1. Mr. Abdul Hussain.
2. „ Aga Jan.

To represent the Hindu class.

3. Mr. T. Vijiaragavalu Naidu.
4. „ B. Lingiah Garu.

These gentlemen will continue in office for two years from the date of their election or until their successors should have been appointed.

By Order,

E. A. FRASER, *Major,*
Assistant to the Resident.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th June 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 18/8.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.						
Balance of 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		
Add—																	
Amount enfaced at Madras between 16th and 30th June 1886 . . .	...	...	...	18,000	2,000	9,000	2,000	31,000	...	...	9,000	9,000	...	...	40,000		
Amount enfaced at Bombay between 16th and 30th June 1886 . . .	...	...	...	1,000	...	23,500	...	24,500	...	...	20,000	20,000	...	...	44,500		
Amount enfaced at Calcutta between 16th and 30th June 1886 . . .	...	6,934	7,500	17,300	84,600	500	1,46,934	...	5,000	1,25,500	1,30,500	...	...	2,77,434			
	54,100	13,80,587	27,30,300	2,27,53,800	91,77,500	2,63,33,600	2,29,69,600	8,53,45,387	43,99,700	77,22,700	9,74,85,400	10,96,07,800	1,33,800	32,200	19,51,73,287		
Deduct—																	
Amount written off in the London Registers . .	...	...	5,200	2,05,100	11,500	3,02,700	24,400	5,48,900	...	20,000	4,27,900	447,900	...	...	9,96,800		
Balance on 30th June 1886	54,100	13,80,587	27,25,100	2,25,48,700	91,66,000	2,60,30,900	2,29,45,200	8,47,96,487	43,99,700	77,02,700	9,70,57,500	10,91,59,900	1,33,800	32,200	19,41,76,487		

NOTE.—From 9th June 1867 to 30th April 1886 enfaced from India 5,257 lakhs, re-transferred from London 4,664 lakhs.

„ 1st May 1886 to 15th May	„	„	„	9	„
„ 16th „ „ to 31st	„	„	„	7	„
„ 1st June „ „ to 15th June	„	„	„	3	„
„ 16th „ „ to 30th	„	„	„	10	„
				593 lakhs.	
Balance against India				4,691 lakhs.	

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 16th June 1886.

No. 19.—The undermentioned students of the Calcutta Medical College are admitted into the service as Assistant Surgeons, with effect from the dates specified :—

Sris Chandra Sarkar	24th March	1886.
Annada Prasad Ghosh,	24th "	"
Radhica Prosad Sinha	24th "	"
Upendra Nath Chatterjea	24th "	"
Sital Prasad Ghosh	25th "	"
Jogendra Nath Datta	30th "	"
Bepin Behari Ghosh	30th "	"
Trailokyanath Bannerji	30th "	"
Annada Prasanna Ghatak	30th "	"
Kshetra Pal Chuckravarti	30th "	"
Surendra Nath Borat	30th "	"
Gopala Lala Haldara	31st "	"
Lolit Mohun Laha	31st "	"
Durlabh Chandra Datta	31st "	"
Chuni Lal Bose	31st "	"
Sris Chunder Mukerjee	1st April	"
Sasi Bhusan Ghosh	25th May	"

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

NAGPUR-BENGAL STATE RAILWAY.

NOTIFICATION.

Nagpur, the 29th June 1886.

Mr. D. Campbell, Honorary Assistant Engineer, Kanhan Bridge Division, has been granted privilege leave of absence for three months from 1st June 1886, under Section 138 of the Civil Leave Code.

W. GILES,
for *Engineer-in-Chief.*

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, 1½ viss	3	0	0
1	Tirtanattu, 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 thatalu 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 December 1886, at Nellore, and establish their claims to it.

W. J. TATE,
Acting Collector.

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

CEMETERY NOTICE.

Whereas the long memorial stone with a cross standing over A. Yardly's tomb has been broken during a late gale, all surviving relations and friends of the aforesaid A. Yardly are hereby informed that if they do not undertake the cost of repairing it, measures, in accordance to the rules, will be adopted in respect thereof.

W. V. G. TAYLER,
Magistrate.

BANKOORA,
The 5th July 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 7th July 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 30th June 1886	5,94,318	
Value of Government silver in the Mint on the same date	31,23,821	37,18,139
ADD—		
Silver received by the Mint during the week on account of the Currency Department	6,897	
Ditto ditto Government	3,839	10,736
		37,28,875
DEDUCT—		
New coin paid to Reserve Treasury during the week	10,00,000	
Petty items issued for miscellaneous purposes	2,136	10,02,136
Balance on the evening of the 7th July 1886		27,26,739
The Balance comprises—		
Silver held on account of the Currency Department	6,01,215	
Ditto ditto Government	21,25,524	27,26,739
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,562	
Ditto ditto Government	...	2,562

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

CALCUTTA MINT,
The 8th July 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. 1886.	No. of Notes.	Value. ₹	Name of Claimant.
W24	M 38—82131	500	Malichand Jeechand, Ahmedabad.
W25	S 11—37992	100	Hasanall Abdoolally, Bombay.
W26	S 11—31453	100	Gangadhar Prabhakar, Bombay.
W27	M 76—74775	1,000	Alla Bux, Katni.
	" —85556	1,000	
	" —85599	1,000	
	M 38—80661	500	
	" —80662	500	
	" —80663	500	
	" —80665	500	
	" —80666	500	
	" —81711	500	
	" —81703	500	

BOMBAY,
The 29th June 1886.

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

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 8th July 1886.

Baillie, J. V.
Burbridge, J. G.
Bunu, Mrs. E. A.
Harrington, R.
Heckey, C. A.
Massor, L. F.
Mouat, F. J.
Oakley & Co.
Okedon, W. P.
Polendine, W.
Reeves, J. F.
Rushall, R. B.
Sandeman, H. D.
Schoenemann, C. H. T.

Letters marked "Care of Post Office."

Andreiff, G.
Barnes, G. J.
Barnett, Mrs. James.
Baskett, J. G.
Bates, J. N.
Berrill, Charles.
Bigex, Mon. E.
Blessett, W. V.
B. R.
Booth, G.
Brocas, Miss.
Brooke, Mrs. S. J.
Burke, E. M.
Bush, C.
Butler, T.
Campbell, Hon. James.
Capel, Lt.-Col.
Caws, Capt. A. E.
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.
Drury, Surgeon F. J.
Easton, Percy H.
Fox, R. C. W.
Fraser, H. B.
Gayton, E. Hugh.
"Gertrude."
Gilbert, Mrs. M.
Godfrey, J. B.
Greenhill, E. G.
Griffiths, Morris.
Guerrier, H. J.
Gulliday, C.
"Gusture."
Hair, G.
Hannagan, C. H. M.
Harford, J.
Hoare, R.
Horne, James S.
Hutton, Lt.-Col. J. M. Mc.
Kelly, F. H.
Kelly, Miss G.
K. T. M.
Kirkbride, J.
Knight, Capt. M. J.
Kohann, Madame Rosa.
Lemarchand, J. R.
Macqueen, T.
Magri, Mr.
Martin, H.
Martin, Lt. C. W. F.
McDonald, J.
McIntock, H.
McLaughlin, John.
Miller, Capt. John C.
Mills, H.
Morgan, W.
Morris, Paul.
Mullen, J.
Murray, G.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Pierotti, N.
Poley, J.
Power, J. O.
Preston, R. C. Campbell.
Rafter, M.
Randall, T.
Rice, W. G. L.
Rigby, A.
Rishworth, B. J.
R. M. E., Miss.
Roberts, H. A.
Robinson, F. A.
Rosenthal, L.
Salten, Miss M.
Sammi, ..
Schoeman, G. M.
Sheldrake, Miss Hannah.
Sole, Rev. A. B
Stuart, C. H.
Swingler, Mrs. C.
Sykes, J. H.
Thompson, R. D.
Todd, H. P.
Touzel, C. J. C.
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.

Unclaimed Letters held in the Barrackpore Post Office on the 5th July 1886.

Cook, Alexander.
Deburgh, D.
Fitzhbhurs, Color Sergt.
Flunks, Lt.-Col. W. A.
Gordon, W. D.
Hart, H.
Henderson, G.
Hobson, E. A.
Jarvis, J.
Leighton, Captain C. K
Mitchell, Rev. A. L.
Nicholls, J.
Owen, M. S.
Patch, J.
Patchett, A.
Thomas, C. F.
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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.

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 23rd July 1886.

Mr. R. Hardie has returned from leave and resumed the office of Secretary and Treasurer.

By order of the Board,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 17th July 1886.

Mr. O. L. Fraser, 2nd Assistant to the Superintendent, Indian Museum, returned from the privilege leave granted to him in Revenue and Agricultural Department Notification No. 22—95-2 Ex., dated Simla, the 16th April 1886, and resumed his duties on the forenoon of the 15th July 1886.

The 19th July 1886.

In continuation of the Notification, dated 25th April 1884, the appointment of Mr. Edward C. Cotes as 1st Assistant to the Superintendent of the Indian Museum, is confirmed by order of the Government of India.

H. B. MEDLICOTT,
Hony. Secy. to the Trustees, Indian Museum.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 12th July 1886.

No. 569.—Mr. G. D. Cusson, Assistant Surveyor, 1st Grade, Survey of India, is granted privilege leave for three months, under Section 138, Chapter X, of the Civil Leave Code, with effect from 25th June 1886.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 25th June 1886.

No. 21.—Second Grade Assistant Surgeon Radhanath Bose, of the Imperial List, is granted furlough for one year from 1st July 1886, or such date as he may be relieved of his duties, under Section 132 of the Civil Leave Code.

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

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 17th July 1886.

No. 2675.—The following Officers of the 2nd Regiment, Central India Horse, returned to duty from the privilege leave granted them in this Office Notifications, respectively, Nos. 1006 and 1796, dated the 20th March and 5th May 1886, on the date specified :—

Captain A. Masters,—2nd July 1886.

Lieutenant C. P. Campbell,—2nd July 1886.

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

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

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 17th July 1886.

No. 1.—Under orders of Government of India conveyed in Military Department telegram, dated 15th July 1886, the Agent to the Governor General for Central India has authorized formation of a separate special executive charge, to be styled "Mhow Water Works Division."

No. 2.—Mr. D. M. Litster, Assistant Engineer, 1st Grade, is appointed to the executive charge of Mhow Water Works Division, which he assumed on the forenoon of the 16th July 1886.

By Order,
C. S. THOMASON, *Colonel, R.E.,*
Secy. to Agent to Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 15th July 1886.

No. 1749 *G.*—Colonel F. W. Boileau, Commandant, Deoli Irregular Force, returned to duty on the 7th July 1886, from the privilege leave granted him in this Office Notification No. 815 G., dated the 14th April 1886.

No. 1754 *G.*—The privilege leave granted in this Office Notification No. 1081 G., dated the 8th May 1886, to Lieutenant-Colonel and Brevet Colonel A. Conolly, Commandant, Meywar Bhil Corps, is extended to seventy-five days.

The 17th July 1886.

No. 1774 *G.*—Second Class Hospital Assistant Mahomed Mossa, of the Anadra Dispensary, is granted one month's privilege leave, with effect from the afternoon of the 27th July 1886, and 2nd Class Hospital Assistant Mahesh Pershad, of the Government Reserve List of Hospital Assistants, is appointed to act during the absence of Mahomed Mossa.

No. 1782 *G.*—Major H. Wylie, C.S.I., Political Agent, Jhallawar, is granted three months' privilege leave, with effect from the 23rd July 1886, or such subsequent date as he may avail himself of the same.

Captain W. H. C. Wyllie, C.I.E., Political Agent, Kotah, will hold charge of the current duties of the Jhallawar Agency Office, in addition to his own, during Major Wylie's absence.

The 19th July 1886.

No. 1791 *G.*—Second Class Hospital Assistant Abdul Wahab returned from the leave granted him in this Office Notification No. 952 G., dated 28th April 1886, and resumed charge of his duties, on the afternoon of the 30th June 1886, from 2nd Class Hospital Assistant Muhesh Pershad, who reverted to the Reserve List of Hospital Assistants for Government employment.

Hospital Assistant Abdul Wahab is granted three days' leave without pay in addition to the leave sanctioned in the Notification above quoted.

No. 1793 *G.*—With reference to this Office Notification No. 1032 G., dated the 4th of May 1886, Messrs. J. R. Tregear and R. E. Acklom, respectively, delivered over and received charge of the Office of Superintendent, Rajputana-Malwa Railway Police, on the afternoon of the 12th July 1886.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 20th July 1886.

No. 759-96 *III.*—With reference to this Office Notification No. 441-96 III, dated 22nd June 1886, Colonel F. W. Boileau resumed charge of the Office of Cantonment Magistrate, Deoli, from Lieutenant-Colonel J. H. L. Greenfield, on the forenoon of the 8th July 1886.

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

COMMISSIONER, NORTHERN INDIA SALT REVENUE.

NOTIFICATION.

Agra, the 25th May 1886.

No. 126.—Mr. W. Synnott, Assistant Commissioner, Northern India Salt Revenue, Internal Branch, Upper Division, Agra, is granted forty-five days' privilege leave under Sections 71 to 74, Chapter V of the Civil Leave Code, from such date as he may avail himself of it.

W. SIDDONS,
Personal Asst. to Commr.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 14th July 1886.

No. 60.—Mr. R. C. Dyson, 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 the 6th July 1886.

No. 61.—Mr. R. F. Coppin, Assistant Engineer, 1st Grade, is granted furlough for twelve months with the usual subsidiary leave, with effect from the 1st July 1886, or such subsequent date as he may avail himself of the same.

The 15th July 1886.

No. 62.—Mr. C. E. Vining, Class III of the Superior Revenue Establishment of State Railways, Traffic Department, is transferred, in the interests of the public service, from the Nagpur-Chhatisgarh State Railway to the North-Western Railway.

No. 63.—Mr. W. Beechey, Assistant Engineer, 3rd Grade, passed the Professional Examination, as prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18, on the 6th July 1886.

The 17th July 1886.

No. 64.—Messrs. C. S. Killick, and G. F. Thompson, Assistant Engineers, 2nd Grade, passed the Colloquial Examination in Hindustani on the 28th and the Professional Examination on the 29th May 1886, as prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18 and 20.

No. 65.—The undermentioned officers passed the Professional Examination and Colloquial Examination in Hindustani as laid down in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18 and 20, on the 2nd July 1886 :—

Assistant Engineers.

Lieutenant J. R. L. Macdonald, R.E.
" E. W. Walton, R.E.
" S. L. Craster, R.E.
" G. S. McD. Elliot, R.E.

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

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on the 8th January 1886, the undermentioned articles, valued at ₹20-10-6, were found in Surandai village, Tenkasi Taluq, Tinnevelly District, by Madakanur Nadar, while digging in his garden to plant trees :—

	₹	a.	p.
1 Gold ring	6	2	0
1 Pair of earrings . . .	13	0	0
11 Kalipanams	1	8	6
TOTAL .	20	10	6

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Tinnevelly, at his office, on 15th December 1886, in order that the matter may be inquired into and determined in accordance with the provisions of the Act.

S. H. WYNNE,
Acting Collector.

The 16th July 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 July 1886.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS: Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.	4½ PER CENT. LOANS: Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.
Balance of 30th June 1886 .	54,100	13,80,587	27,25,100	2,25,48,700	91,66,000	2,60,30,900	2,29,45,200	8,47,96,487	43,99,700	77,02,700	9,70,57,500	10,91,59,900	1,33,800	32,200	19,41,76,487
Add—															
Amount enfaced at Madras between 1st and 15th July 1886 .	...	...	...	...	500	4,600	...	5,100	...	...	...	...	...	...	5,100
Amount enfaced at Bombay between 1st and 15th July 1886 .	...	...	...	...	...	1,000	...	1,000	...	...	...	...	...	...	1,000
Amount enfaced at Calcutta between 1st and 15th July 1886 .	...	...	...	64,100	...	80,000	...	1,44,100	...	...	1,000	1,000	...	...	1,45,100
	54,100	13,80,587	27,25,100	2,26,12,800	91,66,500	2,61,16,500	2,29,45,200	8,49,46,687	43,99,700	77,02,700	9,70,58,500	10,91,60,900	1,33,800	32,200	19,43,27,687
Deduct—															
Amount written off in the London Registers .	...	...	18,800	1,67,600	21,000	78,000	32,400	3,17,800	...	10,000	30,500	40,500	...	...	3,58,300
Balance on 15th July 1886 .	54,100	13,80,587	27,06,300	2,24,45,200	91,45,500	2,60,38,500	2,29,12,800	8,46,28,887	43,99,700	76,92,700	9,70,28,000	10,91,20,400	1,33,800	32,200	19,39,69,387

NOTE.—From 9th June 1867 to 15th May 1886 enfaced from India 5,264 lakhs, re-transferred from London 4,671 lakhs.
" 16th May 1886 to 31st " " " 4 " " " 7 "
" 1st June " to 15th June " " " 3 " " " 3 "
" 16th " " to 30th " " " 3 " " " 10 "
" 1st July " to 15th July " " " 1 " " " 3 "
5,275 lakhs. 4,694 lakhs.
4,694 "
Balance against India . 581 lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

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

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 30th June 1886.

Agents for Sale of Maps:

Calcutta.—No Agent. Maps can be obtained from the Office, 13 Wood Street.
Allahabad.—Curator, Government Books, N.-W. 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 Depôt.
Rajkot.—Mr. Narainjee Sunderjee, for maps of Kattywar only.
Ahmedabad.—The Huzoor Deputy Collector, for maps of Guzerat only.
London.—Messrs. Allen & Co., Waterloo Place.
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," "Madras Mail," and "The Times of India," Bombay.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY. Uncolored. R a.	Colored. R a.	Date of Publication.
GENERAL MAPS.					
Railway Map of India corrected up to January 1886	1"=32 M.	Each sheet 40"×26" in 6 sheets.	6 0	8 0	March 1886.
India shewing External Trade Routes .	1"=80 M.	38"×34"	2 0	2 8	do.
India with Hills. With additions to May 1886	1"=64 M.	Each sheet 20"×20" in 4 sheets	5 0	7 0	May 1886.
India shewing the progress of Imperial Surveys up to October 1885	1"=128 M.	30"×22"	1 0	1 4	April 1886.
Kathiawar	1"=16 M.	22"×15"	0 6	0 8	May 1886.
PROVINCIAL MAPS.					
Provincial Map of Assam	1"=24 M.	30"×22"	0 12	1 0	June 1886.
DIVISIONAL MAPS.					
Patna Division, comprising the District of Champarun, Sarun, Mozufferpore, Durbunga, Shahabad, Patna, and Gya . .	1"=16 M.	20"×19"	0 6	0 8	May 1886.
DISTRICT MAPS.					
District Bareilly	1"=2 M.	Each sheet 40"×25" in 2 sheets.	1 0	1 4	do.
Garo Hills District, Lower Assam, corrected up to December 1885	1"=4 M.	34"×26"	1 0	1 4	March 1886.
District Midnapur	do.	40"×27"	1 0	1 4	April 1886.
Sketch Map of Country round Mandalé .	1"=2 M.	do.	1 0	1 4	May 1866.
ATLAS SHEETS.					
No. 12 S.W. Parts of Districts Hallar and Okhamandal (Kathiawar, Bombay Presidency)	1"=4 M.	27"×20"	0 12	0 12	Dec. 1885.
No. 35 N.W. Parts of Oodeypore, Gwalior, Tonk, and Indore (Native States, Rajputana and Central India Agency) . .	do.	do.	0 12	0 12	Feb. 1885.
No. 37 S. E. Parts of Khandesh (Bombay Presidency) and Indore (Central India Agency)	do.	do.	0 12	0 12	August 1885.
No. 49 N.E. Part of Districts Moradabad, Meerut, Mozuffernuggur, and Bijnor (N.-W. Provinces), and Delhi and Karnal (Punjab)	do.	do.	0 12	0 12	April 1886.
STANDARD SHEETS. BENGAL SURVEY.					
Sheet No. 114. District Mozufferpore .	1"=1 M.	40"×27"	1 8	1 12	April 1886.
" 145. Districts Mozufferpore and Durbunga . . .	do.	do.	1 8	1 12	do.
" 170. District Durbunga . .	do.	do.	1 8	1 12	May 1886.
" 171. Do. . . .	do.	do.	1 8	1 12	do.
" 173. Do. . . .	do.	do.	1 8	1 12	Feb. 1886.
" 199. Do. . . .	do.	do.	1 8	1 12	May 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.
			R	a.	R	a.	
STANDARD SHEETS—*contd.*							
BURMAH SURVEY.							
Sheet No. 94 S.E.—4. Parts of Kadin, Bilin, Mokka, and Minhla, Forest Reserves, District Tharrawaddy .	4″=1 M.	40″×25″	1	0	1	4	April 1886.
„ 110 S.W.—3. Do. do. .	do.	do.	1	0	1	4	do.
BOMBAY.							
CUTCH SURVEY.							
Reduction of Sheets Nos. 3, 4, 10, and 11 .	1″=2 M.	40″×25″	1	12	2	0	May 1886.
GUJARAT SURVEY.							
Sheet No. 35, Section 4, Part of Chikhli Taluka of the Surat Collectorate . .	2″=1 M.	40″×25″	1	12	2	0	May 1886.
Sheet No. 36, Section 1. Parts of the Bulsar and Chikhli Talukas of the Surat Collectorate	do.	do.	1	12	2	0	do.
Sheet No. 36, Section 2. Parts of the Bulsar, Pardi, and Chikhli Talukas of the Surat Collectorate	do.	do.	1	12	2	0	do.
Sheet No. 41 N.E.—2. Parts of the Godhra Taluka of the Panch Mahals Collectorate	4″=1 M.	do.	1	12	2	0	March 1886.
„ 41 N.E.—4. Do. do. .	do.	do.	1	12	2	0	do.
„ 41 N.W.—1. Parts of the Godhra Taluka of the Panch Mahals Collectorate and of the Rewah Kantha States . .	do.	do.	1	12	2	0	do.
HYDERABAD SURVEY, MOODGUL SIRCAR.							
Sheet No. 30	1″=1 M.	40″×25″	1	0	1	4	April 1886.
„ 31	do.	do.	1	0	1	4	do.
„ 32	do.	do.	1	0	1	4	do.
„ 33 and 58 in one sheet . .	do.	do.	1	0	1	4	do.
„ 54	do.	do.	1	0	1	4	do.
„ 55	do.	do.	1	0	1	4	do.
„ 56	do.	do.	1	0	1	4	do.
„ 57	do.	do.	1	0	1	4	do.
„ 80	do.	do.	1	0	1	4	do.
„ 81	do.	do.	1	0	1	4	do.
„ 82 and 108 in one sheet . .	do.	do.	1	0	1	4	do.
„ 83	do.	do.	1	0	1	4	do.
„ 84	do.	do.	1	0	1	4	do.
NORTH-WESTERN PROVINCES SURVEY.							
Sheet No. 35 S. E. District Aligurh . .	2″=1 M.	40″×25″	1	0	1	4	April 1886.
„ 35 S. W. Do. . .	do.	do.	1	0	1	4	do.
„ 35 N. W. Do. . .	do.	do.	1	0	1	4	do.
„ 186 District Mirzapur . .	1″=1 M.	do.	1	8	1	12	March 188
„ 186 N. E. Do. . .	2″=1 M.	do.	1	0	1	4	do.
„ 186 S. E. Do. . .	do.	do.	1	0	1	4	do.
„ 187 Do. . .	1″=1 M.	do.	1	0	1	4	do.
„ 187 N. E. Do. . .	2″=1 M.	do.	1	0	1	4	do.
„ 201 S. E. Do. . .	do.	do.	1	0	1	4	do.
„ 202 Do. . .	1″=1 M.	do.	1	0	1	4	April 1886.
„ 202 N. E. Do. . .	2″=1 M.	do.	1	0	1	4	March 1886.
„ 202 N. W. Do. . .	do.	do.	1	0	1	4	May 1886.
OUDH REVENUE SURVEY.							
Sheet No. 150. Districts Barabanki, Fyzabad, Sultanpore, and Rai Bareli . .	1″=1 M.	38″×25″	1	8	1	12	May 1886.
„ 163. Districts Fyzabad and Sultanpur . . .	do.	do.	1	8	1	12	do.
„ 164. Do. do. .	do.	do.	1	8	1	12	June 1885.
„ 177. Do. do. .	do.	do.	1	8	1	12	April 1886.
PUNJAB SURVEY.							
Sheet No. 242 S. E. District Hissar . .	2″=1 M.	40″×25″	1	0	1	4	May 1886.
„ 243 N. E. Do. . .	do.	do.	1	0	1	4	do.
„ 243 S. E. Do. . .	do.	do.	1	0	1	4	April 1886.
TECHNICAL CHARTS.							
Degree Sheet No. XIV, Chart of Triangulation of No. 2 Topographical Party, Bhopal and Malwa Survey	1″=4 M.	30″×25″	0	8	...		May 1886.
Degree Sheet No. XXV, Chart of Triangulation of No. 6 Topographical Party, North-East Frontier Survey	do.	28″×24″	0	8	...		do.

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.
			R	a.	R	a.	
MISCELLANEOUS MAPS OR PLANS.							
HOOGHLY RIVER SURVEY.							
Sheet No. 6	6″=1 M.	34″×26″	2	0	2	4	June 1886.
„ 7	do.	do.	2	0	2	4	do.
„ 8	do.	do.	2	0	2	4	do.
„ 1 Q.	16″=1 M.	25″×20″	2	0	2	4	May 1886.
„ 1 R.	do.	do.	2	0	2	4	do.
„ 2 C.	do.	do.	2	0	2	4	do.
„ 2 D.	do.	do.	2	0	2	4	do.
„ 3 A.	do.	do.	2	0	2	4	June 1886.
„ 3 B.	do.	do.	2	0	2	4	do.
„ 3 C.	do.	do.	2	0	2	4	do.
„ 3 D.	do.	do.	2	0	2	4	do.
„ 3 F.	do.	do.	2	0	2	4	do.
„ 3 G.	do.	do.	2	0	2	4	do.
„ 3 I.	do.	do.	2	0	2	4	do.
„ 3 J.	do.	do.	2	0	2	4	do.
„ 3 K.	do.	do.	2	0	2	4	do.
„ 4 A.	do.	do.	2	0	2	4	do.
„ 4 E.	do.	do.	2	0	2	4	do.
„ 4 F.	do.	do.	2	0	2	4	do.
„ 6 A.	do.	do.	2	0	2	4	May 1886.
„ 6 B. and C.	do.	do.	2	0	2	4	June 1886.
„ 6 D.	do.	do.	2	0	2	4	May 1886.
„ 6 E.	do.	do.	2	0	2	4	do.
„ 6 F.	do.	do.	2	0	2	4	do.
„ 6 G.	do.	do.	2	0	2	4	do.
„ 6 H.	do.	do.	2	0	2	4	do.
„ 6 I.	do.	do.	2	0	2	4	do.
„ 7 A.	do.	do.	2	0	2	4	June 1886.
„ 7 B.	do.	do.	2	0	2	4	do.
„ 7 C.	do.	do.	2	0	2	4	April 1886.
„ 7 D.	do.	do.	2	0	2	4	do.
„ 7 E.	do.	do.	2	0	2	4	May 1886.
„ 7 F.	do.	do.	2	0	2	4	April 1886.
„ 7 G.	do.	do.	2	0	2	4	May 1886.
„ 7 H.	do.	do.	2	0	2	4	do.
„ 7 I.	do.	do.	2	0	2	4	April 1886.
„ 7 J.	do.	do.	2	0	2	4	do.
„ 7 K.	do.	do.	2	0	2	4	do.
„ 7 L.	do.	do.	2	0	2	4	May 1886.
„ 7 M.	do.	do.	2	0	2	4	do.
„ 7 N.	do.	do.	2	0	2	4	do.
„ 8 A.	do.	do.	2	0	2	4	June 1886.
„ 8 B.	do.	do.	2	0	2	4	do.
„ 8 C.	do.	do.	2	0	2	4	May 1886.
„ 8 D.	do.	do.	2	0	2	4	June 1886.
„ 8 E.	do.	do.	2	0	2	4	do.
„ 8 F.	do.	do.	2	0	2	4	April 1886.
„ 8 G.	do.	do.	2	0	2	4	May 1885.
„ 8 H.	do.	do.	2	0	2	4	do.
„ 8 I.	do.	do.	2	0	2	4	April 1886.
„ 8 J.	do.	do.	2	0	2	4	May 1886.
„ 8 K.	do.	do.	2	0	2	4	do.
„ 9 D.	do.	do.	2	0	2	4	June 1886.
INDEX MAPS.							
Index to the Standard Sheets of the Province of Assam	1″=48 M.	17″×14″	0	4	0	4	June 1886.
Index to the Standard Sheets of Bengal .	1″=50 M.	do.	0	4	0	4	do.
Ditto ditto of Burmah .	1″=40 M.	do.	0	4	0	4	do.
Ditto ditto of Punjab .	do.	do.	0	4	0	4	do.
Ditto South Maratha Topographical Survey, No. 10 Party	Nil.	14″×9″	0	4	0	4	do.
Index to the Cadastral Survey of District Mozufferpore, No. 8 Revenue Party .	Nil.	17″×13″	0	4	0	4	May 1886.
Index to the Sheets of the Bhopal and Malwa Topographical Survey, No. 2 Party .	1″=32 M.	do.	0	4	0	4	January 1886.
Index to the Sheets of the Mysore Topographical Survey, No. 8 Party . . .	do.	do.	0	4	0	4	do.
Index to the Indian Atlas, showing the state of Engraving and Materials for Engraving up to 1st October 1885	1″=256 M.	do.	0	4	0	4	February 1886.
Index to the Atlas Sheets that have been published up to 18th October 1885 . .	do.	do.	0	4	0	4	March 1886.
Index to the Survey Operations in the Deccan and Konkan, Nos. 10 & 11 Parties .	Nil.	do.	0	4	0	4	do.
Index to the Rajputana Survey . . .	Nil.	do.	0	4	0	4	do.
Index to the Survey of District Mirzapur, No. 5 Revenue Party	1″=16 M.	do.	0	4	0	4	do.
Index Chart to the Great Trigonometrical Survey of India	1″=96 M.	32″×27″	1	8	.....		October 1885.

R. BEAVAN, *Lieut.-Colonel,*
Offg. Assistant Surveyor General,
In charge Map Record and Issue Office.

SURVEY OF INDIA DEPARTMENT,
Calcutta, 1st July 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 20th July 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,674	15	0
Public Deposits at Head Office ₹ 1,29,99,816 13 0			
Public Deposits at Branches 2,04,23,164 2 1	3,34,22,980	15	1
Other Deposits at Head Office and Branches	3,02,32,930	7	11
Bank Post Bills, &c.	5,84,745	5	2
Sundries	15,22,202	10	0
RUPEES	9,01,19,534	5	2

ASSETS.	₹	a.	p.
Government Securities	59,42,550	0	0
Other authorized Investments	57,10,894	12	0
Loans on Government and other authorized Securities	1,11,34,896	12	6
Accounts of Credit on Government and other authorized Securities	89,42,577	10	7
Bills discounted and purchased	2,73,52,547	10	0
Balances with other Banks	11,06,320	15	1
Bullion	3,161	1	9
Dead Stock	11,31,556	12	4
Stamps	10,105	10	9
Sundries	8,80,851	7	2
	6,22,15,462	12	2
Cash and Currency Notes at Head Office ₹ 1,29,87,363 8 7			
Cash and Currency Notes at Branches 1,49,16,708 0 5	2,79,04,071	9	0
RUPEES	9,01,19,534	5	2

BANK OF BENGAL,
Calcutta, 22nd July 1886.

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

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

Rate for Demand Loans 7 per cent.
Percentage 42·4.

Statement of Silver Balance in the Calcutta Mint for the week ending 21st July 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 14th July 1886	6,03,901	
Value of Government silver in the Mint on the same date	15,25,524	
		21,29,425
ADD—		
Silver received by the Mint during the week on account of the Currency Department	21,094	
Ditto ditto Government	896	
		21,990
		21,51,415
DEDUCT—		
New coin paid to Reserve Treasury during the week	7,00,000	
Petty items issued for miscellaneous purposes	601	
		7,00,601
Balance on the evening of the 21st July 1886		14,50,814
The Balance comprises—		
Silver held on account of the Currency Department	4,04,639	
Ditto ditto Government	10,46,175	
		14,50,814
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	3,335	
Ditto ditto Government	...	
		3,335

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

CALCUTTA MINT,
The 22nd July 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 Note.	Value. ₹	Name of Claimant.
11	B 83—36627	50	The District Forest Officer, South Arcot, Cuddalore.
,,	—36644	50	

FORT ST. GEORGE,
The 15th July 1886.

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

Report of a Deserter from the 1st Battalion, Suffolk Regiment of Infantry, dated at Kuldana, this 12th day of July 1886.

Number, Rank, and Name,—No. 1820, Sergeant Thomas James Tomlinson.	Date of Enlistment,—27th January 1880.
Age,—25 years.	At what Place Enlisted,—Manchester.
Size,—5 feet 7 inches.	Parish and County in which Born,—Over, Chester, Cheshire.
Colour of—Complexion, fair; Hair, fair; Eyes, blue.—Rather stout.	Marks,—None.
Date of Desertion,—11th July 1886.	Trade,—Labourer.
Place of Desertion,—Sunny Bank, Murree Hills.	Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers,— } Plain clothes, description unknown.
	REMARKS,—Under 7 years' service.

T. BAKER, *Major,*
Comdg. 1st Battn., Suffolk Regt.

CEMETERY NOTICE.

Whereas the long memorial stone with a cross standing over A. Yardly's tomb has been broken during a late gale, all surviving relations and friends of the aforesaid A. Yardly are hereby informed that if they do not undertake the cost of repairing it, measures, in accordance to the rules, will be adopted in respect thereof.

W. V. G. TAYLER,
Magistrate.

BANKOORA,
The 5th July 1886.

"OOTACAMUND WATER-SUPPLY SCHEME."
Northern Section.

Notice is hereby given that sealed tenders will be received at the Office of the Executive Engineer, Nilgiri Division, Ootacamund, up to 9th August 1886, for supplying the undermentioned materials either at Metupoliem or Ootacamund. The supply should be completed within six months from the date of acceptance of the tender.

II. The following contract documents can be seen in the Executive Engineer's Office, at Ootacamund, on any date between 11 A. M. to 5 P. M. up to 7th August 1886 :—

1st.—A complete set of drawings shewing the general dimensions of the proposed articles to be supplied and, so far as necessary, details of the above.

2nd.—A schedule of the quantities of the materials to be supplied.

3rd.—A set of conditions of contract to be complied with by the person or persons whose tender may be accepted.

III. The tenders should be accompanied by a statement in the form of the under-mentioned abstract shewing the rates at which different materials specified below will be supplied.

IV. Each tender must be accompanied by a deposit of ₹500 in cash or Government Promissory Notes and be superscribed "Tenders for Ootacamund Water Works," in default of which the tender will be rejected.

V. All tenders will be opened in the Divisional Office at 12 noon on the date above mentioned in the presence of those who may choose to attend.

VI. The Executive Engineer reserves to himself the right of rejecting any or all of the tenders without assigning any reason for so doing.

VII. To allow of a guarantee fund being formed on the part of Government, a deduction of ten per cent. from all payments to the contractor will be made by the Executive Engineer at the time of payment.

VIII. The deposit of the successful competitor will be retained until he executes the contract bond, and such time as the above deduction of ten per cent. amounts to ₹500.

IX. The successful competitor or competitors will be required to sign a contract deed on a stamped paper at his or their own expense on the basis of his or their tender containing penalties for breach of contract on his or their part.

DESCRIPTION OF MATERIALS.	Rate.
1. Cast-iron piping from 11″ to 2″ diameter	Per ton.
2. Special castings for curved and reduction joint pipes for above	,,
3. Pig lead	Per pound.
4. Sluice valves (size 11″)	Each.
Do. do. (do. 6″)	,,
Do. do. (do. 5″)	,,
Do. do. (do. 3½″)	,,
Do. do. (do. 3″)	,,
Do. do. (do. 2½″)	,,
5. Brass cocks (do. 1″)	,,
6. Air valves	,,
7. Road valve boxes with cover	,,
8. Wrought iron	Per lb.
9. Special junction for stand-pipes 11″ diameter	Each.
Do. do. 5″ diameter	,,
Do. do. 3½″ do.	,,
Do. do. 3″ do.	,,
Do. do. 2½″ do.	,,
Do. do. 2″ do.	,,
10. Cast-iron stand-pipes	,,
11. Screw valves 1½″ diameter	,,

A. C. SMITH, *Major, R.E.,*
Executive Engineer, Nilgiri Division.

EXECUTIVE ENGINEER'S OFFICE,
NILGIRI DIVISION,
OOTACAMUND,
The 8th July 1886.

POST OFFICE.

NOTIFICATIONS.

Simla, the 17th July 1886.

No. 5680.—Three months' privilege leave has been granted to Mr. J. Dillon, Comptroller, Post Office, which was availed of by him on the forenoon of the 6th July 1886.

G. J. HYNES,
Offg. 1st Asst. Dir. Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 20th July 1886.

Ammon, A. C.
Foniyn, M.
Halleburn, H. W.
Kustt, J. S.
Muskowitz, H.
Nicholson, G.
Starling & Co.
Whittom, R. & Co.

Letters marked "Care of Post Office."

Ackrill, C.
Andreiff, G.
Barnett, Mrs. James.
Bates, J. N.
Bigex, Mon. E.
Booth, A.
Bose, P. N.
Brookes, Mrs. S. J.
Burke, E. M.
Bush, C.
Campbell, Hon. James.
Capel, Lt.-Col.
Caws, Capt. A. E.
Daly, W. W.
Delany, Mrs. J.
Dimmock, Basil.
D'Mello, Jose.
Dowling, D. G. A.
D'Rozario, H. S. S.
D'Rozario, Miss J.
Drury, Surgeon F. J.
Easton, Percy H.
Fox, R. C. W.
Fraser, H. B.
Gait, E. A.
Gayton, E. Hugh.
"Gertrude."
Gilbert, Mrs. M.
Godfrey, J. B.
Greenhill, E. G.
Griffiths, Morris.
Guerrier, H. J.
"Gusture."
Hair, G.
Hannagan, C. H. M.
Harford, J.
Hoare, R.
Horne, James S.
Hutton, Lt.-Col. J. M. Mc.
Kelly, Lieut. F. H.
Kemp, Edwin.
Kennedy, Brig.-Genl. T. G.
Kirkbride, J.
Knight, Capt. M. J.
Kohann, Madame Rosa.
Lee, J. C.
Martin, H.
Martin, Lt. C. W. F.
McCarthy, C. J.
McCreery, James.
McDonald, J.
Miller, Capt. John C.
Morgan, J. C.
Morgan, W.
Morris, Paul.
Mullen, J.
Murdock, Mrs.
Nicholson, Miss A.
Norville, Mrs. L.
Olsen, J.
Poley, J.
Powers, J. O.
Rafter, M.
Rancourt, E. deMailly.
Randall, T.
Rice, W. G. L.
Rushworth, B. J.
R. M. E., Miss.
Roberts, H. A.
Robinson, F. A.
Salten, Miss M.
Sammi, T.
Schoeman, G. M.
Shaw, Miss E.
Sole, Rev. A. B.
St. Aubyn, G. A.
St Claire, C. C.
Stewart, C.
Stuart, C. H.
Swingler, Mrs. C.
Sykes, J. H.
Thompson, R. D.
Todd, H. P.
Touzel, C. J. C.
Tracey, A.
Tyrrell, C. A.
Walker, P. C.
Ward, Lieut. H. R.
Williams, C.

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 19th July 1886.

Arrakiel, M.
Cameron, A.
Cress, J.
Deburgh, W.
Forrester, T. F.
Gianocopulo, C. A.
Gordon, D.
Hart, H.
Kerr, Major.
Leighton, Captain C. K.
Owen, J.
Owen, M. S.
Patch, J.
Patchett, A.
Stacey, H. A.
Waller, Lieut. J. D. H.
Wright, H.
Wright, Miss.
Zacheriah, H. C.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

The 24th July 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	24th July	Per P. & O. Str. from Bombay.
Ditto ditto ditto	31st ,,	Ditto.
Ditto (Book Post and Pattern Packets)	30th ,,	Ditto.
Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion	24th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	3rd Aug.	Ditto.
Australia, New Zealand and Tasmania	3rd ,,	Ditto.
Madras and Colombo	4th ,,	Per P. & O. Str. *Parramatta.*
Straits and Hong-Kong	28th July	Per Str. *Wingsang.*
Rangoon and Moulmein	28th ,,	Per Str. *Goalpara.*
Akyab, Kyouk Phyoo, and Rangoon	28th ,,	Per Str. *Busheer.*
Port Blair and Camorta	29th ,,	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, ₹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 برٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليڤے 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 سولهٔ روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه '

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دوا خانونمين بکتي هی ماسوائے قيمت مذکورهٔ بالا کے محصول ڈاک چار 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 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 اسوله 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 آونس کي ٹين کے لئے آٹهه آنه اور ايک پونڈ کي ٹين کے لئے بارهٔ آنه علاوه اوپر لکهے هوئے نرخ کے هی '

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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.

ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 30th July 1886.

No. 3.—Mr. R. H. Smith, Accountant, 1st Grade, and Honorary Assistant Examiner, is transferred from the Office of the Government Examiner of Accounts, Southern Mahratta Railway Company, to that of the Examiner of Public Works Accounts, Central Provinces.

A. G. BEGBIE, *Major, R.E.,*

Offg. Accountant General.

HIGH COURT.

NOTIFICATION.

Calcutta, the 27th July 1886.

The draft rules, which the High Court proposed to make under the provisions of Sections 100 and 142 of the Bengal Tenancy Act, VIII of 1885, having, as required by Section 190 of the said Act, been published for general information in the *Calcutta Gazette*, dated March 3rd, 1886, Part I, pages 152 to 154, and in the *Gazette of India*, dated 27th February 1886, Part II, pages 100 and 101, and more than one month having expired from the date of the publication thereof, it is hereby notified that, after consideration of objections and suggestions made, the High Court have made the following rules under the aforesaid sections.

By order of the High Court,
C. M. W. BRETT,
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 the District Judge directs by a written order 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.

5. No manager shall have power to compromise any suit or relinquish any claim without the express sanction of the District Judge.

Rules under Chapter XII.

6. 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.

7. 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 realised 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	14	16	17	18

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15 When the sale is concluded and the sale proceeds are realised, 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.

16. 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.

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

18. 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.

19. Every person distraining produce by virtue of the authority conferred on him under section 141 of Act VIII, 1885, shall give notice of such distraint 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.

W. COMER PETHERAM.
ROMESH CHUNDER MITTER.
H. T. PRINSEP.
A. WILSON.
J. F. NORRIS.
J. O. PIGOT.
J. O'KINEALY.
W. MACPHERSON.
E. J. TREVELYAN.
CHUNDER MADHUB GHOSE.
H. BEVERLEY.
J. P. GRANT.
G. E. PORTER.
W. F AGNEW.

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

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans												4½ per cent. Loans				5 per cent. Loan of 1856-57.	GRAND TOTAL.
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, Seven Shillings per cent. Portion.						
Balance of 15th July 1886 .	54,100	13,80,587	27,06,300	2,24,45,200	91,45,500	2,60,38,500	2,29,12,800	8,46,28,887	43,99,700	76,92,700	9,70,28,000	10,91,20,400	1,33,800	32,200	19,39,69,387				
Add—																			
Amount enfaced at Madras between 16th and 31st July 1886 . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	14,000				
Amount enfaced at Bombay between 16th and 31st July 1886 . . .	...	...	...	4,000	...	2,000	...	6,000	...	...	8,000	8,000	...	...	9,33,200				
Amount enfaced at Calcutta between 16th and 31st July 1886 . . .	...	...	18,800	10,600	70,000	43,500	9,000	1,51,900	17,300	...	7,64,000	7,81,300	...	...	9,69,800				
	54,100	13,80,587	27,25,100	2,24,59,800	92,15,500	2,60,84,000	2,29,21,800	8,47,86,787	44,17,000	76,92,700	9,78,00,000	10,99,09,700	1,33,800	32,200	19,49,16,587				
Deduct—																			
Amount written off in the London Registers . .	...	...	...	1,30,500	29,500	1,50,100	10,500	3,20,600	...	1,15,000	5,34,200	6,49,200	...	...	9,69,800				
Balance on 31st July 1886 . . .	54,100	13,80,587	27,25,100	2,23,29,300	91,86,000	2,59,33,900	2,29,11,300	8,44,66,187	44,17,000	75,77,700	9,72,65,800	10,92,60,500	1,33,800	32,200	19,39,46,787				

Note.—From 9th June 1867 to 31st May 1886 enfaced from India 5,268 lakhs, re-transferred from London 4,678 lakhs.

1867-68	3	1877-78	3
1868-69	3	1878-79	10
1869-70	3	1879-80	3
1870-71	1	1880-81	3
1871-72	9	1881-82	9
	5,284 lakhs.		4,703 lakhs.
Balance against India	4,703		
	581 lakhs.		

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,

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

NOTICE.

It is notified, for the information of Schoolmasters, that no questions will be set in Present Worth, Discount, and Stocks in the Arithmetic paper at the next Entrance Examination.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 30th July 1886.

The following Orders and Genera have been appointed for the B. A. Examination in Zoology of 1887:—

(i) The Selachii or Elasmobranch Fishes, as the order of Vertebrata; and

(ii) The Chilopoda, an order of Myriopoda, as the order of Invertebrata; and

(*ia*) The Indian Genera of the Ophidia, class Reptilia; and

(*iia*) The Indian Genera of the Columbinæ, class Aves.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 2nd August 1886.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 19th July 1886.

No. 570.—The following promotions are made, with effect from the forenoon of the 14th May 1886, *vice* Mr. W. H. Lilley, Assistant Surveyor, 1st Grade, deceased:—

Mr. P. A. Peters, Assistant Surveyor, 2nd Grade, on deputation, and on the seconded list, to be Assistant Surveyor, 1st Grade, on the seconded list.

Mr. P. F. Prunty, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. E. F. Berkeley, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 571.—The following promotion is made, with effect from the 27th June 1886, *vice* Mr. J. A. May, Surveyor, 1st Grade, deceased:—

Mr. S. M. Smylie, Surveyor, 2nd Grade, from the seconded list, to be Surveyor, 1st Grade.

No. 572.—The following promotions are made, with effect from the 1st July 1886, *vice* Mr. L. H. Clarke, Surveyor, 2nd Grade, retired:—

Mr. W. S. Buttress, Surveyor, 3rd Grade, to be Surveyor, 2nd Grade.

Mr. C. H. McA'Fee, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

Mr. C. Tapsell, Officiating Surveyor, 4th Grade, is confirmed in that Grade.

Mr. J. A. Barker, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

Mr. J. Keating, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. B. R. Hughes, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 573.—The following promotion is made, with effect from the 1st July 1886, *vice* Mr. J. C. Kelly, Assistant Surveyor, 2nd Grade, transferred to the Forest Department:—

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

The 2nd August 1886.

No. 574.—Mr. D. Atkinson, Surveyor, 1st Grade, Survey of India, is granted privilege leave for one month, under Section 138, Chapter X of the Civil Leave Code, with effect from 1st August 1886.

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

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 2nd August 1886.

No. 3.—Mr. A. M. Lawson, Surveyor, 2nd Grade, is granted privilege leave for two months, under Section 138, Chapter X, of the Civil Leave Code.

J. SCONCE, *Colonel, S.C.*,
Depy. Surveyor General,
In charge Revenue Branch, Survey of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 10th July 1886.

No. 22.—The services of 3rd Grade Assistant Surgeon Kshetra Pal Chuckravarti, of the Imperial List, are placed temporarily at the disposal of the Chief Commissioner, Central Provinces.

The 15th July 1886.

No. 23.—The undermentioned Assistant Surgeons of the Imperial Establishment are trans-

ferred to the Bengal Provincial Establishment to fill up vacancies :—

Abinas Chandra Bandyopadhyay, M.B.
Beninath Banerji, M.B.
Romanath De.
Ganes Chandra Mitra.
Sris Chandra Sarkar.
Annada Prosad Ghosh (on deputation).
Radhica Prasad Sinha (on deputation).
Upendra Nath Chatterjea (on deputation).
Sital Prasad Ghosh.
Jogendra Nath Datta.
Bepin Behari Ghosh.
Trailokya Nath Bannerji.
Annada Prasanna Ghatak (on deputation).
Kshetra Pal Chuckravarti (on deputation).
Surendra Nath Borat (on deputation).

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

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 31st July 1886.

No. 1901 *G.*—With reference to Foreign Department Notification No. 1464 G., dated the 22nd of July 1886, Surgeon W. W. Webb, M.B., assumed charge of his duties as Officiating Residency Surgeon, Meywar, on the forenoon of the 6th idem.

No. 1911 *G.*—Captain G. A. Collins, Adjutant of the Meywar Bheel Corps, returned to duty on the 24th July 1886, from the privilege leave granted him in this Office Notification No. 719 G., dated the 7th April 1886, and of which he availed himself on the 24th idem.

No. 1914 *G.*—With reference to this Office Notification No. 1063 G., dated the 7th of May 1886, Captain A. C. Talbot, C.I.E., Political Agent, Bickaneer, returned from privilege leave and resumed charge of his office from Surgeon P. D. Pank, on the forenoon of the 28th of July 1886.

The 3rd August 1886.

No. 1925 *G.*—Lieutenant C. M. Crawford, Officiating Wing Officer, Mewar Bheel Corps, availed himself on the 26th July 1886 of the privilege leave granted him in this Office Notification No. 1702 G., dated the 10th idem.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 29th July 1886.

No. 799-331.—Munshi Jagat Narain, Pleader of the Assistant Commissioner's Court, Ajmere, is deputed to act as Tahsildar of Todgurh, with effect from 1st August 1886, or from the date on which he may assume charge.

Munshi Jagat Narain is invested with the powers of a Magistrate of the 2nd Class as defined in Section 32, Act X of 1882 (Criminal Procedure Code), and is further specially empowered under the same section to pass sentence of whipping.

He is also invested with the powers of a Munsif as defined in Section 9, Ajmere Courts Regulation, 1877, to be exercised within the limits of the Todgurh Tehsil during the time he acts as Tehsildar.

The 29th July 1886.

No. 804-127.—In exercise of the powers conferred by section 544 of the Code of Criminal Procedure, the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to make the following rules relating to the payment of the expenses of complainants and witnesses attending the Criminal Courts of Ajmere-Merwara for the purposes of inquiries, trials or other proceedings under the said Code :—

The Courts are authorised to pay at the rates specified below the expenses of complainants and witnesses : *1st*, in all cases, whether non-bailable or bailable, in which the prosecution is instituted or carried on by, or under the orders of, or with the sanction of, Government, or of any Judge, Magistrate, or other public officer ; *2ndly*, in all cases entered in column 5 of Schedule II appended to the Code of Criminal Procedure as not bailable, when it shall appear to the presiding officer to be directly in furtherance of the interests of public justice ; *3rdly*, in bailable cases in which the presiding officer of the Court if a Magistrate of the 1st class, or the District Magistrate on the recommendation of any Magistrate of the 2nd or 3rd class, considers that in the interests of public justice such payment is required : *4thly*, in all cases in which the witnesses are compelled to attend by the Court under the provisions of section 540 of the Code. No payment shall be made by the Government to witnesses summoned at the instance of the complainant under section 244 unless the prosecution appears to the Court to be in furtherance of the interests of public justice.

2. The rates referred to in the foregoing rule are as follows :—

(*a*) for the ordinary labouring class of natives, 2 annas per diem ;

(*b*) for natives of higher rank in life, 4 annas per diem ;

(*c*) for Europeans and Eurasians and Natives of superior rank, a diet allowance according to circumstances. Such allowance shall not generally exceed ₹3 per diem, but the Court shall have discretion in special cases to fix it at a higher rate.

3. Travelling expenses will be given only when the journey could not with reasonable ease and expedition have been performed on foot, or in the case of persons whose age, position, and habits of life render it impossible for them to walk. In such cases, in addition to diet allowance, travelling allowance shall be given at the following rates :—

(*a*) when the journey is by rapid dâk by road, the actual expenses incurred up to a maximum limit of 4 annas a mile ;

(*b*) where the journey is wholly or partly by rail—

(1) for Natives generally, railway fare by the lowest class ;

(2) for Europeans, Eurasians, and Natives of superior rank, second class railway fare ; but the Court may at its discretion award first class fare when the persons concerned would, from their social position, ordinarily travel by the first class.

4. From the above rules are excepted—

(*a*) Government servants, who shall receive no diet allowance, but shall be entitled to travelling allowance according to the rates admissible under the Civil Travelling Allowance Code.

(*b*) Witnesses following any profession, such as medicine or law, who shall receive an allowance not exceeding ₹5 per diem according to circumstances, and, when they have to travel a distance exceeding five miles, their actual expenses for conveyance (not exceeding 8 annas a mile) or first class railway fare.

The number of days which should be allowed for the journey to and fro will be determined by the Court ordering the payment in each case. For this purpose a table should be prepared and kept in each Court, showing the distance of each 'thana' from the sudder station and subordinate stations, the number of intermediate ferries to be crossed, and the existence or absence of roads or water-ways.

5. A medical officer other than a Civil Surgeon or officer in medical charge of the civil station, summoned to give evidence in a Criminal Court, touching the result of a *post-mortem* or other examination conducted by him, in cases not falling within the ordinary discharge of his duties, will not be entitled to any remuneration other than the usual expenses paid to a witness.

Government of India, (Department of Finance and Commerce), Resolution No. 3050, dated 11th August 1882.

The 2nd August 1886.

No. 827-373.—It is hereby notified that Surgeon-Major J. H. Newman, M.D., and Surgeon J. Crofts, M.D., respectively made over and received charge of the Offices of Civil Surgeon and Superintendent of Jail, Ajmere, on the afternoon of the 24th June 1886.

Dr. Crofts is invested with the powers of a Magistrate of the 1st Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code) to be exercised within the precincts of the Ajmere Jail, with effect from the 24th June 1886.

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

COMMISSIONER, NORTHERN INDIA SALT REVENUE.

NOTIFICATIONS.

Agra, the 29th July 1886.

No. 182.—Mr. A. F. Ashton, Assistant Commissioner, Sambhar Division, is granted three months' privilege leave under Section 138 of the Civil Leave Code.

No. 183.—Mr. J. Bolster, Superintendent, Mayo Mines, Punjab Mines Division, is appointed to officiate as Assistant Commissioner, Sambhar Division, during the absence on leave of Mr. A. F. Ashton.

A. B. PATTERSON,
Offg. Commr., N. I. Salt Revenue.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 30th June 1886.

No. 41.—Under the provisions of Section 6 of Act VI of 1879 (The Elephant Preservation Act, 1879), the Chief Commissioner is pleased, with the approval of the Governor General in Council, to notify the conditions under which licenses for the capture of wild elephants in Coorg will be granted from and after the date of this Notification.

No.
Date.

FORM A.

LICENSE FOR CATCHING ELEPHANTS IN COORG.

(*Seal and Signature of Commissioner.*

To
Son of
Resident of

The right to catch elephants in the forest in the Taluk, the boundaries of which are specified below, namely :—

North
South
East
West

is granted to you on the following conditions :—

I. (a) That you comply with the terms of sale subject to which this license was purchased by you in the public auction held at

On the (date)

For the sum of Rupees

For the period (inclusive dates).

or I. (b) that you deposit ₹5,000 in the public treasury upon receiving this special lease of the exclusive right to hunt in the tract above specified during the period (inclusive dates).

The amount to be finally paid by you for this lease will be adjusted out of the deposit of ₹5,000 according to the following scale, the balance if any being returned to you, namely:—

Should you capture—	₹
0 to 20 elephants	2,000
21 to 30 do.	3,000
31 to 40 do.	4,000
41 to 50 or upwards	5,000

It shall be at the discretion of the Local Government to retain the entire deposit if, in its opinion, failure, complete or partial, to catch elephants is due to any fault on your part.

or I. (c) that you pay ₹100 for this license which does not confer on you the exclusive right to hunt in the tract for which it is granted.

Instructions to Officers granting leases.

When leases are sold by public auction under sub-clause (a), sub-clauses (b) and (c) should be struck out. When granted under either of the latter alternative clauses (a) and either (b) or (c), as the case may be, should be struck out.

Where competition exists for the right to hunt in any tract, the lease should be generally granted under sub-clause (a).

Where in the absence of competition, a person desires the lease of a tract under sub-clause (b), and where it may appear that it will be preferable to let it under this sub-clause to letting it under (c)—*i.e.*, to several petty hunters,—the lease should be granted under sub-clause (b). Petty hunters should be encouraged, by lease under sub-clause (c), in all places where *Kheddahs* or large noosing operations are not practicable.

II. That you pay ₹100 royalty in respect of every elephant captured by you, or by your agents acting for you, and for every elephant killed in attempt to capture.

III. That you hunt between (inclusive dates)
and
and not otherwise.

IV. That you catch elephants yourself or by your agents, and do not sell or sub-lease your right, and bring them to the Depôt at

V. That you report in writing on the 1st of each month to the Commissioner, or any other officer, that he may direct, in one of the forms B, eight of which are herewith supplied to you, the capture or death during capture of every elephant so captured or dying during the preceding month; the names of agents employed by you, and the part of the forest in which each is employed.

VI. That you obtain a written permit and pay the royalty prescribed in clause II before removing any newly caught elephant beyond the limits of the forest or from the prescribed Depôt.

VII. That neither you nor your agents shall build a stockade in any teak forest or fell any reserved timber, set fire to the forest or cause injury or annoyance to any jungle tribes or cultivators residing in the neighbourhood.

VIII. Should you or your agents set fire to the forest or fell or injure reserved timber, you will be proceeded against under the forest rules and will forfeit your license.

IX. Should you wilfully destroy any elephant for the sake of its ivory or otherwise, you will be proceeded against under the Elephants' Preservation Act, VI of 1879.

X. Should you in contravention of clause V, fail or neglect to report the capture or death in capture of any elephant, you shall pay to Government a sum of ₹500 for each elephant the capture or death of which has not been reported, and in the event of this not being done, recovery may be made in the manner described in clause XI and the declaration subjoined or by Criminal Procedure under Act VI of 1879.

XI. Should you or any of your agents commit any other breach of any of the conditions of this license, it may, at the discretion of the issuing officer, be cancelled and any or all of the elephants captured by you forfeited to Government.

DECLARATION BY LESSEE.

I son of resident of to whom this license No. has been granted do hereby acknowledge and declare that all the conditions of this license have been explained to me, and that I have understood the same and that I accept the license subject to all the conditions therein contained, and I further declare and covenant that I will not dispute the execution against my property of any penalty that may, with the sanction of Government, be imposed on me under clauses X and XI for any breach of the conditions of this license.

(Lessee's signature.)

All the conditions of this license were thoroughly explained to
in our presence, and he, in our presence, executed and signed the above agreement.

Witnesses (three.)

FORM B.

Lessee's report of captures and casualties from (date) to 188

(This form is to be filled in and submitted on the 1st of each month by the lessee to the Commissioner or as otherwise directed.)

Name of lessee as entered in his license No.	Name, &c., of forest entered in his license.	Number of elephants captured including calves.		Report and remarks of lessee.
		Males.	Females.	

Station
Date } of despatch.

Supplemental to Form A or "License for catching elephants" (see clause V, Form A). Eight copies of Form B are to be supplied with each A Form.

By Order,
E. A. FRASER, *Major*,
Secretary.

Statement of the Affairs of the Bank of Bengal for the week ending 3rd August 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office (₹ 78,27,052 3 8) and Public Deposits at Branches (2,02,74,395 8 10)	2,81,01,447	12	6
Other Deposits at Head Office and Branches	3,11,12,554	6	11
Bank Post Bills, &c.	5,06,868	4	4
Sundries	15,40,639	8	4
RUPEES	8,56,18,174	15	1

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				60,76,093	0	0
Other authorized Investments				59,04,388	0	0
Loans on Government and other authorized Securities				99,23,725	15	9
Accounts of Credit on Government and other authorized Securities				90,19,826	13	1
Bills discounted and purchased				2,45,48,475	5	4
Balances with other Banks				10,40,578	9	6
Bullion				3,033	1	9
Dead Stock				11,31,705	15	7
Stamps				9,939	1	3
Sundries				8,24,037	6	0
				5,84,81,803	4	3
Cash and Currency Notes at Head Office	1,10,50,644	14	5	2,71,36,371	10	10
Cash and Currency Notes at Branches	1,60,85,726	12	5			
RUPEES				8,56,18,174	15	1

By Order of the Directors,

BANK OF BENGAL,
Calcutta, 5th August 1886.

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

R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 44·2.

GOVERNMENT SAVINGS BANK.

No. 1.

ANNUAL STATEMENT.

Abstract of Operations of the Government Savings Bank, from 1st April 1885 to 31st March 1886.

	₹ a. p.	₹ a. p.
Balance due to Depositors in 1884-85 .	.....	28,75,734 4 9
Deposits in 1885-86	13,69,986 0 7	.....
Interest allowed to Depositors in 1884-86	1,01,907 5 3	14,71,893 5 10
TOTAL .	.....	43,47,627 10 7
DEDUCT—		
Withdrawals in 1885-86 . . .	14,68,976 2 3	.....
Investment in Government Loans, 1885-86	76,414 9 8	15,45,390 11 11
Balance .	.....	28,02,236 14 8
LIABILITIES.		
Balance due to Depositors in 1885-86 .	.....	28,02,236 14 8
ASSETS.		
Due by General Books . . .	27,00,329 9 5	.....
Interest allowed to Depositors in 1885-86	1,01,907 5 3	28,02,236 14 8

J. GORDON,

Depy. Secretary.

BANK OF BENGAL,

GOVT. SAVINGS BANK,

Calcutta, the 31st July 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 4th August 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 28th July 1886 . .	1,64,622	
Value of Government silver in the Mint on the same date .	7,39,325	9,04,147
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,96,680	
Ditto ditto Government	106	3,96,786
DEDUCT—		13,00,933
New coin paid to Reserve Treasury during the week .	3,00,000	
Petty items issued for miscellaneous purposes . . .	415	3,00,415
Balance on the evening of the 4th August 1886 . . .		10,00,518
The Balance comprises—		
Silver held on account of the Currency Department .	5,61,302	
Ditto ditto Government	4,39,216	10,00,518
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	5,676	
Ditto ditto Government	...	5,676

A. W. BAIRD, *Major, R.E.,*

Offg. Master of the Mint.

CALCUTTA MINT,

The 5th August 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.
16	D 17—90514 .	50	The District Superintendent of Police, Lucknow.
	N 4—16995 .	50	

ALLAHABAD,

The 4th August 1886.

A. H. ANTHONY,

Asst. Accountant Genl.,

In charge of Paper Currency Office.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
	J 15—11391 .	100	Gadigi Imam Sahib, Merchant, Bellary.
	,, —12258 .	100	
	,, —14603 .	100	

CALICUT,

The 26th July 1886.

Deputy Collector,

in charge, Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
16	B 93—48285 .	100	The Post Master General, Madras.
17	B 85—98517 .	100	Gadigi Imam Sahib, Bellary.
	B 86—20271 .	100	
	,, —40897 .	100	
	,, —53994 .	100	
	,, —58941 .	100	
	,, —88616 .	100	
	B 93—13684 .	100	
	,, —15261 .	100	
	,, —18200 .	100	
	,, —18201 .	100	
	,, —25533 .	100	
	,, —33174 .	100	
	,, —33175 .	100	
	,, —33176 .	100	
	,, —33177 .	100	
	,, —34684 .	100	
	,, —36496 .	100	
18	B 93—70697 .	100	W. H. Glenny, Esq., C.S., Madras.
	,, —70698 .	100	

FORT ST. GEORGE,

The 29th July 1886.

H. S. GROVES,

Asst. Accountant Genl.,

In charge of Paper Currency Dept.

DIRECTOR GENERAL OF RAILWAYS,

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 28th July 1886.

No. 67.—With reference to Public Works Department Notification No. 195, dated 19th July 1886, Mr. W. H. James, Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, is posted to the Eastern Bengal State Railway.

No. 68.—Mr. W. S. Haig, Assistant Engineer, 1st Grade, is, on return from three months' language leave, posted to the North-Western Railway.

The 30th July 1886.

No. 69.—Mr. J. W. Parry, Executive Engineer, 4th Grade, temporary rank, is granted furlough for twelve months with the usual subsidiary leave, with effect from the 25th August 1886, or such date as he may avail himself of the same.

The 2nd August 1886.

No. 70.—Mr. W. B. Taylor, Executive Engineer, 1st Grade, sub. *pro tem.*, is transferred, in the interests of the public service, from the Nagpur-Bengal Railway to the Bellary-Kistna State Railway.

F. S. STANTON, *Colonel, R.E.,*

Director General of Railways.

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 June 1886, treasure consisting of the images, &c., specified below, valued in the aggregate at ₹681-2, was found buried in a Siva temple at Velandai village, in the Tirukoilur Taluq, South Arcot District, in the Presidency of Madras :—

	Description of property.	Metal.	Weight in tolas.	Approximate value. ₹ a. p.
1	Chandikeswara	Conjunction of five metals.	39	38 0 0
2	Vinayagar	Ditto .	44½	44 4 0
3	Krishnamoorthi	Ditto .	23	23 0 0
4	Sivagami Amman . . .	Ditto .	58	58 0 0
5	Amman	Ditto .	56	56 0 0
6	Asthathevar (triad with pedestal) .	Ditto .	16½	16 12 0
7	Somaskanthor Balasubramaniar, and Amman, with pedestal.	Ditto .	146	146 0 0
8	Sabanayakar	Ditto .	198	297 0 0
9	Abhisheka Sombu . . .	Copper .	3	0 12 0
10	Sombirani Kalasam . . .	Ditto .	2¾	0 11 0
11	Gendi Sombu	Base bell metal.	1¾	0 3 0
12	Three broken pieces of a lamp .	Ditto .	8	0 8 0
13	Pieces of a brass plate which look like earth.	Brass .	8¾	...
			603¾	681 2 0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of South Arcot, at his office, on the 10th day of January 1887, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

H. P. GORDON,

Collector of South Arcot.

POST OFFICE.

NOTIFICATIONS.

Simla, the 29th July 1886.

No. 6263.—Mr. E. R. Jardine is appointed to be Superintendent and Examiner of Post Offices, Persian Gulf.

Mr. C. H. Watts is appointed to be a 3rd Class Mail Officer.

The 30th July 1886.

No. 6269.—Mr. E. Hutton, Presidency Post Master, Calcutta, resumed charge of his office, on return from privilege leave, on the forenoon of the 24th July 1886, from Mr. G. B. Groves.

G. J. HYNES,

Offg. 1st Asst. Dir. Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 5th August 1886.

Benjamin & Co.	O'Sullivan, C. W.	Thompson, T. W.
Keene, H.	Saunders, Mrs.	Whittom, R. & Co.
Khambatta, C. C.	Thomson, J. W.	

Letters marked "Care of Post Office."

Andreiff, G.	"Gertrude."	Miller, Capt. John C.
Barnett, Mrs. James.	Godfrey, J. B.	Morgan, J. C.
Bates, J. N.	Gray, A. T.	Morgan, W.
Berry, Adolph.	Greenhill, E. G.	Morris, Paul.
Bigex, Mon. E.	Guilday, C.	Mullen, J.
Bose, P N.	Hair, G.	Murdock, Mrs.
Brown, S.	Harford, J.	Olsen, J.
Bruntor, Mrs.	Henderson, J. M. Cleland.	Rancourt, E. deMaille.
Bush, C.		Randall, T.
Campbell, Hon. James.	Hoare, R.	Rice, W. G. L.
Capel, Lt.-Col.	Horne, James S.	R. M. E., Miss.
Caws, Capt. A. E.	Hossan, Dr. S.	Roberts, H. A.
Clarke, T.	Kelly, Lieut. F. H.	Robinson, F. A.
Comyn, A. D.	Kemp, Edwin.	Schoeman, G. M.
Daly, W. W.	Knight, Capt. M. J.	Scotland, W. A.
Delany, Mrs. J.	Kohann, Madame Rosa.	Shaw, Miss E.
Dowling, D. G. A.	Leggatt, Mrs.	Sole, Rev. A. B.
D'Rozario, H. S. S.	Lemarchand, J. P.	St. Aubyn, G. A.
Drury, Surgeon F. J.	Leslie, Mrs. C. H.	St Claire, C. C.
Dupins, Madamoiselle C.	Martin, H.	Touzel, C. J. C.
	Martin, Lt. C. W. F.	Tracey, A.
Easton, Percy H.	"Mary."	Tyrrell, C. A.
Fox, R. C. W.	McCarthy, C. J.	Walker, P. C.
Fraser, H. B.	McCreery, James.	Williams, C.
Gayton, E. Hugh.	McDonald, J.	

Registered Letters.

Grogan, H. C.	Power, J. O.	Stern, Adolf.
Jungbleith, Mrs. H.	Shaw, Miss M.	Whitford, Henry.

Unclaimed Letters held in the Barrackpore Post Office on the 2nd August 1886.

Arrakiel, M.	Jensen, A. E.	Smith, Mr.
Cress, J.	Jones, F. H.	Stevens, T. H.
Demount, F.	Mitford, R. C. W.	Stewart, C.
Gianocopulo, C. A.	Mornet De.	Taylor, E.
Henderson, G.	Owen, M. S.	Wood, A.
Hobson, E. A.	Smith, Charles & Co.	Zacheriah, H. C.

E. HUTTON,

Presidency Postmaster, Calcutta.

The 7th August 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 . . .	7th Aug.	Per P. & O. Str. from Bombay.
Ditto ditto ditto .	14th ,,	Ditto.
Ditto (Book Post and Pattern Packets)	13th ,,	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	7th ,,	Ditto.
Ditto ditto (Supplementary)	14th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan . .	17th ,,	Ditto.
Australia, New Zealand and Tasmania .	17th ,,	Ditto.
Madras and Colombo	18th ,,	Per P. & O. Str. *Khedive.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	9th ,,	Per French Str. *Vibre.*
Straits and Hong-Kong	10th ,,	Per Str. *Apcar.*
Rangoon and Moulmein	11th ,,	Per Str. *Syria.*
Akyab, Kyouk Phyoo, and Rangoon . .	11th ,,	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.

E. HUTTON,

Presidency Post Master, Calcutta.

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 هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه '

اور عوام‌الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه '

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي 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 باره 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.

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 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 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 باره آنه علاوه اوپر لکهے هوئے نرخ کے هی '

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N.	26.	**Bet Harbour.** Navigating Lieutenant T. C. Pascoe, R.N., 1883. R1.
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Office No. of Chart.

M. 1234. **Dabhol and Entrance to Washishti River.** By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1879. R1.

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.

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. 8*a*.

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. 12*a*.

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

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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.

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 13th August 1886.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed George Meyor Cooke, of No. 9, Gray's Inn, in the County of Middlesex, England, Solicitor, a Commissioner, within all parts of England, for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS,

Registrar.

BANK OF BENGAL.

Proceedings at the Annual General Meeting of the Proprietors and Shareholders of the Bank of Bengal, held on Monday, the 16th August 1886, in terms of Section 49 of the Presidency Banks' Act, 1876.

MR. H. N. GLADSTONE, Vice-President of the Board of Directors, in the Chair.

The Secretary having read the advertisement convening the Meeting, the Chairman submitted the papers, noted below, relative to the business for the year ended 30th June last.

On the motion of the Chairman, seconded by Mr. A. Wilson, the accounts for the year were approved and passed.

On the motion of the Chairman, seconded by Mr. David Cowie, Mr. J. C. Macgregor and Mr. W. R. T. Aitken were re-elected Directors.

On the motion of the Chairman, seconded by Mr. J. C. Macgregor, Mr. W. A. Browne, of Messrs. Browne and Lovelock, Chartered Accountants, and Mr. Marc Meugens, of Messrs. Meugens and King, Public Accountants, were elected Auditors for the ensuing year, and their remuneration was fixed at R2,500 for each audit or R1,250 to each Auditor.

The Proceedings terminated with a vote of thanks to the Chairman, proposed by Mr. David Cowie, and carried unanimously.

H. N. GLADSTONE,
Chairman.

I.—Copy of the Statement of the affairs of the Bank on 31st December 1885, transmitted to Government agreeably to Section 43, Act XI of 1876.

II.—Directors' Report for the half-year ended 31st December 1885, and the Report of the Auditors.

III.—Copy of the Statement of the affairs of the Bank on 30th June 1886, transmitted to Government agreeably to Section 43, Act XI of 1876.

IV.—Directors' Report for the half-year ended 30th June 1886, and the Report of the Auditors.

V.—Statement of the Profits for six months, *viz.*, from 1st July to 31st December 1885.

VI.—Statement of the Profits for six months, *viz.*, from 1st January to 30th June 1886.

VII.—Statement of the whole Profits for twelve months, *viz.*, from 1st July 1885 to 30th June 1886.

VIII.—List of Proprietors and Shareholders.

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

The undermentioned candidate has passed the B.A. Examination :—

Chaudhuri, Tinkari . . Free Church Institution.

The undermentioned candidate has passed the B.E. Examination :—

SECOND DIVISION.

Sarabji Shavaksha . . . Govt. Engineering College, Howrah

The undermentioned candidate has passed the L.E. Examination :—

SECOND DIVISION.

Hpo Thine . . . . Govt. Engineering College, Howrah.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 13th August 1886.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 16th August 1886.

No. 579.—Mr. W. H. Penrose, Assistant Surveyor, 1st Grade, Survey of India, is granted leave on medical certificate for six months, under Section 128, Chapter X, of the Civil Leave Code, with effect from the 3rd instant.

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

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 11th August 1886.

No. 10.—Mr. F. T. Rickards, Assistant Superintendent, 1st Grade, is allowed special leave on urgent private affairs for six months, under Section 61 of the Civil Leave Code, with effect from the forenoon of the 1st August 1886.

The 16th August 1886.

No. 11.—Mr. J. M. Lane, Superintendent, 1st Grade, is allowed furlough for nine months under Section 50 of the Civil Leave Code, with effect from the forenoon of the 20th July 1886.

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

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 12th August 1886.

No. 2028 *G.*—With reference to this Office Notification No. 1697 G., dated the 9th July 1886, the medical charge of the Thuggy and Dacoity Jail at Abu was transferred from 3rd Class Hospital Assistant Moorut Lall, of the Charitable Dispensary, Abu, to 2nd Class Hospital Assistant Jowala Pershad, of the Government Reserve List, with effect from the 2nd July 1886.

By Order,

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

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 9th August 1886.

No. 2252-3846.—Under the provisions of Section 5 of the Bangalore Municipal Regulations of 1883, the undermentioned gentemen have been elected Municipal Commissiones for the Civil and Military Station of Bangalore by the European and Eurasian class of the inhabitants

of the station to fill up vacancies in the Municipal Board :—

Mr. R. P. Campbell.
" A. M. Smith.
" J. W. Hayes, Sr.
" H. Plumbe.
" G. G. Brown.

2. These gentlemen will continue in office for two years from the date of their election, or until their successors shall have been appointed.

The 13th August 1886.

No. 2297-806.—In the exercise of the powers delegated to him by the Governor General in Council under Act II of 1886, and notification by the Government of India in the Department Finance and Commerce, No. 593, dated 5th February 1886, the Resident in Mysore is pleased to sanction the following rules under the said Act for the Civil and Military Station of Bangalore :—

1. In accordance with the provisions of section 9, sub-section 2, the Collector may engage with any Company, Association, or persons willing to undertake the collection of the tax payable by their employés, pensioners and others, to pay a commission as remuneration at such rate as may seem suitable according to the circumstances of each case, not exceeding 5 per cent. of the collections. The tax payable to Government, minus such commission as may be agreed upon, shall be remitted within a week to the Treasury Officer or other officer authorised to receive it, accompanied by a statement showing the following particulars :—

1. Name of person from whom the tax has been collected.
2. Amount of salary, pension, annuity or gratuity on which the tax has been assessed.
3. Amount of tax.
4. Amount of commission deducted.
5. Balance remitted to the Treasury Officer.

2. The annual return of income to be submitted by Companies under section 11 of the Act, shall be in Form E annexed to these Rules, and the notice to be served on them under section 12, sub-section (1), shall be in Form F.

3. The list and Notification referred to in section 16 of the Act shall be prepared in Form G in English, in Canarese, and in Tamil, and copies thereof shall be posted on the walls of the Collector's and Amildar's Offices. The list, or such part or parts thereof as the Collector thinks fit, with the Notification prefixed thereto, shall also be published in one English and two Vernacular Newspapers. Notice of where the list is to be seen, and of the purport of the Notification, shall also be given by beat of tom-tom and be otherwise publicly notified.

4. The special notice to be served on persons assessed under section 17 of the Act, shall be in Form H.

5. All persons whose vernacular is English shall be served with a notice in Form H under section 17, instead of being included in a list under section 16, even though their income is below R2,000.

6. Under section 18, sub-section (1), clause (a), the Collector is authorized to cause a notice under section 17 to be served on any person whose name is for the first time included in the list published under section 16.

7. The notice to furnish information of lodgers and employés to be issued under section 41, shall be in Form K.

8. The notices to be issued under the provisions of sections 42 and 43 to trustees, agents and others (1) to furnish information regarding the names of beneficiaries and principals, and (2) to submit returns of income, shall be in Form M and N respectively, and should be made returnable within thirty days.

9. The tax payable under Part IV, Schedule II, of the Act shall be payable in one sum.

10. Within the limits of the Civil and Military Station the tax chargeable under Part IV of this Act shall under section 30 (4) be recovered therein with, and as an addition to, the Municipal tax on Houses or on Arts, Trades and Professions, by the same person and in the same manner as the Municipal tax is recovered.

11. The receipt referred to in section 32 of the Act will be in Form O.

12. Return No. 1 to be furnished by the Accountant General, Madras, under Rule 8, and Return No. II to be furnished by the Accountant General, Madras, under Rule 14 of the Government of India Rules, dated February 5, 1886, shall be forwarded to the Resident's Office.

13. The Collector shall submit to the Resident in Mysore monthly statements of Income Tax collections in Form P and P I, or in such other form as may be prescribed in that behalf by the Resident in Mysore.

14. Registers shall be kept by the Collector and the Assistant to the Resident in forms noted below :—

Registers 1, 1A, 2, 3 and 4 by the Collector.

Register 5 by the Assistant to the Resident.

15. The Collector shall submit to the Resident, at the end of each year, a full report on the working of the Act, accompanied by the necessary returns, and a statement showing the number of prosecutions under the Act in Form Q.

16. The following is prescribed regarding composition for the tax under section 31 of the Act :—

(1) Any person who is desirous of compounding shall apply to the Collector for composition before his assessment has been enjoined by the Collector.

(2) The period for composition shall not exceed 3 years.

(3) The composition allowed by the Collector shall be subject to the sanction of the Assistant to the Resident.

(4) The contract of composition shall cease to have force on the death, bankruptcy or insolvency of the person entering into the contract, except as regards payment on account of composition already due.

(5) Fraud on the part of the person entering into the contract in stating his income or otherwise shall render the contract void.

By Order,

E. A. FRASER, *Major*,
Assistant to the Resident.

FORM E.

Annual Return of Net Profits to be delivered by the Principal Officer of a Company under Section 11 of Act II of 1886.

1	2	3	4	5
Name of Company.	Place of business.	Source of income.	Amount of income derived from each of these sources, mentioning the period during which the income from each source has been derived.	REMARKS.

SUBSCRIPTION.

I, , do declare that the income stated in this return is truly estimated on all the sources of income therein mentioned, that it has actually accrued within the period stated, and that the company has no other sources of income.

INSTRUCTIONS.

1. In column 3 should be entered in detail every separate source of income accruing and arising in the Civil and Military Station of Bangalore.

2. In column 4 should be entered the income accruing and arising 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 in the year immediately preceding that for which the assessment is to be made, then during the year ending on the

3. Against the gross receipts no deductions should be made on account of disbursements or expenses not wholly and exclusively incurred in respect of the profits returned, nor on account of any public or local rates, cesses, or taxes.

4. Deductions from the gross receipts may be allowed on account of the following items:—

(*a*) In the case of trades or professions—

(1) Sums expended in the repairs of implements, utensils, or articles used solely for the purpose of the profession or trade.

(2) Sums expended for insuring or keeping insured the buildings, machinery, implements, and stock used for the purposes of the profession or trade, and the rent paid for any premises used for such profession or trade, provided that, if such premises shall not have been exclusively used for such profession or trade, a fair proportion only of such rent shall be deducted from the gross receipts.

(3) Ten per cent. on the rack-rent of such premises on account of repairs if such repairs are at the cost of the company, whether it has or has not been actually expended during the year of assessment.

(4) Sums expended in the payment of persons employed solely in such profession or trade.

(5) The amount of any losses of the stock in trade. The excess loss sustained in any one or more professions or trades over and above the profits thereof may be set against the excess profits of any other profession or trade exercised by the same company.

(6) The amount of any bad debts for the first time ascertained and written off as such during the year.

(7) Interest paid on money borrowed for the purpose of the trade or profession.

(*b*) In the case of income from houses—

(1) Any rent paid on account of such houses, but not taxes or local rates or cesses.

(2) Sums expended for insuring and keeping insured such houses.

(3) Ten per cent. on the rack-rent of the houses on account of repairs if such repairs are at the cost of the company, whether such amount has or has not been actually expended during the year of assessment.

(4) Sums expended in collecting the rent not exceeding 6 per cent. of the gross rental.

(5) Annual interest payable to a mortgagee not in possession.

(*c*) In the case of buildings owned and occupied by the company within the meaning of section 24 of the Act, one-sixth of the gross annual rent at which they may be reasonably expected to let, and in the case of dwelling houses may be expected to let unfurnished, provided that where five-sixths of the gross rental of such buildings exceeds 10 per cent. of the income of the company from all sources, a further deduction shall be made equal in amount to the excess.

FORM F.

Notice under Section 12, Sub-Section (1) of the Act.

No.

Dated

To

With a view to test the correctness of the return furnished by you under Section 11 of Act II of 1886 for the year ending you are required hereby to produce or cause to be produced for the inspection of the undersigned at on or before the the following documents:—

If you fail to comply with this notice, you will be dealt with according to law, Section 34 of the Act.

Collector.

FORM G.

Notice under Section 16 of Act II of 1886.

Under the provisions of Section 16 of Act II of 1886, it is hereby notified that the persons, whose names are entered in the subjoined list and whose incomes are estimated not to exceed ₹2,000, have been assessed at the amounts shewn against each for the income tax under part IV of Schedule II annexed to the Act for the year ending 188 .

2. Every person whose name is entered in the list is hereby required either to pay the amount of assessment with his Municipal house or profession tax within sixty days from or to apply to the undersigned within thirty days from the aforesaid date to have the assessment reduced or cancelled.

BANGALORE,
CIVIL AND MILITARY STATION,
188 .

Collector.

List of persons assessed under Part IV, Schedule II of Act II of 1886 on incomes below ₹2,000 but not below ₹500 per annum for the year ending 188 .

1	2	3	4	5	6
Names of persons assessed.	Source or sources of income assessed.	The year or portion of the year for which the tax is to be paid.	The place or places where the income accrues.	The amount to be paid.	The place where and the person to whom the amount is to be paid.

FORM H.

Notice under Section 17 of Act II of 1886.

No.

Date

To residing at

You are hereby required to take notice that you have been assessed under Part IV, Schedule II, annexed to Act II of 1886 according to the particulars specified below, and that you should either apply to the undersigned within thirty days from to reduce or cancel the assessment or pay the same with your Municipal House or profession tax within sixty days from the aforesaid date.

Collector.

1	2	3	4	5
Source or sources of income assessed.	The year or portion of the year for which the tax is to be paid.	Place or places where the income accrues.	The amount to be paid.	The place where and the person to whom the amount is to be paid.

FORM K.

Notice under Section 41 of Act II of 1886.

No.

Date

You are hereby required to deliver to at on or before a list in the form accompanying, containing to the best of your belief the names of lodgers or inmates resident in your dwelling house, or in buildings let by you in lodgings, and of any other persons 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 your service, whether resident in such house or not, and the place of residence of such of them as are not resident in such house, and also of any such lodger or inmate who has any ordinary place of residence elsewhere at which he is liable under the Act to be assessed and who desires to be so assessed at such place

Collector.

Form of list of lodgers, inmates and employés returned under Section 41 of Act II of 1886.
Name of person making the return.
Residence.

1	2	3	4	5
Name.	Whether lodged, inmate or employé.	Residence, if different from the above.	State here at what residence he desires to be assessed.	REMARKS.

Dated the

(Signature of the person making the return.)

FORM M.

Notice under Section 42 of Act II of 1886.

No.

Date

To

You are hereby required to deliver or cause to be delivered to the undersigned on or before the day of next, a statement in the annexed form of the name or names of the person or persons, if any, for or of whom you are trustee, guardian, curator, committee or agent.

Failure to deliver this return, or the delivery of a false return, will render you liable to the penalty provided in Sections 176 and 177 of the Indian Penal Code.

Collector.

1	2	3	4
Name of trustee, guardian, curator, committee or agent.	Whether trustee, guardian or agent.	Name of persons, if any, for whom he is trustee.	REMARKS.

FORM N.

Notice under Section 43 of Act II of 1886.

No.

Date

To

You are hereby required to duly fill in, in accordance with the instructions on the reverse, and to sign and deliver at on or before a return of income officially in your possession or control as trustee, guardian, curator, committee or agent, or as Receiver or Manager appointed by any Court in the Civil and Military Station on behalf of

Collector.

1	2	3	4	5
Name of person.	Place of business.	Sources of income specifying separately those chargeable under Parts I, II, III, and IV of Schedule II of the Act and the number of shares in such income and the names of sharers.	Amount of income derived from each of these sources, mentioning the period during which the income from each source has been derived.	REMARKS.

I, , do declare that the income shown in this return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that I have no other source of income.

Dated *Signature.*

INSTRUCTIONS.

1. In column 3 should be entered in detail every separate source of income accruing and arising in the Civil and Military Station. Salaries, pensions, annuities and gratuities are chargeable under Part I, interest on Government and other securities under Part III, and other sources of income including the rental value of buildings occupied by owners calculated under section 2, are chargeable under Part IV of Schedule II of the Act.

2. In column 4 should be entered the income accruing and arising during the year ending on the day on which the parties' accounts have been last made up, or if the parties' accounts have not been made up within the year ending on the in the year immediately preceding that for which the assessment is to be made, then during the year ending on the

3. Against the gross receipts no deductions should be made on account of disbursements or expenses not wholly and exclusively incurred in respect of the profits returned, nor on account of any public or local rates, cesses, or taxes, nor on account of the maintenance of the person himself or his family or domestic establishment.

4. Deductions from the gross receipts may be allowed on account of the following items:—

(*a*) In the case of trades or professions—

(1) Sums expended in the repairs of implements, utensils, or articles used solely for the purpose of the profession or trade.

(2) Sums expended for insuring or keeping insured the buildings, machinery, implements, and stock used for the purposes of the profession or trade, and the rent paid for any premises used for such profession or trade, provided that, if such premises shall not have been exclusively used for such profession or trade, a fair proportion only of such rent shall be deducted from the gross receipts.

(3) Ten per cent. on the rack-rent of such premises on account of repairs if such repairs are at the cost of the party, whether it has or has not been actually expended during the year of assessment.

(4) Sums expended in the payment of persons employed solely in such profession or trade.

(5) The amount of any losses of the stock in trade. The excess loss sustained in any one or more professions or trades over and above the profits thereof may be set against the excess profits of any other profession or trade exercised by the same party.

(6) The amount of any bad debts for the first time ascertained and written off as such during the year.

(7) Interest paid on money borrowed for the purpose of the trade or profession.

(*b*) In the case of income from houses—

(1) Any rent paid on account of such houses, but not taxes or local rates or cesses.

(2) Sums expended for insuring and keeping insured such houses.

(3) Ten per cent. on the rack-rent of the houses on account of repairs if such repairs are at the cost of the party, whether such amount has or has not been actually expended, during the year of assessment.

(4) Sums expended in collecting the rent, not exceeding 6 per cent. of the gross rental.

(5) Annual interest payable to a mortgagee not in possession.

(*c*) In the case of buildings owned and occupied by the party within the meaning of section 24 of the Act, one-sixth of the gross annual rent at which they may be reasonably expected to let, and in the case of dwelling houses may be expected to let unfurnished, provided that where five-sixths of the gross rental of such buildings exceeds 10 per cent. of the income of the party from all sources, a further deduction shall be made equal in amount to the excess.

(*d*) In the case of salaries, pensions, annuities or gratuities, such portion not exceeding one-sixth of the income, as is deducted 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 that of his wife.

FORM O.

Receipt under Section 32, Act II of 1886.

No.

Date

Received from the sum of Rupees being the amount of tax assessed under Act II of 1886 according to the particulars specified below:—

1	2	3	4	5	6
The date of payment or recovery of the money.	The amount paid or recovered.	The person who was liable to the tax and the source or sources of income in respect of which the tax was payable.	The year or part of the year for which the tax was payable.	The place or places where the income accrues.	Such other particulars as may have been prescribed.

Collector.

FORM O.

Receipt under Section 32, Act II of 1886.

No.

Date

Received from the sum of Rupees being the amount of tax assessed under Act II of 1886 according to the particulars specified below:—

1	2	3	4	5	6
The date of payment or recovery of the money.	The amount paid or recovered.	The person who was liable to the tax and the source or sources of income in respect of which the tax was payable.	The year or part of the year for which the tax was payable.	The place or places where the income accrues.	Such other particulars as may have been prescribed.

Collector.

FORM P.

Monthly Statement of Income Tax Collections under Part IV of Schedule II of Act II of 1886.

1	2	3	4	5	6	7	8			
							Refunds.			
Class in Part IV of Schedule II.	No. of persons taxed.	Amount fixed by assessing officer after hearing objection under Section 25.	Reduction on revision by the Assistant to the Resident under Section 27.	Net amount charged.	Amount collected.	Penalties imposed and collected.	Allowed on revision by the Assistant to the Resident.	Allowed as abatement in assessment under Section 33.	Total.	Remarks.

FORM P I.

Monthly Statement of Collections of Income Tax charged under Parts I, II, III, and IV of Schedule II of Act II 1886.

Class.	Amount of income.	Salaries, pensions, annuities and gratuities paid by local authorities.		Salaries, &c., paid by companies, public bodies, associations and private employers.				Profits of companies.		Other sources of income.		Total collection of tax.		Penalties by Collector.	Fines by Magistrate.	Total of 14, 15 and 16.	Refunds.	Net collections.	Remarks.
				Tax levied under															
				Section 9 (1).		Section 9 (2).													
		No. of assessees.	Amount of tax.	No. of assessees.	Amount of tax.	No. of assessees.	Amount of tax.	No. of assessees.	Amount of tax.	No. of assessees.	Amount of tax.	No. of assessees.	Amount of tax.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	R																		
I	500 but less than 750																		
II	750 ,, 1,000																		
III	1,000 ,, 1,250																		
IV	1,250 ,, 1,500																		
V	1,500 ,, 1,750																		
VI	1,750 ,, 2,000																		
	Total I to VI																		
VII	2,000 but less than 2,500																		
VIII	2,500 ,, 5,000																		
IX	5,000 ,, 10,000																		
X	10,000 ,, 20,000																		
XI	20,000 ,, 30,000																		
XII	30,000 ,, 40,000																		
XIII	40,000 ,, 50.000																		
XIV	50,000 ,, 100,000																		
XV	100,000 and more.																		
	Total VII to XV																		
	Total																		

FORM Q.

Statement showing the number of prosecutions under Act II of 1886.

1	2	3	4	5	6	7	8
Nature of the offence and the Section under which punishable.	Number of cases.	Number of persons prosecuted.	Number of persons acquitted.	Number of persons convicted.	Amount of of fines imposed.	Amount of of fines recovered.	Amount of fines remitted by the Assistant to the Resident under Section 34, Sub-section (a).

N.B.—The a ove particulars should be given for the offence mentioned in Section 35, as well as the offences mentioned in Section 34. In the case of offences under Section 35, a foot-note should be added showing the number of convicted persons who were sentenced to undergo imprisonment for periods—
Not exceeding 1 month.
More than 1 month but less than 6 months.
Above 6 months.

Register 1 of Assessment under Part IV, Schedule II, Act II of 1886.

1	2	3	4	5	6	7	8	9	10	11
No. of case.	Date of publication of notice under Section 16 or service of notice under Section 17.	Name and residence of person on whom served.	Source or sources of income.	Place or places where income arises or accrues.	Amount of income estimated under Section 15.	Amount of duty payable thereon.	Amount of duty finally assessed under Section 27.	Amount of refund, if any, under Section 26.	Amount of abatement under Section 33.	Remarks.

Register 1A—Assessment of Companies.

1	2	3	4	5	6	7	8	9	10	11
No. of case.	Date of publication of notice under Section 16 or service of notice under Section 17.	Name and residence of person on whom served.	Source or sources of income.	Place or place where income arises or accrues.	Amount of income estimated under Section 15.	Amount of duty payable thereon.	Amount of duty finally assessed under Section 26.	Amount of refund, if any, under Section 27.	Amount of abatement under Section 33.	Remarks.

Register 2 of Petitions of Objection under Section 25.

1	2	3	4	5	6	7
No.	Date of petition.	Name and residence of petitioner, with number and register of assessment.	Purport of petition.	No. of persons summoned under Section 28.	Decision, with grounds and date.	Remarks.

Register 3 of proceedings against defaulters under law for the recovery of Municipal Taxes.

1	2	3	4	5	6	7	8
Consecutive No.	No. of case in register of assessment.	Name of defaulter and amount of default.	Date of order for recovery and amount to be recovered.	Date and nature of each process issued.	Amount of duty recovered and date of recovery.	Amount of costs recovered and date of recovery.	REMARKS.

Register 4 of Servants, Pensioners, and Annuitants of Companies, &c., assessed under Part I of Schedule 2 of Act II of 1886.

1	2	3			4	5			6	7			8	9			10	11
		DEDUCTIONS MADE FROM SALARY FOR				DEDUCTIONS MADE FROM SALARY FOR				DEDUCTIONS MADE FROM SALARY FOR				DEDUCTIONS MADE FROM SALARY FOR				
Name.	Office (employment).	March 188	April 188	May 188	Total for three months.	June 188	July 188	August 188	Total for three months.	September 188	October 188	November 188	Total for three months.	December 188	January 188	February 188	Total for three months.	Total for the year.

Register 5—Revision of Assessment by the Assistant to the Resident under Section 27.

1	2	3	4	5	6	7	8	9	10
No.	Date of petition.	Name of petitioner.	Name of assessing Officer and date of his order.	Amount of assessment.	Purport of petition.	No. of persons summoned under Section 28.	Decision with its grounds.	Refund or reduction if any ordered.	REMARKS.

Statement of the Affairs of the Bank of Bengal for the week ending 17th August 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office (₹ 86,29,498 15 3)	2,90,06,277	8	0
Public Deposits at Branches (2,03,76,778 8 9)			
Other Deposits at Head Office and Branches	2,98,45,361	6	10
Bank Post Bills, &c.	4,03,585	10	10
Sundries	15,88,796	5	9
RUPEES	8,52,00,685	14	5

ASSETS.	₹	a.	p.
Government Securities	55,19,773	12	0
Other authorized Investments	58,99,436	12	0
Loans on Government and other authorized Securities	1,13,21,552	13	8
Accounts of Credit on Government and other authorized Securities	87,88,023	15	10
Bills discounted and purchased	2,34,04,164	12	9
Balances with other Banks	9,70,087	2	9
Bullion	2,695	5	3
Dead Stock	11,30,001	12	11
Stamps	9,210	6	3
Sundries	7,65,026	4	0
	5,78,09,973	1	5
Cash and Currency Notes at Head Office (₹ 99,72,368 1 3)	2,73,90,712	13	
Cash and Currency Notes at Branches (1,74,18,344 11 9)			
RUPEES	8,52,00,685	14	5

BANK OF BENGAL,
Calcutta, 19th August 1886.

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

Rate for Demand Loans 6 per cent.
Percentage 45.

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

Report of a Deserter or Absentee without leave from the 4th Battalion, Rifle Brigade, Regiment of Infantry, dated at Chakrata, this 14th day of August 1886.

Number, Rank, and Name, No. 6940,—Private Henry Thomas.
Age,—26 years.
Size,—5 feet 4½ inches.
Colour of—
Complexion, dark; Hair, brown; Eyes, hazel.
Date of Desertion or Absence,—4th August 1886.
Place of Desertion or Absence,—Chakrata.
Date of Enlistment,—25th August 1884.
At what Place Enlisted,—Litchfield.
Parish and County in which Born,—Gloucester, Gloucestershire.
Place of residence for last 12 months before enlistment,—Not known.
Marks,—Several scars on left forefinger, scar on left side of forehead.
Trade,—Driller in fitting shop.
Regimentals or plain clothes,—Regimentals. Rifle Brigade (dark green), black helmet, spike and chain.
REMARKS,—
Under 2 years' service.

F. STEPHEN, *Colonel*,
Comdg. 4th Battn., Rifle Bde.

Report of a Deserter from the 1st Battalion, Suffolk Regiment of Foot, dated at Kuldana, Murree, this 14th day of August 1886.

Number, Rank, and Name, —No. 1076, Private Henry Hayes Lynch.
Age,—28 years.
Size,—5 feet 8 inches.
Colour of—
Complexion, fresh; Hair, brown; Eyes, blue.
Date of Desertion,—12th August 1886.
Place of Desertion,—Meerut.
Date of Enlistment,—12th June 1877.
At what Place Enlisted,—Umballa, E. I.
Parish and County in which Born,—Colombo, Ceylon.
Marks,—Tattoo mark, left forearm, "Mary Shegog."
Trade,—Clerk.
Coat or Jacket,— } Uniform khaki.
Waistcoat,— }
Breeches or Trowsers,— }
REMARKS,—On pass to Meerut from 3rd to 12th August 1886.
Under 10 years' service.

R. H. O'GRADY HALY, *Lieut.-Colonel*,
Comdg. 1st Battn., Suffolk 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 :—**

Calcutta Circle.

NOTE WHOLLY DESTROYED BY FIRE.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
1885.			
W5	R 10—52112	100	Shaik Alaoodeen, Sub-Overseer, D. P. W., Gandak Division.

CALCUTTA,
The 13th August 1886.

FRED. ATKINSON,
Asst. Comptroller Genl.,
in charge Paper Currency.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
J	1—07306	1,000	T. Muthialu Reddy, No. 5, Thotapalayom, Vellore.

CALICUT,
The 11th August 1886.

B. M. D'CRUZ,
Deputy Collector,
in charge Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
22	B 93—66634	100	Wazeer Sahib, Agra.

FORT ST. GEORGE,
The 13th August 1886.

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

Statement of Silver Balance in the Calcutta Mint for the week ending 18th August 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 11th August 1886 . .	5,67,079	
Value of Government silver in the Mint on the same date .	4,41,410	
		10,08,489
ADD—		
Silver received by the Mint during the week on account of the Currency Department	53,713	
Ditto ditto Government	...	
		53,713
		10,62,202
DEDUCT—		
New coin paid to Reserve Treasury during the week .	...	
Petty items issued for miscellaneous purposes . . .	...	
		...
Balance on the evening of the 18th August 1886 . .		10,62,202
The Balance comprises—		
Silver held on account of the Currency Department .	6,20,792	
Ditto ditto Government	4,41,410	
		10,62,202
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	66	
Ditto ditto Government	...	
		66

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

CALCUTTA MINT,
The 19th August 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 7th May 1886, treasure consisting of the undermentioned copper idols, valued at ₹188-12, was found under ground in land (Paimash No. 45), measured as Nanjah in the village of Sakkarapalli, Kumbakonam Taluk, Tanjore District:—

	Seers.
1. Natesaswami, weighing . .	190
2. Natesaswami Amman . . .	80
3. Vigneswaraswami . . .	45
4. Somaskandamurti . . .	80
5. Somaskandamurti Yekasana Amman	40
6. Somaskandamurtini Amman .	84
7. Prathoshanayakar, with Amman .	18
8. Sammandamurti . . .	70
9. Santhrasegara Amman . .	55
10. Vellikilamai Amman . . .	70
11. Asthu Tevar	15
12. Vengala Semakalam (bronze gherry)	3½
13. Abishega (kalasam) Chombu .	2½
14. Pipe	2
TOTAL .	755*

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Tanjore, at his office, on the 7th December 1886, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

* Valued at ₹188-12.

J. B. PENNINGTON,
Collector of Tanjore.

TANJORE COLLECTOR'S OFFICE,
CAMP PAPANASAM,
The 10th August 1886.

POST OFFICE.

NOTIFICATIONS.

Simla, the 9th August 1886.

(For Government Offices only.)

In supersession of the Postal Notice of the 9th April 1883 and of that portion of clause 205 of the Indian Postal Guide (Edition of April 1886) which relates to Foreign Service Parcels, senders of parcels addressed to the United Kingdom, and intended for transmission by post on Her Majesty's service, are requested to affix the service postage stamps used in payment of the postage to the parcel receipt, and not to the declaration of contents and value, presented with the parcel at the Post Office. The service postage stamps should be affixed at foot of the parcel receipt in the space provided below the printed entries "Date" and "Signature of Addressee."

E. C. O'BRIEN,
Offg. 3rd Asst. Dir. Genl. of the Post Office of India.

The 11th August 1886.

No. 6860.—Mr. T. W. Dinwiddie officiated in the 3rd Grade of Superintendents, from the 26th June to the 11th July 1886.

Mr. V. Konakasabhai Pillay, B.A., B.L., officiated in the 3rd Grade of Superintendents, from the 12th to the 25th July 1886.

Mr. T. C. D'Rozario officiated as 4th Grade Superintendent, from the 26th June to the 25th July 1886.

G. J. HYNES,
Offg. 1st Asst. Dir. Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 19th August 1886.

Backus, C. W.	Campbell, J.	Rogers, F. P. C.
Brookes, G. H.	Curtis, F. C.	Smith, Mrs. C. A.

Letters marked "Care of Post Office."

Ady, Dr. J. C.	Fraser, H. B.	Okeden, Herbert.
Barnett, Mrs. James.	"Certrude."	Randall, T.
Baron of Warsdorf.	Godfrey, J. B.	Rice, W. G. L.
Berrill, Charles D.	Grainger, R. H.	R. M. E., Miss.
Biermann, Victor.	Hair, G.	Roberts, H. A.
Blissett, W. V.	Hill, Mrs. Amy.	Rode, Capt. J.
Bose, P. N.	Hoare, R.	Schoeman, G. M.
Brown, S.	Horne, James S.	Scott, J. D.
Bush, C.	Kelly, Lieut. F. H.	Scotland, W. A.
Butler, T.	Kemp, Edwin.	Shaw, Miss E.
Campbell, Hon. James.	Knapp, C. C. B.	Smith, John.
Caws, Capt. A. E.	Kohann, Madame Rosa.	Sole, Rev. A. B.
Clarke, T.	Lemarchand, J. P.	St. Aubyn, G. A.
Comyn, A. D.	Lloyd, Chas.	St Clatre, C. C.
Delany, Mrs. J.	Martin, H.	Steuart, C.
DeLittle, L. G.	Martin, Lt. C. W. F.	Stevens, Thomas.
Dowling, D. G. A.	"Mary."	Sugget, Thomas.
D'Rozario, H. S. S.	McCarthy, C. J.	Thompson, R. D.
D'Silva, T. H.	McCreery, James.	Touzel, C. J. C.
Drury, Surgeon F. J.	McDonald, J.	Tracey, A.
Dupins, Madamoiselle C.	Miller, Capt. John C.	Tyrrell, C. A.
Easton, Percy H.	Morgan, J. C.	Walker, P. C.
Engelbregt, J. W.	Morgan, W.	Walter, O.
Fox, R. C. W.	Mullen, J.	Williams, C.

Registered Letters.

Stern, Adolf.	Troylucko Nath Mookerjee.	Whitford, Henry.

Unclaimed Letters held in the Barrackpore Post Office on the 16th August 1886.

Adam, Edward.	Robinson, Mrs. A.	Smith, Mrs. M. A.
Cress, J.	Secy, Monsoon Sky Race.	Walker, Mrs.
Dauson, Mr.	Smith, Mr. E. M.	Wilson, W. A.
Doyle, A.		Woods, A.
Gardiner, C. B.		

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 21st August 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 . . .	21st Aug.	Per P. & O. Str. from Bombay.
Ditto ditto ditto .	28th ,,	Ditto.
Ditto (Book Post and Pattern Packets)	27th ,,	Ditto.
Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion	21st ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan . .	31st ,,	Ditto.
Australia, New Zealand and Tasmania .	31st ,,	Ditto.
Madras and Colombo	1st Sept.	Per P. & O. Str. *Kaisar-i-Hind.*
Rangoon and Moulmein	25th Aug.	Per Str. *Khandalla.*
Akyab, Kyouk Phyoo, and Rangoon . .	25th ,,	Per Str. *Medina.*
Port Blair and Camorta	26th ,,	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.

W. MERRETT,
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گورنمنٹ سنکونا فبري فيوج

يهه دوا كونينائين كا خوب قائم مقام هى اور كلكته كے برٹانكل 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 ليني سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه : ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ،

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ ٠ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه ،

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونمين بكتي هى ماسواے قيمت مذكورهٔ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارة آنه ،

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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 برٹانكل 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 آرنس كے ٹين كا چهه روپيه آٹهه آنه ; آٹهه آرنس كے ٹين كا بارة روپيه آٹهه آنه ; اور ايك پونڈ كے ٹين كا چوبيس روپيه—

اور عام لوگون كو برٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے نقد اس بهاو پر مل سكتا هى يعنے چار آرنس ٹين كا آٹهه روپيه آٹهه آنه ; آٹهه آرنس كي ٹين كا اسوله روپيه آٹهه آنه اور ايك پونڈ ٹين كا بتيس ٣٢ روپيه يهه در كلكته كے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بكتي هى محصول ڈاك چار آرنس كي ٹين كے لئے چار آنه ; آٹهه آرنس كي ٹين كے لئے آٹهه آنه اور ايك پونڈ كي ٹين كے لئ بارة آنه علاوه اوپر لكهے هوئے نرخ كے هى ،

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 28, 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.

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.

NOTIFICATIONS.

Simla, the 7th August 1886.

No. 25.—The services of 2nd Grade Apothecary W. H. Harding are temporarily placed at the disposal of the North-Western Provinces and Oudh Government for civil employment in those Provinces.

No. 26.—The services of 1st Grade Assistant Apothecary G. T. Milchem are placed temporarily at the disposal of the Government of Bengal.

No. 27.—Mr. D. R. Paul is admitted into the service as an Uncovenanted Medical Officer, with effect from 5th August 1886, and his services are placed temporarily at the disposal of the Government, North-Western Provinces and Oudh.

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

No. 1067.—*Account of Revenue and Expenditure of the Government of India for the first month of the year 1886-87, as compared with the corresponding period of 1885-86.*

N.B.—Amounts are converted into sterling at Rs 10 to the pound sterling omitting all amounts below hundreds of pounds.

	Revenue.	Estimates, 1886-87.	April 1885.	April 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	23,316,000	1,698,400	1,612,400	...	86,000
II	Opium	9,227,600	728,200	824,600	96,400	...
III	Salt	6,392,500	529,700	567,900	38,200	...
IV	Stamps	3,694,400	338,500	329,600	...	8,900
V	Excise	4,134,800	343,200	353,200	10,000	...
VI	Provincial Rates	2,909,100	226,700	203,900	...	22,800
VII	Customs	1,173,200	131,600	130,400	...	1,200
VIII	Assessed Taxes	1,458,100	73,300	35,500	...	37,800
IX	Forest	1,153,300	35,200	54,600	19,400	...
X	Registration	309,800	24,300	22,100	...	2,200
XI	Tributes from Native States	712,000	53,900	52,800	...	1,100
XII	Interest	630,900	134,600	127,700	...	6,900
XIII	Post Office	1,157,100	96,000	98,700	2,700	...
XIV	Telegraph	564,200	52,400	40,800	...	11,600
XV	Mint	181,100	19,300	15,000	...	4,300
XVI	Law and Justice	576,000	33,000	31,200	...	1,800
XVII	Police	322,200	21,200	24,000	2,800	...
XVIII	Marine	184,800	4,700	8,800	4,100	...
XIX	Education	203,800	16,400	15,000	...	1,400
XX	Medical	55,200	4,800	2,300	...	2,500
XXI	Scientific and other Minor Departments.	88,500	2,800	2,700	...	100
XXII	Receipts in aid of Superannuation, &c.	264,600	8,400	12,800	4,400	...
XXIII	Stationery and Printing	71,500	3,500	3,600	100	...
XXIV	Exchange	...	...	...	...	...
XXV	Miscellaneous	294,500	16,400	18,500	2,100	...
		59,075,200	4,596,500	4,588,100	...	8,400
XXVI	State Railways (Gross Earnings)	10,841,200	797,600	921,700	124,100	...
XXVII	Guaranteed Companies (Net Traffic Receipts).	3,133,500	676,500	597,600	...	78,900
XXVIII	Subsidized Companies (Repayment of Advances of Interest.)	...	...	...	...	...
XXIX	Major Works: Direct Receipts	921,300	25,400	29,700	4,300	...
XXX	Minor Works and Navigation	144,600	9,200	10,400	1,200	...
XXXI	Military Works	188,100	2,100	1,900	...	200
XXXII	Civil Works	463,300	33,500	34,900	1,400	...
XXXIII	Army: Effective	744,900	61,000	61,300	300	...
	„ Non-effective	48,100				
		75,560,200	6,201,800	6,245,600	43,800	...
	England, including Army, Public Works, &c.	178,900	9,200	18,600	9,400	...
	Exchange added to Revenue	59,600	2,900	6,400	3,500	...
	GRAND TOTAL	75,798,700	6,213,900	6,270,600	56,700	...

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

THE TREASURY,
Calcutta, the 27th August 1886.

	Expenditure.	Estimates, 1886-87.	April 1885.	April 1886	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Refunds and Drawbacks	207,000	21,100	13,900	...	7,200
2	Assignments and Compensations	1,301,000	131,100	132,400	1,300	...
3	Land Revenue	3,588,000	244,500	255,700	11,200	...
4	Opium (including Cost of Production)	2,648,400	1,063,900	970,400	...	93,500
5	Salt (do. do.)	496,600	28,600	44,900	16,300	...
6	Stamps	84,100	7,200	7,300	100	...
7	Excise	105,800	9,100	6,700	...	2,400
8	Provincial Rates	46,600	6,800	900	...	5,900
9	Customs	133,400	10,700	10,900	200	...
10	Assessed Taxes	58,700	500	1,600	1,100	...
11	Forest	739,100	44,900	42,500	...	2,400
12	Registration	191,200	15,000	15,200	200	...
13	Interest on Ordinary Debt*	3,822,300	389,200	317,000	...	72,200
14	Do. on other Obligations	362,900	26,600	7,300	...	19,300
15	Post Office	1,201,900	93,900	93,100	...	800
16	Telegraph	587,600	47,900	39,300	...	8,600
17	Mint	84,500	7,000	7,400	400	...
18	General Administration	1,402,000	116,200	109,400	...	6,800
19	Law and Justice	3,467,500	270,400	269,600	...	800
20	Police	3,017,900	225,500	231,700	6,200	...
21	Marine (including River Navigation)	375,600	34,500	28,900	...	5,600
22	Education	1,326,200	83,100	84,000	900	...
23	Ecclesiastical	172,400	14,200	13,400	...	800
24	Medical	778,500	58,900	58,800	...	100
25	Political	645,500	88,900	35,100	...	53,800
26	Scientific and other Minor Departments	467,000	45,400	47,600	2,200	...
27	Territorial and Political Pensions	644,800	52,600	58,600	6,000	...
28	Civil Furlough and Absentee Allowances	6,300	100	100	...	...
29	Superannuation Allowances and Pensions	694,800	68,100	57,000	...	11,100
30	Stationery and Printing	427,800	28,500	27,900	...	600
31	Exchange	137,700	...	...	...	...
32	Miscellaneous	304,000	26,700	27,600	900	...
33	Famine Relief	1,000	100	...	...	100
34	Construction of Protective Railways	500,000	...	...	...	...
35	Do. do. Irrigation Works	111,300	11,700	6,800	...	4,900
36	Reduction of Debt	749,000	...	...	...	...
		30,888,400	3,272,900	3,023,000	...	249,900
37	Construction of Railways (Charged against Revenue in addition to that under Famine Insurance)	109,200	5,400	4,500	...	900
38	State Railways: (Working Expenses)	5,569,100	316,300	382,600	66,300	...
	Interest on Capital deposited by Companies	400	...	...	...	...
39	Guaranteed Companies: (Surplus Profits, Land and Supervision)	497,500	9,600	5,300	...	4,300
	Interest	3,400	...	...	...	...
40	Subsidized Companies: Land, &c.	69,500	3,600	2,600	...	1,000
41	Miscellaneous Railway Expenditure	120,000	8,000	10,300	2,300	...
42	Major Works: Working Expenses	611,700	40,900	41,300	400	...
43	Minor Works and Navigation	740,600	45,800	35,800	...	10,000
44	Military Works	1,152,300	40,400	43,400	3,000	...
45	Civil Works	4,190,900	162,500	177,800	15,300	...
46	Army: Effective	12,449,000	1,200,400	981,300	...	219,100
	Do. Non-effective	839,400	101,000	101,400	400	...
		57,241,400	5,206,800	4,809,300	...	397,500
	England, including Army, Public Works, Guaranteed Interest, &c.	14,512,900	2,166,500	2,219,800	53,300	...
	Exchange charged as Expenditure	4,837,600	681,900	764,100	82,200	...
		76,591,900	8,055,200	7,793,200	...	262,000
	Expenditure not charged to Revenue—					
	Capital Outlay on Railways and Irrigation Works—					
	In India—					
47	State Railways	2,327,100	273,800	184,200	...	89,600
48	Irrigation Works	700,000	46,000	16,900	...	29,100
49	Special Defence Works	235,000	...	10,600	10,600	...
	In England—					
47	State Railways	1,800,000	119,900	101,600	...	18,300
48	Irrigation Works	...	100	...	...	100
49	Special Defence Works	155,000	...	...	...	...
50	Capital charge involved in Redemption of Liabilities	4,844,200	...	...	...	...
	Exchange on Expenditure not charged to Revenue	651,700	37,800	35,000	...	2,800
		10,713,000	477,600	348,300	...	129,300
	GRAND TOTAL	87,304,900	8,532,800	8,141,500	...	391,300

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

C. R. C. KIERNANDER,
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 August 1886.*

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans: Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	4½ per cent. Loans: Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, Seven Shillings per cent. Portion.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
Balance of 31st July 1886 .	54,100	13,80,587	27,25,100	2,23,29,300	91,86,000	2,59,33,900	2,29,11,300	8,44,66,187	44,17,000	75,77,700	9,72,65,800	10,92,60,500	1,33,800	32,200	19,39,46,787
4½ per cent. 18,8 Stock transferred to 4½ per cent. 1879, by Bank of England .	...	...	...	...	...	...	...	...	...	...	2,37,700	2,37,700	...	...	2,37,700
Add—															
Amount enfaced at Madras between 1st and 15th August 1886 .	...	...	...	...	...	...	...	...	...	...	500	500	...	...	500
Amount enfaced at Bombay between 1st and 15th August 1886 .	...	...	...	500	...	...	1,000	1,500	...	...	...	...	...	...	1,500
Amount enfaced at Calcutta between 1st and 15th August 1886 .	...	...	...	2,07,700	6,000	2,03,000	2,01,000	6,17,700	...	55,000	7,51,600	8,06,600	...	...	14,24,300
	54,100	13,80,587	27,25,100	2,25,37,500	91,92,000	2,61,36,900	2,31,13,300	8,50,85,387	44,17,000	76,32,700	9,82,55,600	11,03,05,300	1,33,800	32,200	19,56,10,787
Deduct—															
Amount written off in the London Registers .	...	...	...	3,60,300	35,500	1,69,800	75,000	6,40,600	5,500	2,42,700	4,81,000	7,29,200	...	...	13,69,800
Balance on 15th August 1886 .	54,100	13,80,587	27,25,100	2,21,77,200	91,56,500	2,59,67,100	2,30,38,300	8,44,44,787	44,11,500	73,90,000	9,77,74,600	10,95,76,100	1,33,800	32,200	19,42,40,987

NOTE.—From 9th June 1867 to 15th June 1886 enfaced from India 5,271 lakhs, re-transferred from London 4,681 lakhs.
" 16th " 1886 to 30th " " " 3 " " " 10 "
" 1st July " to 15th July " " 1 " " " 3 "
" 16th " " to 31st " " " 9 " " " 9 "
" 1st Aug. " to 15th Aug. " " 14 " " " 11 "
5,298 lakhs. 4,714 lakhs.
4,714 "
Balance against India . 584 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 17th August 1886.

R. HARDIE,

Statement of the Affairs of the Bank of Bengal for the week ending 24th August 1886.

LIABILITIES.	R	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office . R 94,16,555 a. 6 p. 0; Public Deposits at Branches . 1,92,55,316 7 1	2,86,71,871	13	1
Other Deposits at Head Office and Branches	3,05,19,560	8	9
Bank Post Bills, &c. . . .	4,02,147	0	8
Sundries	15,28,580	10	6
RUPEES .	8,54,78,825	0	0

ASSETS.	R	a.	p.
Government Securities . .	53,59,561	4	0
Other authorized Investments .	59,04,220	8	0
Loans on Government and other authorized Securities . .	1,12,21,387	2	0
Accounts of Credit on Government and other authorized Securities .	88,30,541	14	8
Bills discounted and purchased .	2,15,66,853	8	11
Balances with other Banks . .	11,42,108	3	5
Bullion	2,695	5	3
Dead Stock	11,29,106	11	7
Stamps	9,393	0	3
Sundries	7,64,993	11	9
	5,59,30,861	5	10
Cash and Currency Notes at Head Office . R 1,23,72,297 a. 12 p. 10; Cash and Currency Notes at Branches . 1,71,75,665 13 4	2,95,47,963	10	2
RUPEES .	8,54,78,825	0	0

By Order of the Directors,

BANK OF BENGAL,
Calcutta, 26th August 1886.

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

R. HARDIE,
Secretary & Treasurer.

Rate for Demand Loans 6 per cent.
Percentage 48·3.

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	a.	p.	Number available for sale.	REMARKS.
	Found at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver .	0	4 each	0	204	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	27	Do. 7th January 1887.
23	Ditto with illegible dates . .	Do. .	0	0 each	6	95	Do. 7th January 1887.
	Found in the Etawah District.						
56	Buddhist punched coins . .	Silver .	0	3 each	0	92	Do. 24th June 1887.
	Found in the Ballia District.						
58	Old Hindu or Buddhist punched coins.	Do. .	1	0 each	0	127	Do. 24th June 1887.
	Found in the Hissar District.						
59	Muhammad Shah . . .	Do. .	1	8 each	0	6	Do. 24th June 1887.
60	Ahmed Shah Bahadur . .	Do. .	1	8 each	0	5	Do. 24th June 1887.
62	Muhammad Shah, bad specimens	Do. .	1	0 each	0	36	Do. 24th June 1887.
	Found in the Basti District.						
64	Pathan Ala-ud-din Mahamad Shah 1295—1315.	Do. .	1	8 each	0	19	Do. 24th June 1887.

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

CALCUTTA,
The 26th August 1886.

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 30th June 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	
BOOKS.		*Author.*			*i. In English or other European language.*							R a. p.			
A Manual of the Analysis of Sentences.	English .	G. W. Hoover .	Language .	Civil and Military Station of Bangalore, and places in India.	The Daily Post and Examiner Press, F. Richmond Hayes, Printer and Publisher.	10th Mar. 1886, Dedication printed about the 7th June 1886.	28	Duodecimo.	2nd Edition	1,500	Printed .	0 4 0	G. W. Hoover, Sepping Road, Civil and Military Station of Bangalore.	Secured 21st Jan. 1886	For the use of students preparing for the Middle School and Matriculation Examinations.
		Author.													
"What the Scriptures teach concerning the intermediate state of the dead."	Ditto .	Rev. D. W. Clark	Religion .	Civil and Military Station of Bangalore	The Model Press, T. R. Toussaint, Printer and Publisher,	5th May 1886	5	Octavo	1st Edition	500	Do. .	0 0 6	Rev. R. E. Carter, St. John's Hill, Civil and Military Station of Bangalore.	Not secured.	Arguments to prove that death is not the cessation of conscious being.
		Author.													
First lessons in Algebraic Resolution into Factors with Examples.	Ditto .	T. R. Toussaint .	Science, Mathematical	Ditto .	Ditto .	31st Mar. 1886	53	Do.	Do. .	500	Do. .	0 4 0	T. R. Toussaint, Wellington Street, Richmond Town, Civil and Military Station of Bangalore,	Ditto .	For students in Middle and High Schools.

E. A. FRASER, *Major*,
Assistant to the Resident.

The 13th August 1886.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 21st August 1886.

No. 12.—Mr. T. R. G. Cadiz, Assistant Superintendent of the 1st Grade, is allowed furlough on medical certificate for three months, under Section 52 of the Civil Leave Code, with effect from the forenoon of the 18th July 1886.

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

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 19th August 1886.

No. 2111 *G.*—Lieutenant-Colonel and Brevet Colonel A. Conolly, Commandant, Meywar Bhil Corps, returned to duty on the 12th August 1886 from the privilege leave granted him in this Office Notification No. 1754 G., dated the 15th July 1886.

No. 2113 *G.*—Second Class Hospital Assistant Mahomed Moosa returned from the leave granted him in this Office Notification No. 1774 G., dated the 17th July 1886, and resumed charge of his duties on the 8th August 1886 from 2nd Class Hospital Assistant Mohesh Pershad, who reverted to the Reserve List of Hospital Assistants for Government employment.

The 24th August 1886.

No. 2154 *G.*—Colonel E. Temple, 2nd-in-Command, Meywar Bhil Corps, availed himself on the 16th August 1886 of the privilege leave granted him in this Office Notification No. 2012 G., dated the 10th idem.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 21st August 1886.

No. 902-127.—The following rules are laid down by the Chief Commissioner of Ajmere-Merwara under Section 160, Act XIV of 1882 (Code of Civil Procedure) regarding the travelling and other expenses to be paid to witnesses summoned to attend the Civil Courts in Ajmere-Merwara.

I.—Save as hereinafter provided, travelling and other expenses will be allowed on the following scale:—

(*a*) to witnesses of the class of cultivators, laborers, and menials, three annas a day;

(*b*) to witnesses of a better class, such as zemindars, traders, pleaders and persons of corresponding rank, from six annas to two rupees a day as the Court may direct;

(*c*) to witnesses of superior rank, three rupees a day; and

(*d*) the allowances of officers of Government will be regulated by the rules in the Civil Travelling Allowance Code.

II.—No expenses, other than travelling charges, will be allowed to legal practitioners practising at the place where the Court which they are summoned to attend is held.

Travelling charges may be allowed to these witnesses at such rates as the Court considers reasonable and necessary.

III.—Persons other than those mentioned in the last preceding rule, residing within a distance of three miles from the Court-house, will be allowed their expenses at half the rates prescribed in Rule I.

IV.—If a witness demand any sum in excess of what has been paid to him, such sum will be allowed if he satisfy the Court that he has actually and necessarily incurred the additional expense.

V.—If a witness be detained for a longer period than one day, the expenses of his detention will be allowed at such rate, not exceeding that payable under Rule I, as may seem to the Court to be reasonable and proper.

VI.—The Court may, on consideration of the merits of any case, for reasons stated in writing, allow expenses on a higher scale than that prescribed in the foregoing rules.

No. 907-327.—The Chief Commissioner of Ajmere-Merwara is pleased to invest Rai Bahadur Pandit Bhag Ram, Judicial Assistant, Ajmere, with the powers described in Sections 110 and 133, Act X of 1882 (Criminal Procedure Code), to be exercised within the Ajmere District.

The 23rd August 1886.

No. 920-328 *V.*—Captain C. W. Ravenshaw, Assistant Commissioner, Merwara, availed himself on the forenoon of the 16th August 1886 of the privilege leave granted to him in this Office Notification No. 861-328 V., dated the 10th idem, making over charge of his Office to Captain C. Herbert.

Captain Herbert, Officiating Assistant Commissioner, 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.

Under Section 22, Act X of 1882, the Chief Commissioner is pleased to appoint Captain Herbert to be a Justice of the Peace within and for the Ajmere-Merwara District.

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

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 17th August 1886.

No. 2334-3846.—Under the provisions of Section 5 of the Bangalore Municipal Regulations of 1883, the undermentioned gentlemen have been elected Municipal Commissioners for the Civil and Military Station of Bangalore by the Mahomedan class of the inhabitants of the Station to fill vacancies in the Municipal Board :—

Mr. Aga Abdoola Sahib.

„ Hajee T. Khadir Pacha Sahib.

2. These gentlemen will continue in office for two years from the date of their election, or until their successors shall have been appointed.

The 20th August 1886.

No. 2368-4956.—Under the provisions of Section 5 of Act XIII of 1859 (An Act to provide for the punishment of breaches of contract in certain cases), the 2nd Magistrate of the Civil and Military Station, Bangalore, is appointed to exercise, within the limits of the said station, the powers vested in a Magistrate of Police under that Act.

By Order,

E. A. FRASER, *Major*,
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 19th August 1886.

No. 73.—Mr. C. J. Cole, 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. 74.—Director General of Railways' Notification No. 59, dated 10th July 1886, granting Mr. G. F. Berrill, Sub-Engineer, 1st Grade, and Honorary Assistant Engineer, furlough in India, for one year, with effect from 1st August 1886, or such subsequent date as he may be permitted to avail himself of the same, is hereby cancelled.

The 24th August 1886.

No. 75.—Mr. W. S. Haig, Assistant Engineer, 1st Grade, passed the Lower Standard Examination in Hindustani, as prescribed in Public Works Department Code, Volume I, Appendix B, paragraph 1, on the 2nd August 1886 and the Departmental Standard Examination in Hindustani, as laid down in Chapter II, paragraph 14, of the same Code, on the 9th August 1886.

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

CEMETERY NOTICE.

List of Monuments in Gauhati Cemetery, published with reference to Rule XIX, Part I of the Revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 28th June 1885 :—

Name.	Date.
Alfred Jenkinson Jones	1881
Condon	1879
Child of C. S. Ward	1852
Mrs. Mary Fleming	1857
Samuel Fleming	1853
Cowie Colvin Fell	1851
John Edwin Barker	1866
Child of Mr. and Mrs. Sinclair	1869
M. L. Marion Lee	1871
Major Mayne	1863
Child of George Mawson	1874
G. S. Hampton	1867
Child of J. R. D. Cameron	1852
W. Donald McKeon	1855
Lieutenant John Lambard	1848
Mr. W. J. Cash	1851
Mrs. Cash	1849
Daughter of Captain Weymess	1839
Mrs. Weymess	1840
Clara Reynolds	1852
Quartermaster-Sergeant Kirby	1839
Thomas Edward Pinto	1864
Charles Brownlow	1839
J. Goldsmith	1839
Mrs. Simons	1851
William Butler	1857
Child of Major Campbell	1863
Child of Major Campbell	1865
Child of Colonel William Fagan	1863
Edward Orr Logan	1873
John Woodrow Bishop	1864
Charlotte Anis Mulliers	1864
F. R. Butt	1863
F. Gomes	1848
Hannah Jane Rae	1831
Margaret Campbell Hannay	1841
Dear Maria	1838
G. M. Brodie	1846

WALTER A. HAMILTON,
Chaplain of Gauhati & Shillong.

Statement of Silver Balance in the Calcutta Mint for the week ending 25th August 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 18th August 1886	6,20,792	
Value of Government silver in the Mint on the same date	4,41,410	10,62,202
ADD—		
Silver received by the Mint during the week on account of the Currency Department	1,17,693	
Ditto ditto Government	278	1,17,971
		11,80,173
DEDUCT—		
New coin paid to Reserve Treasury during the week	...	
Petty items issued for miscellaneous purposes	1,179	1,179
Balance on the evening of the 25th August 1886		11,78,994
The Balance comprises—		
Silver held on account of the Currency Department	7,38,485	
Ditto ditto Government	4,40,509	11,78,994
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,78,395	
Ditto ditto Government	...	2,78,395

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

CALCUTTA MINT,
The 26th August 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.
17	D 17—94939	50	Baldeo Sahai, Cawnpore.

ALLAHABAD,
The 25th August 1886.

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

Calcutta Circle.

NOTE PARTIALLY LOST.

Regr. No. 1886.	No. of Notes.	Value. ₹	Name of Claimant.
H17	A 47—15307	1,000	Luckhme Chand Secaria, 29, Burtollah Street, Burra Bazar, Calcutta.

CALCUTTA,
The 20th August 1886.

FRED. ATKINSON,
Asst. Comptroller Genl.,
In charge Paper Currency.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
J	12—39324	50	Superintendent, Railway Mail Service, S. M. Division, Madras.

CALICUT,
The 16th August 1886.

B. M. D'CRUZ,
Deputy Collector,
In charge Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
16	E 25—11124*	50	Mr. M. Pasley, Attock.
„	—11125	50	

* Belonging to Agency No. 6, Peshawar.

LAHORE,
The 21st August 1886.

A. H. H. MUNROWD,
for *Deputy Commissioner of Currency.*

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
23	B 85—34363	100	Superintendent, Railway Mail Service, S. M. Division, Madras.

FORT ST. GEORGE,
The 20th August 1886.

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

POST OFFICE.

NOTIFICATIONS.

Simla, the 9th August 1886.

(For Government Offices only.)

In supersession of the Postal Notice of the 9th April 1883 and of that portion of clause 205 of the Indian Postal Guide (Edition of April 1886) which relates to Foreign Service Parcels, senders of parcels addressed to the United Kingdom, and intended for transmission by post on Her Majesty's service, are requested to affix the service postage stamps used in payment of the postage to the parcel receipt, and not to the declaration of contents and value, presented with the parcel at the Post Office. The service postage stamps should be affixed at foot of the parcel receipt in the space provided below the printed entries "Date" and "Signature of Addressee."

E. C. O'BRIEN,
Offg. 3rd Asst. Dir. Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 26th August 1886.

Campbell, J.	Landsut, S.	Silberman, S.
Curtis, F. C.	Sherber, Ed.	Smith, Mrs. Barnard.

Letters marked "Care of Post Office."

Barnett, Mrs. James.	Godfrey, J. B.	Rebeiro, Miss E.
Baron of Warsdorf.	Grainger, R. H.	Relphe, Capt. A. W.
Berrill, Charles D.	Gutiday, C.	Remmington, Capt. F. A.
Blissett, W. V.	Hair, G.	Rice, W. G. L.
Bose, P. N.	Hamer, Capt. H.	Riehemback, A.
Brincoet, S.	Hill, Mrs. Amy.	R. M. E., Miss.
Brown, S.	Hoare, R.	Roberts, H. A.
Bush, C.	Horne, James S.	Rochussey, S. E.
Butler, T.	Jones, Mrs.	Rode, Capt. J.
Calthrope, W. H.	Kelly, Lieut. F. H.	Schoeman, G. M.
Campbell, Hon. James.	Kemp, Edwin.	Scott, J. D.
Caws, Capt. A. E.	Kohann, Madame Rosa.	Scotland, W. A.
Clarke, T.	Lloyd, Chas.	Shaw, Miss E.
Comyn, A. D.	Martin, H.	Smith, John.
Crowder, Jas.	Martin, Lt. C. W. F.	Sole, Rev. A. B.
Cumberland, A. H.	"Mary."	St. Aubyn, G. A.
Delany, Mrs. J.	McCreery, James.	St Claire, C. C.
Dodd, C. B. N.	McDonald, J.	Stevens, Thomas.
Dowling, D. G. A.	McMorren, R.	Sugget, Thomas.
D'Rozario, H. S. S.	Miller, Capt. John C.	Thompson, R. D.
D'Silva, T. H.	Monro, H. T.	Touzel, C. J. C.
Drury, Surgeon F. J.	Morgan, J. C.	Tracey, A.
Dupins, Madamoiselle C.	Morgan, W.	Tyrrell, C. A.
	Mullen, J.	Volkers, F.
Easton, Percy H.	Norman, Lucy.	Walker, P. C.
Engelbregt, J. W.	Okeden, Herbert.	Walter, O.
Fleming, G.	O'Shaughnesay, F.	Williams, C.
Fox, R. C. W.	Pollock, John.	"Zealand."
"Gertrude."		

Registered Letters.

Shaw, Miss M.	Troylucko Nath Mookerjee.	Tytler, F. W.
Stern, Adolf.		

Unclaimed Letters held in the Barrackpore Post Office on the 23rd August 1886.

Arrakiel, B. A.	Doyle, A.	Secy., Monsoon Sky Race.
Borat, Debendranath.	Gardiner, C. B.	Smith, Mr. E. M.
Cress, J.	Ospher, Mrs. J.	Smith, Mrs. M. A.
Dalrymple, W. M.	Robinson, Mrs. A.	Wilson, W. A.
Dauson, Mr.	Robinson, Mrs. Emilia.	Woods, A.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 28th August 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 . . .	28th Aug.	Per P. & O. Str. from Bombay,*
Ditto ditto ditto .	4th Sept.	Ditto.†
Ditto (Book Post and Pattern Packets)	3rd ,,	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 . . .	4th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan .	31st Aug.	Ditto.
Australia, New Zealand and Tasmania .	31st ,,	Ditto.
Madras and Colombo	1st Sept.	Per P. & O. Str. *Kaisar-i-Hind.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	6th ,,	Per French Str. *Tibre.*
Straits and Hong-Kong	7th ,,	Per Str. *Japan.*
Rangoon and Moulmein	1st ,,	Per Str. *Africa.*
Akyab, Kyouk Phyoo, and Rangoon . .	1st ,,	Per Str. *Muhratta.*
Port Blair *viâ* Rangoon	1st ,,	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.

† *N.B.*—The letter-box will close at 8-30 P.M. precisely, after which hour Foreign letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 9 P.M.

W. MERRETT,
Offg. Presidency Post Master, Calcutta.

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 برٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سولہ روپيه آٹهه آنه ‘

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ‘

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دوا خانونمين بکتي هی ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار 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 عمدہ 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 برٹانکل 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 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 برٹانکل 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 اسولہ 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 بارہ آنه علاوہ 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.
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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.

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

Applications for the supply of the *Gazette* on *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 3 P.M. on any 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.

CALCUTTA UNIVERSITY.

NOTICE.

The Senate will proceed in the month of March 1887 to the election of a Tagore Law Professor for the term of one year to commence on the 1st of September 1887.

The salary of the Professorship is ₹10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon *one* of the following subjects:—

1. The Law relating to Damages.
2. The Law relating to Riparian Rights, including the law of Alluvion and Diluvion, and the law of property in navigable and non-navigable rivers.
3. The Law relating to Adoption.
4. The Mahommedan Law relating to Marriage, Dower, Divorce, Legitimacy and Guardianship of Minors according to the Sunnis.

5. The Mahommedan Law relating to Marriage, Dower, Divorce, Legitimacy and Guardianship of Minors according to the Shiahs.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 2nd September 1886.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 18th August 1886.

No. 28.—Mr. D. N. Pritha Datta is admitted into the service as an Uncovenanted Medical Officer with effect from the date of his assuming medical charge of the civil station of Hissar, and his services are temporarily placed at the disposal of the Government of the Punjab.

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

ACCOUNTANT GENERAL, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 25th August 1886.

No. 4.—Mr. G. H. Lemaistre, Deputy Examiner, attached to the Office of the Examiner, Public Works Accounts, Punjab, passed the Departmental Standard Examination prescribed by Public Works Department Code, Chapter II, paragraph 14, on the 6th July 1886.

A. G. BEGBIE, *Major, R.E.*,
Offg. Accountant General.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 30th August 1886.

No. 3210.—Colonel C. Martin, C.B., Commandant, Central India Horse, and Political Agent in Western Malwa, is granted privilege leave for thirty days from such date in September as he may avail himself of it.

The 31st August 1886.

No. 3215.—Captain G. E. Money, Officiating 2nd Squadron Commander, 1st Regiment Central India Horse, availed himself of the privilege leave granted to him in this Office Notification No. 2390, dated 21st June, on the 15th August 1886.

By Order,
H. DAVIES,
for 1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 28th August 1886.

No. 2191 G.—Second Class Hospital Assistant No. 277, Kataroo Ram, attached to the Merwara Battalion, Ajmere, is granted sixty days' leave of absence with full pay, with effect from the forenoon of the 9th August 1886.

No. 2198 G.—Third Class Hospital Assistant Hurdeo Pershad, attached to the Pisangan Dispensary in Ajmere, is granted three months' privilege leave, with effect from the afternoon of the 15th August 1886, and 2nd Class Hospital Assistant Muhesh Pershad, of the Government Reserve List of Hospital Assistants, is appointed to act for him during his absence.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 30th August 1886.

No. 971-375 III.—Mr. F. L. Reid, Principal, Government College, Ajmere, and Inspector of Schools, Ajmere-Merwara, is granted six weeks' leave without allowances, with effect from the forenoon of the 4th August 1886, under Section 134 of the Civil Leave Code.

With effect from the same date, Mr. T. Harris, B.A., is appointed to officiate as Principal, Government College, Ajmere, and Inspector of Schools, Ajmere-Merwara, during Mr. Reid's absence on leave, or until further orders.

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

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 23rd August 1886.

No. 2380-5176.—Mr. J. Dias, Head Clerk, Mysore Resident's Office, is appointed Officer in charge of the Resident's Treasury and Sub-Registrar, Civil and Military Station of Bangalore, with effect from the 14th January 1886.

By Order,
E. A. FRASER, *Major*,
Assistant to the Resident.

Statement of the Affairs of the Bank of Bengal for the week ending 31st August 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 91,78,044 1 11	2,70,13,359	14	10
Public Deposits at Branches 1,78,35,315 12 11			
Other Deposits at Head Office and Branches	3,21,82,854	6	11
Bank Post Bills, &c.	4,15,566	6	5
Sundries	15,72,360	1	4
RUPEES	8,55,40,805	12	6

ASSETS.	₹	a.	p.
Government Securities	47,62,442	4	0
Other authorized Investments	58,68,599	8	0
Loans on Government and other authorized Securities	1,02,67,128	3	1
Accounts of Credit on Government and other authorized Securities	89,09,678	1	1
Bills discounted and purchased	2,24,44,512	9	3
Balances with other Banks	10,62,584	6	2
Bullion	2,648	15	0
Dead Stock	11,30,158	14	7
Stamps	9,589	11	3
Sundries	7,63,166	1	4
	5,52,20,508	9	9
Cash and Currency Notes at Head Office ₹ 1,30,82,853 1 3	3,03,20,297	2	9
Cash and Currency Notes at Branches 1,72,37,444 1 6			
RUPEES	8,55,40,805	12	6

BANK OF BENGAL,
Calcutta, 2nd September 1886.

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

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

Rate for Demand Loans 6 per cent.
Percentage 49·5.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 26th August 1886.

No. 76.—Mr. W. Monjen, Executive Engineer, 4th Grade, temporary rank, is granted leave on medical certificate for four months, with effect from the 1st June 1886, or such subsequent date as he may have availed himself of the same.

The 27th August 1886.

No. 77.—With reference to Public Works Department Notification No. 172, dated 5th July 1886, Mr. Alfred Peyton, Class IV of the Superior Revenue Establishment, Locomotive Department, is posted to the North-Western Railway.

The 30th August 1886.

No. 78.—Mr. A. S. Gerrard, Executive Engineer, 3rd Grade, has been granted by Her Majesty's Secretary of State for India an extension of five months' leave on medical certificate in continuation of the twelve months' furlough and six months' extension previously granted him.

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

NORTH-WESTERN RAILWAY.

NOTIFICATION.

Lahore, the 21st August 1886.

No. 6.—Mr. A. S. Jameson, Assistant Locomotive Superintendent, Class II of the Superior Revenue Establishment attached to North-Western Railway, is granted one year's leave on medical certificate with the usual subsidiary leave, from such date as he may be allowed to avail himself of it.

L. CONWAY-GORDON,
Manager, North-Western Railway.

Statement of Silver Balance in the Calcutta Mint for the week ending 1st September 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 25th August 1886	7,38,485	
Value of Government silver in the Mint on the same date	4,40,509	11,78,994
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,02,213	
Ditto ditto Government	1	3,02,214
DEDUCT—		14,81,208
New coin paid to Reserve Treasury during the week		
Petty issues for miscellaneous purposes	1,399	1,399
Balance on the evening of the 1st September 1886		14,79,809
The Balance comprises—		
Silver held on account of the Currency Department	10,36,681	
Ditto ditto Government	4,43,128	14,79,809
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	3,897	
Ditto ditto Government	...	3,897

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

CALCUTTA MINT,
The 2nd September 1886.

TREASURE TROVE.

NOTICE.

In terms of Section 5 of Act VI of 1878, notice is hereby given that on 22nd June 1884, certain treasure (forty-three old rupees) of the value of ₹43, was found in the ground near the Bhil Katti of Kalyan Bk., Taluka Erandol, of the Khandesh Collectorate of the Bombay Presidency.

Claimants are hereby required to appear personally or by agent before the Mamlatdar of Erandol on the 6th January 1887, when he will proceed to hold an enquiry according to law.

W. W. LOCH,
Acting Collector of Khandesh.

KHANDESH COLLECTOR'S OFFICE,
DHULIA,
The 24th August 1886.

CEMETERY NOTICE.

List of Monuments in Gauhati Cemetery, published with reference to Rule XIX, Part I of the Revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 28th June 1885:—

Name.	Date.
Alfred Jenkinson Jones	1881
Condon	1879
Child of C. S. Ward	1852
Mrs. Mary Fleming	1857
Samuel Fleming	1853
Cowie Colvin Fell	1851
John Edwin Barker	1866
Child of Mr. and Mrs. Sinclair	1869
M. L. Marion Lee	1871
Major Mayne	1863
Child of George Mawson	1874
G. S. Hampton	1867
Child of J. R. D. Cameron	1852
W. Donald McKeon	1855
Lieutenant John Lambard	1848
Mr. W. J. Cash	1851
Mrs. Cash	1849
Daughter of Captain Weymess	1839
Mrs. Weymess	1840
Clara Reynolds	1852
Quartermaster-Sergeant Kirby	1839
Thomas Edward Pinto	1864
Charles Brownlow	1839
J. Goldsmith	1839
Mrs. Simons	1851
William Butler	1857
Child of Major Campbell	1863
Child of Major Campbell	1865
Child of Colonel William Fagan	1863
Edward Orr Logan	1873
John Woodrow Bishop	1864
Charlotte Anis Mulliers	1864
F. R. Butt	1863
F. Gomes	1848
Hannah Jane Rae	1831
Margaret Campbell Hannay	1841
Dear Maria	1838
G. M. Brodie	1846

WALTER A. HAMILTON,
Chaplain of Gauhati & Shillong.

POST OFFICE.

NOTIFICATIONS.

Simla, the 9th August 1886.

(For Government Offices only.)

In supersession of the Postal Notice of the 9th April 1883 and of that portion of clause 205 of the Indian Postal Guide (Edition of April 1886) which relates to Foreign Service Parcels, senders of parcels addressed to the United Kingdom, and intended for transmission by post on Her Majesty's service, are requested to affix the service postage stamps used in payment of the postage to the parcel receipt, and not to the declaration of contents and value, presented with the parcel at the Post Office. The service postage stamps should be affixed at foot of the parcel receipt in the space provided below the printed entries "Date" and "Signature of Addressee."

E. C. O'BRIEN,
Offg. 3rd Asst. Dir. Genl. of the Post Office of India.

The 24th August 1886.

POSTAL CIRCLE MADRAS.

No. 7393.—Mr. E. M. Dawes, Superintendent of Post Offices, 3rd Grade, is promoted to the 2nd Grade.

Mr. P. Anantha Charlu, B.A., Personal Assistant to the Post Master General, is appointed to be Superintendent of the Post Master General's Office.

Mr. T. D. Dinwiddie, Superintendent of Post Offices, 4th Grade, is promoted to the 3rd Grade.

Mr. W. A. Higgins, Probationer, is appointed to be Superintendent of Post Offices, 4th Grade.

Mr. G. R. Peter, Post Master of Kalicut, is appointed to officiate as a Superintendent of Post Offices, 4th Grade, and to do duty as Personal Assistant to the Post Master General.

The 26th August 1886.

POSTAL CIRCLE NORTH-WESTERN PROVINCES.

No. 7487.—Lalla Peary Lal, Superintendent of Post Offices, 3rd Grade, is appointed to officiate in the 2nd Grade.

Mr. F. W. Tytler, Superintendent of Post Offices, 4th Grade, is appointed to officiate in the 3rd Grade.

Lalla Harkishon, Clerk, Post Master General's Office, is appointed to officiate as a 4th Grade Superintendent and Examiner, Post Offices, 4th Division.

G. J. HYNES,
Offg. 1st Asst. Dir. Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 2nd September 1886.

James, D. R.
Sangster, Mrs,
Smith, Mrs. Barnard.
Smith, S.
Zobel, Josef.

Letters marked "Care of Post Office."

Barnett, Mrs, James.
Baron of Warsdorf.
Berrill, Charles D.
Bose, P. N.
Brown, S.
Bush, C.
Butler, T.
Campbell, Hon. James.
Caws, Capt. A. E.
Clark, R
Clarke, T.
Comyn, A. D.
Crowder, Jas.
Davenhill, W. B.
Delany, Mrs. J.
Dodd, C. B. N.
Dowling, D. G. A.
D'Rozario, H. S. S.
D'Silva, T. H.
Drury, Surgeon F. J.
Dupins, Madamoiselle C.
Easton, Percy H.
Engelbregt, J. W.
Forrester, Wm.
Fox, R. G. W.
"Gertrude."
Godfrey, J. B.
Grainger, R. H.
Hair, G.
Hanham, C. R.
Hill, Mrs. Amy.
Hoare, R.
Horne, James S.
Hough, A.
Jones, R. H. Wynn.
Kelly, Lieut. F. H.
Kemp, Edwin.
Knight, Mr.
Kohann, Madame Rosa.
Lloyd, Chas.
M. A. C. S.
Martin, Lt. C. W. F.
"Mary."
McCreery, James.
McDonald, J.
McMorren, R.
Monro, H. T.
Morgan, J. C.
Morgan, W.
Mullen, J.
Norman, Lucy.
Oakley, G.
Okeden, Herbert.
Pollock, John.
R. B.
Rebeiro, Miss E.
Relphe, Capt. A. W.
Rice, W. G. L.
Richeinback, A.
Roberts, H. A.
Roberts, H. S.
Rochussey, S. E.
Rode, Capt. J.
Schoeman, G. M.
Scott, J. D.
Scotland, W. A.
Serrell, C.
Shapeira, Z.
Shaw, Miss E.
Smith, John.
Sole, Rev. A. B
St. Aubyn, G. A.
St Claire, C. C.
Stevens, Thomas.
Sugget, Thomas.
Thompson, R. D.
Touzel, C. J. C.
Tracey, A.
Tyrrell, C. A.
Walker, P. C.
Walter, O.
Weinthraub, Nathan.
Williams, C.

Registered Letters.

Augier, M. J. W.
Butterfield, E. K.
Mark, E.
Rayneau, E.
Shaw, Miss M.
Stern, Adolf.
Vigny, H.

Unclaimed Letters held in the Barrackpore Post Office on the 30th August 1886.

Arrakiel, B. A.
Ospher, Mrs J.
Robinson, Mrs. A.
Robinson, Mrs. Emilia.
Woods, A.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 4th September 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 September 1886:—

DATE OF CLOSING.	ROUTE.
6th September 1886	By French Steamer.
8th September 1886*	By B. I. S. N. Co.'s Private Vessel.
14th September 1886	By P. & O. Steamer from Bombay.
15th September 1886	By P. & O. Steamer from Calcutta.
22nd September 1886*	By B. I. S. N. Co.'s Private Vessel.
28th September 1886	By P. & O. Steamer from Bombay.
29th September 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).

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	4th Sept.	Per P. & O. Str. from Bombay.
Ditto ditto ditto	8th "	Ditto.
Ditto (Book Post and Parcels)	10th "	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	4th "	Ditto.
Ditto ditto (Supplementary)	12th "	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	14th "	Ditto.
Australia, New Zealand and Tasmania	14th "	Ditto.
Madras and Colombo	15th "	Per P. & O. Str. *Pekin.*
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	6th "	Per French Str. *Tibre.*
Straits and Hong-Kong	7th "	Per Str. *Japan.*
Rangoon and Moulmein	8th "	Per Str. *Arcot.*
Akyab, Kyouk Phyoo, and Rangoon	8th "	Per Str. *Cocanada.*

* *N.B.*—The letter-box will close at 8-30 P.M. precisely, after which hour Foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 9 P.M.

W. MERRETT,
Offg. Presidency Post Master, Calcutta.

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 کوئينائيں کا خوب قائم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک سلزم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اوسکے جو کوئي ايک دفعے بيس پونڈ خريد لينے سے زيادے نه خريد نهيں 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 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 خانوںميں بکتي هی ماسوائے 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, R6-8;

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.

کرسٹلبن سنکونا دوائي بخار'

لال سنکونا بارک کي ايک نئي اور عمدہ دوا گورنمنٹ فاکٹري مين تيار هوئي هی معمولي بے صاف کي هوئي دوائي بخار سے کرنين 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 هار سے خريد سکتے هيں يعنے چار آونس کے ٹين کا چهہ روپيہ آٹهہ آنہ ; آٹهہ آونس کے ٹين کا بارہ روپيہ آٹهہ آنہ ; اور ايک پونڈ کے ٹين کا چوبيس روپيہ—

اور عام لوگون کو بوٹانکل گارڈن يعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهار پر مل سکتا هی يعنے چار آونس ٹين کا آٹهہ روپيہ آٹهہ آنہ ; آٹهہ آونس کي ٹين کا اسولہ روپيہ آٹهہ آنہ اور ايک پونڈ ٹين کا بتيس ۳۲ روپيہ يہہ دو کلکتہ کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ٹين کے لئے چار آنہ ; آٹهہ آونس کي ٹين کے لئے آٹهہ آنہ اور ايک پونڈ کي ٹين کے لئے بارہ آنہ علاوہ 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. ₹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.

Report on the Meteorology of India in 1884, 4to, 153 pages text, 305 pages tables, 4 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.

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Distribution Return of Officers and Subordinates employed under District Road Cess Committees. Corrected up to 1st January 1886. 2*a.* (1½*a.*)

List of Officers of the Public Works Department, Bengal. Corrected up to 1st January 1886. 6*a.* (1*a.* 6*p.*)

Memoranda on the System of Brick-making at Akra. By A. G. BREMNER, Assistant Engineer. ₹3 (4*a.*)

APPOINTMENT DEPARTMENT.

The Quarterly Civil List for Bengal, corrected up to 1st January 1886. ₹3 (4*a.*)

REVENUE.

Rules under the Bengal Tenancy Act in English. 2*a.* (1½*a.*

Rules under the Bengal Tenancy Act in Bengali. 2*a.* (1½*a.*

Rules under the Bengal Act in Hindi. 2*a.* (1½*a.*)

Official Report of the Calcutta International Exhibition, 1883-84. Vols. I and II.

In full vellum. ₹6-8 (₹1-2.)
In full cloth. ₹5-12 (₹1-2.)

Bihar Peasant Life. *Illustrated.* By G. A. GRIERSON Esq. B. C. S. ₹5 (8*a.*)

Certificate Procedure, 1885. 8*a.* (1*a.* 6*p.*)

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. II. Bankura.
Vol. III. Beerbhoom.
Vol. IV. Midnapore.
Vol. V. Hooghly.
Vol. VI. Howrah.
Vol. VII. 24-Pergunnahs.
Vol. VIII. Khoolna.
Vol. X. Jessore.
Vol. XI. Moorshedabad.
Vol. XII. Dinagepore.
Vol. XIII. Rajshahi.
Vol. XV. Bogra.
Vol. XVI. Pubna.
Vol. XVII. Darjeeling.
Vol. XVIII. Julpigoree.
Vol. XVIIIA. Cooch Behar.
Vol. XIX. Dacca.
Vol. XX. Furreedpore.
Vol. XXI. Backergunge.
Vol. XXIII. Tipperah.
Vol. XXIV. Noakhali.
Vol. XXV. Chittagong District and Chittagong Hill Tracts.
Vol. XXVI. Patna.
Vol. XXVII. Gya.
Vol. XXIX. Durbhanga.
Vol. XXX. Mozufferpore.
Vol. XXXIII. Monghyr.
Vol. XXXV. Purneah.
Vol. XXXIX. Balasore.
Vol. XLII. Lohardagga.

₹1-8 *each* (2*a.*) *per copy.*

MISCELLANEOUS.

Reports on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisons. ₹3 (4*a.*)

A Report on the District of Jessore: its Antiquities, its History and its Commerce. By J. WESTLAND, Esq., C.S. ₹3 (3*a.*)

Report of the Vizagapatam and Backergunge Cyclones of October 1876. ₹3 (4*a.*)

Winds of Northern India. ₹1 (2*a.*)

Manual of Materia Medica, in Urdu. By SHAIK AKBAR ALLY. 8*a.* (2*a.*)

Buddha Gaya, the Hermitage of Sakya Muni. ₹30 (₹1-4)

Further Notes on the Rungpore Records, Vol. II. By E. G. GLAZIER, C.S. ₹1 (2*a.*)

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. ₹5 (4*a.*)

Descriptive Ethnology of Bengal. By Colonel EDWARD TUITE DALTON.

Bound copies . . . . . ₹45
Unbound copies . . . . . „35

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 11, 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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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.

BANK OF BENGAL.

NOTICE.

Calcutta, the 2nd September 1886.

DOORGA POOJAH HOLIDAYS.

The Bank will be open till 1 P.M. on the following days:—

Saturday	October	2nd
Friday	„	8th
Saturday	„	9th
Monday	„	11th

The following days will be observed as close holidays:—

Monday	October	4th
Tuesday	„	5th
Wednesday	„	6th
Thursday	„	7th
Tuesday	„	12th
Wednesday	„	13th

By order of the Directors,

R. HARDIE,
Secretary & Treasurer.

Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

The following selections and text-books are appointed for the Examinations of 1888-89:—

Entrance Examination, 1888.

Palgrave's Student's Treasury of English Lyrics. Macmillan and Co.

The portions to be read and those to be committed to memory will be notified during the year.

The book of Worthies. The portions to be read will be notified during the year.

One paper to be set on the text-books and one paper on grammar and composition. The second paper to include easy passages from books not prescribed as text-books (which candidates should be called upon to explain in the same way as they are expected to explain passages from the text-books), and some subject for original composition.

Entrance Examination, 1889.

GREEK.

Xenophon	...	Anabasis, Books I and II.
Homer	...	Iliad, Book I.

LATIN.

Sallust	...	Bellum Catilinarium.

One paper to be set in this subject with questions in History, Parsing, and Geography arising therefrom, and easy passages from authors not prescribed to be translated into English; and one paper containing questions in Latin Grammar with simple and easy sentences of English to be translated into Latin.

GERMAN.

Hauff	...	Die Karavane.

One paper to be set on the text-book; and one paper on elementary grammar and composition.

FRENCH.

Madame de Staël	...	Dix Années d' Exil (Pitt Press Series).

One paper will be set on the text-book and one paper on elementary grammar and composition.

HEBREW.

The Book of Genesis.

SANSKRIT.

Calcutta University Selections—Edited by Pandit Mahesachandra Nyayaratna, C.I.E.

ARABIC.

Sultan-ul-Adab—Edited by Colonel Holroyd.

PERSIAN.

A volume of Selections to be compiled by Maulavi Kabir-ud-din Ahmad, Khan Bahadur. The volume will consist of 100 pages, royal octavo, and the Prose portion will be slightly longer than the Poetical extracts.

BENGALI.

Selections by Baboo Nilmani Mukerjea.

URDU.

* Revised Selections by Maulavi Kabir-ud-din Ahmed, Khán Bahadúr. (150 pages).

HINDI.

Rámáyan	...	Balkanda.
Rajniti	...	The last two chapters.

URIYA.

Prabandhamálá—(115 pages) by M. S. Rao.
Rámáyan—Ayodhyá-kánda (149 pages) by Fakir Mohan Senápati.

ARMENIAN.

History of Armenia	...	Books I—III.

PALI.

Pali Miscellany, by Professor Trenckner (28 pages of text).

* Urdu Guide Press.

Selections from the Jatakas (Professor Fausböll's edition), the Apannakajataka (36 pages of text).

BURMESE.

Zeneka.
Dhamma Pada-ga-hta ... Selections (Rangoon Mission Press, 1873).

One paper to be set on the text-books in each of the Oriental languages (including questions on grammer and idiom, and easy sentences to be translated into the other languages); and one paper containing (*i*) simple passages in English to be translated into one of the Vernaculars of India* recognised by the Senate (the passages being taken from a newspaper or other current literature of the day), and (*ii*) a subject for original composition in one of the Vernaculars recognised by the Senate. Half the value of the paper is to be assigned to the passages in English and half to the subject for original composition.

First Examination in Arts, 1889.

ENGLISH.

Cowper	...	The Task, Book III.
Scott	...	Marmion (omitting the 2nd canto). Rivington's School Classics.
Collins	...	Homer's Iliad (Ancient Classics for English Readers.
Addison	...	Airy's Selections from the Spectator (Rivington's School Classics).
Goldsmith	...	The Deserted Village.
Smiles	...	Character.
Green	...	Reading from English History, Part III.

Some subject for original composition to be set in one of the papers.

GREEK.

Herodotus	...	Book IV.
Euripides	...	Hecuba.

LATIN.

Virgil	...	Æneid, Lib. V.
Cicero	...	Pro Archia, Pro Milone.

With passages of Latin authors not prescribed beforehand, to be translated into English.

SANSKRIT.

Dasakumáracharita	...	Selections from, by Girischandra Vidyaratna.
Kalidása	...	Raghuvansa, Cantos X—XV.

ARABIC.

Selections by Colonel H. S. Jarret.

PERSIAN.

† Selections by Maulavi Kabir-ud-din Ahmad, Khán Bahadúr.

HEBREW.

Genesis.
Ruth.
Psalms I—XLI.

PALI.

Jatakas (Fausböll's edition); Vaggo I—IV, pages 95—234.
Dhammapada (Fausböll's edition); the first Bhanavaram, pages 1—35.

BENGALI SUBJECTS FOR FEMALE CANDIDATES.

Sivanath Sastri	...	Nirbásiterviláp.
Akshay Kumar Dutt	...	Dharmaniti.

FRENCH FOR FEMALE CANDIDATES.

De Sévigné (Madame)	...	Selections from the correspondence of, edited by Gustave Masson, (Clarendon Press).
Voltaire	...	Mérope, edited by George Saintsbury, (Clarendon Press).

ELEMENTARY PHYSICS.

Ganot's Popular Natural Philosophy, 4th Edition.	Book I, omitting articles 12, 13 and 62—75; Book II, omitting articles 107—110; Book III, omitting articles 124—131. Book V, omitting articles 240—242; 252; 258—262; 268—271; 273—277; 279; 282—287; 293—298. Book VI, omitting articles 370—372; 374, 377, 378, 381—393, 396, 397. Book VII, omitting articles 407—409. Book VIII, omitting articles 502—508.

* The Vernaculars recognised by the Senate are the following: Bengali, Hindi, Uriya, Mahratti Urdu, Burmese, Armenian, Parbatia and Assamese.
† Urdu Guide Press.

LOGIC.

P. K. Ray ... ... Text-Book of Deductive Logic (omitting Chapter IX and the appendix).

HISTORY.

Smith ... ... Smaller History of Greece.
Creighton ... ... Primer of Roman History.

MATHEMATICS.

Wilson ... ... Elementary Geometry (edition 1881), Books I—V, omitting Theorems 1 to 12 of Section I of Book IV.

Wilson ... ... Conic Sections, Chaps. I and II and the first two theorems of Chap III.
B. A., 1889.

ENGLISH.

PASS COURSE.

Shakespeare ... ... Julius Cæsar, Coriolanus, Midsummer Night's Dream.
DeQuincey ... ... Revolt of the Tartars and the English Mail Coach (as in Vol. IV, DeQuincey's works).
Mark Pattison ... ... Life of Milton (English Men of Letters Series).
Milton ... ... Paradise Lost, Books IV. V, and VI.
Dryden ... ... Essays, edited by C. D. Yonge, M A.
Bradshaw ... ... English Anthology, Book IV.

HONOUR COURSE.

In addition to the Subjects for the Pass Course.

Byron ... ... Childe Harold, Cantos III and IV.
Bacon ... ... Essays.
Arnold ... ... Second Punic War (edited by W. T. Arnold).
Keats ... ... Hyperion.

Permanent Subjects.

Earle ... ... The Philology of the English Tongue.
Shaw ... ... Outlines of English Literature.

GREEK.

PASS COURSE.

Sophocles ... ... Philoctetes, Electra.
Demosthenes ... ... De Corona.
Æschines ... ... In Ctesiphontem.

HONOUR COURSE.

In addition to the Subjects for the Pass Course.

Thucydides ... ... Book II.
Euripides ... ... Bacchæ.
Plato ... ... Phædo.

Permanent subject.

Peile ... ... Primer of Philology.

LATIN.

PASS COURSE.

Horace ... ... Odes, Books I—II.
Cicero ... ... De Oratore, I.
Livy ... ... Books XXI and XXII.

Also passages from authors not prescribed beforehand to be translated into English.

HONOUR COURSE.

In addition to the Pass Course.

Juvenal ... ... Satires 3, 5, 7, 8, 10, 11.
Tacitus ... ... Germania.
Livy ... ... Book XXIII.

Also passages from authors not prescribed beforehand to be translated into English.

Permanent subject.

Peile... ... ... Primer of Philology.

SANSKRIT.

PASS COURSE.

Bánabhatta ... ... Kádambarí Uttarabhága, page 85 in the Calcutta Edition of Samvat 1919 to the end: (beginning with the words *Kádambari vihasya pratyavádit Apyunmattike kuto' sya me, &c.*)
Bháravi ... ... Kirátárjuniya, Cantos I—III.
Harshadeva ... ... Nágánanda.

HONOUR COURSE.

(In addition to the Subjects for the Pass Course.)

Bánabhatta ... ... Kádambarí Uttarabhága (the whole).
Bháravi ... ... Kirátárjuniya, Cantos XI—XIV.
Sayce ... ... Principles of Comparative Philology.

HEBREW.

PASS COURSE.

Samuel, I and II.
Chronicles, I and II.
Psalms, XC—CL.
Proverbs.

HONOUR COURSE.

(In addition to the Subjects for the Pass Course.)

Isaiah.
Ezekiel.
The history of the Hebrew Language and Literature.

ARABIC.

PASS COURSE.

Tarikh-i-Yamíni... ... First 50 pages (Delhi Edition).
Mustatrif ... ... First 50 pages (Egyptian Edition).
*Hamasah ... ... 31 pages.
Díwán-i-Mutanabbi ... Calcutta Edition (pages 283—332), beginning with the Qasidah for Azúduddaulah.

HONOUR COURSE.

(In addition to the Subjects for the Pass Course.)

Maqamat-i-Hariri ... First half.
Tarikh-i-Timúri... ... First half.
*Hamasah ... ... 84 pages from page 32.
Banat Suád ... ... The whole.
Nafhat-ut-Tib ... ... First 50 pages (Egyptian edition).

PERSIAN.

PASS COURSE.

Wakai Niamat Khan-i-Ali ... The last half.
Firoz Shahi ... ... The first 50 pages (Asiatic Society's Edition).
Shah Namah ... ... The first 50 pages (Turner Macan's Calcutta Edition).
Zahir-i-Faryabi ... ... The first 50 pages (Calcutta Edition).

HONOUR COURSE.

(In addition to the Subjects for the Pass Course.)

Aklak-i-Jalali ... ... Whole.
Inshai Abul Fazl ... Whole.
*Hafiz ... ... First half, *i.e.*, pages 1—125.

PALI.

PASS COURSE.

Kaccayana ... ... Pali Grammar (Senart's Edition).
Trenckner's Milinda Panha.

HONOUR COURSE.

(In addition to the Subjects for the Pass Course.)

Childers ... ... Mahaparinibbánasutta.
Whitney ... ... Language and the Study of Language.

MENTAL AND MORAL SCIENCE.

PASS COURSE.

Mansel ... ... Metaphysics (omitting Ontology).
Jardine ... ... Psychology of Cognition.
Calderwood ... ... Handbook of Moral Philosophy.
Bain ... ... Mental and Moral Science.

HONOUR COURSE.

(In addition to the Subjects for the Pass Course.)

Ueberweg ... ... History of Philosophy, Vol. II.
and
Ueberwag ... ... System of Logic and History of Logical Doctrines.
or
Flint ... ... Theism.
and
Butler ... ... Analogy of Natural and Revealed Religion, Part I.

* Urdu Guide Press.

MATHEMATICS.

PASS COURSE.

W. G. Willson ... ... Elementary Mechanics.
Or the corresponding portions of Boutflower's Elementary Statics and Dynamics.
Besant ... ... Elementary Hydrostatics, Chaps. I—VII.

HONOUR COURSE.

(*In addition to the Subjects for the Pass Course.*)

Salmon ... ... Conic Sections, (6th edition) Chaps. I—III, V—VIII, to the end of article 116, X—XIII.
Williamson ... ... Differential Calculus (Fifth edition), Chaps. I—V, IX, XII—XVIII.
Todhunter ... ... Integral Calculus, Chaps. I—VII.
Or the corresponding articles in Williamson's Integral Calculus.

HISTORY.

PASS COURSE.

HISTORY OF ENGLAND.

Green ... ... Short History of the English People.

HISTORY OF INDIA.

Wheeler ... ... Short History of India.
Elphinstone ... ... History of India, Books V—XI.

HISTORIES OF GREECE AND ROME.

Smith ... ... Student's History of Greece.
Liddell ... ... Student's History of Rome.

POLITICAL ECONOMY.

Fawcett ... ... Manual of Political Economy.

HONOUR COURSE.

(*In addition to the Subjects for the Pass Course.*)

Capes ... ... The Early Empire.
Capes ... ... The Age of the Antonines.
Bagehot ... ... The English Constitution.
Mill ... ... Political Economy.

PHYSICAL SCIENCE.

PHYSICS.

The Full Course.

Deschanel ... ... Elementary Treatise on Natural Philosophy.
S. P. Thompson ... ... Elementary Lessons in Electricity and Magnetism.

The Elements of Physics.

Miller ... ... The Chemical Physics (part I of the Elements of Chemistry), omitting Chap. IV, sec. 2; Chap. V. sec 2; Chap. VI, secs. 1, 2, 4, 5, 6, 7.

CHEMISTRY.

The Full Course.

Frankland and Japp's Inorganic Chemistry, edition 1884, omitting all the sections printed in small type, and all the parts relating to the following elements:—Zirconium, Thorium, Niobium, Tantalium, Beryllium, Palladium, Iridium, Rhodium, Osmium, Ruthenium, Norwegium, Cerium, Didymium, Lauthenium, Ytrtium, Erbium, Zerbium, Scandium, Samarium, and Decipium.

Remsen ... ... Organic Chemistry.

The Elements of Chemistry.

Fownes ... ... Inorganic Chemistry.

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

PHYSIOLOGY.

Huxley and Martin ... Elementary Biology.
Huxley ... ... Elementary Lessons in Physiology.
Thomé ... ... Text-book of Botany, translated by Bennet (the Physiological sections).

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

BOTANY.

Thomé ... ... Text-book of Botany, translated by Bennet.
Henfrey ... ... Elementary Course of Botany, edited by Masters.
Oliver ... ... First Book of Indian Botany.
Sach ... ... Text-book of Botany, translated by Bennet and Dyer, Book I.

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

ZOOLOGY.

Huxley ... ... Comparative Anatomy of the Vertebrata.
Huxley ... ... Comparative Anatomy of the Invertebrata.
Kirkes ... ... Handbook of Physiology.
Nicholson ... ... Introductory Text-book of Zoology.
Wallace ... ... Geographical Distribution of animals.
Jerdon ... ... Mammals and Birds of India.
Theobald ... ... Descriptive Catalogue of the Reptiles of British India.

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

GEOLOGY.

Lyell ... ... Principles of Geology.
Geikie ... ... Text-book of Geology (Ed. 1882).
Nicholson ... ... Palæontology.
Blanford ... ... Sketch of the Geology of India (being the Introduction to the Manual of the Geology of India).

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

MINERALOGY.

Dana ... ... Text-book of Mineralogy.
Scheerer and Blanford ... Introduction to the Use of the Mouth Blowpipe.

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

PHYSICAL GEOGRAPHY.

Huxley ... ... Physiography.
Somerville ... ... Physical Geography.
Blanford ... ... Meteorology of India.
S. Haughton ... ... Six Lectures on Physical Geography.

The Doctrine of Scientific Method.

Jevons ... ... Principles of Science.

M. A. Examination, 1889.

ENGLISH.

Spenser ... ... Faery Queen, Book I.
Shakespeare ... ... Richard II, Richard III, King John, King Henry VIII, Taming of the Shrew.
Marlowe ... ... Faustus.
Dryden ... ... Absalom and Achitophel, Annus Mirabilis, Astræa Redux. (Christie's Selections, Clarendon Press Series).
Sheridan ... ... The Rivals.
Goldsmith ... ... The Good-natured Man.
De Quincey ... ... Autobiographic Sketches, the following: Early Memorials of Grasmere, Samuel Taylor Coleridge, William Wordsworth, Robert Southey.
Skeat ... ... Plutarch of Shakespeare.
Holmes ... ... Autocrat of the Breakfast Table.
Shorthouse ... ... John Inglesant.

Permanent Subjects.

Morris ... ... Historical outlines of English Accidence.
Smith ... ... Student's Manual of the English Language.
Taine ... ... History of English Literature, translated by Van Laun.
Dowden ... ... Shakespeare: a critical study of his Mind and Art.
Sweet ... ... Anglo-Saxon Primer.
Sayce ... ... Introduction to the Science of Language.

GREEK.

Homer	...	... Iliad, Books I—XII.
Pindar	...	... The whole.
Æschylus	...	... Prometheus; Agamemnon; Eumenides.
Sophocles	...	... Œdipus Tyrannus; Ajax; Antigone.
Euripides	...	... Hecuba; Medea; Ion.
Aristophanes	...	... Knights; Clouds; Frogs and Birds.
Herodotus	...	... Books II and III to the end of Chap. LXVI.
Thucydides	...	... Books VI, VII, VIII.
Demosthenes	...	... Orations against Leptines and Meidias, and de Falsa Legatione.
Plato	...	... Republic; Theætetus.
Aristotle	...	... Politics.

Permanent subjects.

Sayce	...	... Introduction to the Science of Language.
Mahaffy	...	... History of Classical Greek Literature.

LATIN.

Virgil	...	... Bucolics (with the exception of II); Georgics; Æneid Books I—VI.
Horace	...	... Odes; Epodes; Satires 1 (with the exception of 2 and 8); Epistles I; De Arte Poetica.
Juvenal	...	... Satires (except II, VI and IX).
Persius	...	... Satires.
Lucretius	...	... Books I, V and VI.
Catullus	...	... 1, 2, 3, 4, 9, 12, 22, 30, 31, 46, 49, 51, 63, 64, 65, 66.
Plautus	...	... Aulularia, Captivi.
Terence	...	... Andria, Heauton Timoroumenos.
Livy ...	...	... Books XXI—XXV.
Sallust	...	... Bellum Catilinarium, Bellum Jugurthinum.
Cicero	...	... Second Philippic; De Natura Deorum.
Tacitus	...	... Histories.

Permanent Subjects.

Sayce	...	... Introduction to the Science of Language.
Cuttwell	...	... History of Roman Literature.

HEBREW.

Isaiah.
Jeremiah.
Ezekiel.
The Minor Prophets.
Psalms.
Proverbs.
Job.
Ecclesiastes.
Song of Solomon.
Daniel.
Ezra.
Nehemiah.

Permanent Subjects.

Robertson Smith	...	Old Testament in the Jewish Church.
Davidson	...	... Introduction to the Old Testament.
Ewald	...	... History and Antiquities of Israel.
Sayce	...	... Introduction to the Science of Language.

ARABIC.

Prose.

Muqaddamai-i-Ibn Khaldún	...	Fifty pages.
Maqamát-i-Hariri	...	First half

Poetry.

Hamásah	...	... }
Diwán-i-Mutanabbi	...	... } The whole.
Sabai Muallaqah	...	... }

PERSIAN.

Prose.

Munshi Muhammad Madhi	...	Durrai Nadirah.
Shams-uddin Faqir	...	Hadáiq-ul-Bálaghát.
Saifi ...	...	... Uruz.
Abu'l Fazl	...	... Akbárnámah, Vol. I.
Jámi	...	... Ruq'át.
Jámi	...	... Qawáfi.

Poetry.

Kháqáni	...	... Qasáid.
Khusrau	...	... Qiránu-s-sa'dain.
Fardausi	...	... Selections from the Sháhnámah, by Col. Jarrett, Calcutta, 1880.
Hakim Sanái	...	... Hadiqah.
Anwari	...	... Diwán.
Habib Qáání,	...	... Qasáid, first half.

Candidates are also required to possess a knowledge of Arabic to the extent laid down in the course for the First Examination in Arts.

M. A. Examination, 1888-89.

SANSKRIT.

Kálidása	...	... Sákuntalá.
Bhavabhuti	...	... Mahávíracharita, Málati Mádhava.
Visakhadatta	...	... Mudrá Rákshasa.
Bánabhatta	...	... Kádambari, Purvabhága.
Sri Harsha	...	... Naishada Charita, I—V.
Mágha	...	... Sisupálabadha, I—V.
Vyása and Sánkara		... Vedánta Sútras, 1st 3 Sútras of the 1st Adhyáya, and 1st and 2nd Pádas of the IInd Adhyáya.
Visvanátha Panchánana		... Bhásháparichchheda with Siddhanta Muktávali (omitting from the latter the section on Anumána beginning with the words *Anumitim vyutpadayati* to *upamitim vyutpadayati* and *Vyatirekavyápti* and *Upádhi*).
Mammata Bhatta		... Kávya Prakasa.
Vachaspati Misra		... Tattva Kaumudi.
Chhándogya Upanishad with Sankara Bháshya		...
Rigveda Sanhitá		... 1st and 2nd Adhyáyas.
Pánini	...	.. Vaidika Prakriyá as contained in Siddhánta Kaumudi.

Permanent Subjects.

Monier Williams		... Indian Wisdom.
Max Müller	...	... History of Ancient Sanskrit Literature.
Weber	...	... History of Indian Literature.
Muir	...	... Sanskrit Texts, Vols. III, IV & V.

Students may take up Cunningham's Corpus Inscriptionum instead of one of the following groups:

GROUP I.

Bhashá Parichchheda and Siddhánta Muktávalí (limited as above).

GROUP II.

Tattva Kaumudi and Vedánta Sutra (limited as above).

MENTAL AND MORAL SCIENCE.

In addition to the books prescribed for the Pass and Honour Course B. A.

Archer Butler	...	... Lectures on Ancient Philosophy.
Descartes	...	... Discourse on Method, Meditations.
Locke	...	... Essay concerning Human Understanding.
Berkeley	...	... Principles of Human Knowledge and Dialogues of Hylas and Philonous.
Hume	...	... Enquiry concerning Human Understanding. Enquiry concerning the Principles of Morals.
Mansel	...	... Prolegomena Logica.
Mansel	...	... Metaphysics (the chapters on Ontology).
Fichte	...	... The Nature of the Scholar, and the Vocation of Man, by Dr. W. Smith.
Reid	...	... Inquiry into the Human Mind.
Hamilton	...	... Lectures on Metaphysics and Lectures on Logic.
Mill	...	... Logic, Utilitarianism, Examination of Sir W. Hamilton's Philosophy.
M'Cosh	...	... Intuitions of the Mind, Examination of J. S. Mill's Philosophy.
Butler	...	... Dissertation on Virtue, Sermons I, II, III.

Natural Theology.

Flint	...	... Antitheistic Theories.
M'Cosh	...	... Method of Divine Government.
Caird	...	... Introduction to the Philosophy of Religion.

Or

Evidences of Christianity.

Butler	...	... Analogy, Part II.
Paley	...	... Evidences of Christianity.
Christlieb	...	... Modern Doubt and Christian Belief.

MATHEMATICS.

Todhunter	...	... Algebra.
Todhunter	...	... Trigonometry.
Todhunter	...	... Theory of Equations, Chaps. I, III—XXII and XXVIII to the end.
Salmon	...	... Conic Sections.
Frost	...	... Solid Geometry, Vol. I.
Williamson	...	... Differential Calculus.
Williamson	...	... Integral Calculus.
Boole	...	... Differential Equations, Chaps. I—XII (first edition).
Todhunter	...	... Statics, (Or the corresponding articles in Minchin's Statics).
Tait and Steele	...	... Dynamics of a Particle.
Besant	...	... Hydromechanics.
Parkinson	...	... Optics.
Todhunter	...	... Spherical Trigonometry.
Godfrey	...	... Treatise on Astronomy.
Newton	...	... Principia (edited by Main).
Routh	...	... Rigid Dynamics, chapter I (omitting ellipsoids of inertia, equimomental bodies, and principal axes), chaps. II—IV.

HISTORY.

(*a*)	No text-books.		
(*b*)	Hallam	...	... Middle Ages, chapter VIII, part 3 and notes.
	Hallam	...	... Constitutional History of England.
	Erskine May	...	... Constitutional History of England.
(*c*)	As a period:—		
	The history of Europe during the 16th century.		
	Hume	...	... History of England.
	Froude	...	... History of England.
	Robertson	...	... Charles V.
	Prescott	...	... Philip II.
	Motley	...	... Rise of the Dutch Republic.
	Motley	...	... United Netherlands.
(*d*)	Guizot	...	... History of Civilisation.
	Mill	...	... Representative Government.
	Austin	...	... Jurisprudence, Chaps. V and VI.
	Wheaton	...	... International Law, parts I and II.
(*e*)	Adam Smith	...	... Wealth of Nations.
	Mill ...	...	... Political Economy.
	Leone Levi	...	... History of British Commerce.
	MacLeod	...	... Elements of Economics, Vol. I.

NATURAL AND PHYSICAL SCIENCE.

A.—CHEMISTRY.

Roscoe and Schorlemmer	...	Treatise on Chemistry.
Valentin	...	... Inorganic Chemistry.
Valentin	...	... Qualitative Chemical Analysis.
Thorpe	...	... Quantitative Chemical Analysis.

(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, chaps. I and II.
Balfour Stewart	...	... A Treatise on Heat.

Subsidiary Subjects.

Daniell	...	... Text-book of the Principles of Physics, 1st edition, chap. V, pp. 74—133; chaps. 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 chap. IV, appendix to chap. VI, and arts. 125, 131—135, 138—155, 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 pp. 144—160.
Parkinson	...	... A Treatise on Optics.

Subsidiary Subjects.

Daniell	...	... Text-book of the principles of Physics, chaps. VII, XIII and XVI, 1st edition, or corresponding chapters of 2nd edition.

D.—BOTANY.

Asa Gray	...	... Structural Botany.
Sach	...	... Text-book of Botany (translated by Bennet and Dyer).
Balfour	...	... Palæontological Botany.
Nicholson	...	... Manual of Palæontology, Vol. II., chaps. on Palæobotany.
Roxburgh	...	... Flora Indica, Clarke's edition (for reference in identifying Indian plants).

E.—PHYSIOLOGY AND ZOOLOGY.

(*In addition to the Text-books for the B. A. Examination.*)

Gegenbauer	...	... Comparative Anatomy.
Foster	...	... Text-book of Physiology.
Gamgee	...	... Physiological Chemistry of the Animal Body.
Balfour	...	... Comparative Embryology.
Herbert Spencer		... Principles of Biology.
Darwin	...	... Origin of Species.

F.—GEOLOGY AND MINERALOGY.

Lyell	...	... Principles and Elements of Geology.
Geikie	...	... Text-book of Geology, 1882.
Nicholson	...	... Palæontology.
Ramsay	...	... Physical Geology and Geography of Great Britain (5th or subsequent edition).
Blanford	...	... Sketch of the Geology of India (being the introduction to the Manual of the Geology of India).
Dana	...	... Text-book of Mineralogy.
Rutley	...	... The Study of Rocks.
Plattner	...	... Manual of Analysis with the Blowpipe.

CHARLES H. TAWNEY, *Offg. Registrar*

SENATE HOUSE, *the 2nd September* 1886.

CALCUTTA UNIVERSITY.

NOTICE.

"The Senate will proceed in the month of March 1887 to the election of a Tagore Law Professor for the term of one year to commence on the 1st of September 1887.

The salary of the Professorship is ₹10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon *one* of the following subjects:—

1. The Law relating to Damages.
2. The Law relating to Riparian Rights, including the law of Alluvion and Diluvion, and the law of property in navigable and non-navigable rivers.
3. The Law relating to Adoption.
4. The Mahommedan Law relating to Marriage, Dower, Divorce, Legitimacy and Guardianship of Minors according to the Sunnis.
5. The Mahommedan Law relating to Marriage, Dower, Divorce, Legitimacy and Guardianship of Minors according to the Shiahs.

Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1887, and at the same time to state on which of the abovementioned five subjects they are prepared to lecture."

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 2nd September 1886.

NOTICE.

The Committee appointed to elect a Scholar on Her Highness the Begum of Bhopal's foundation, will proceed to elect one in the month of November. All applications should reach the Office of the Registrar on or before the 1st of November. All applicants must be under 23 years of age and graduates of the Calcutta University. By the terms of the foundation the scholar must be a Mahomedan, and will be required on election to proceed to England to study either Law or Medicine.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 9th September 1886.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 2nd September 1886.

In supersession of Notification No. 562, dated 12th May 1886, the following Notifications of temporary promotions are issued:—

No. 580.—With reference to Notification No. 426 S., dated the 14th May 1886, of the Government of India in the Revenue and Agricultural Department, Colonel H. C. B. Tanner, Bo.S.C., Deputy Superintendent, 2nd Grade, having made over charge of his duties on the afternoon of the 21st April 1886, prior to his proceeding on deputation with the Tibet Mission, the following temporary promotions are made, with effect from the same date:—

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 (Officiating 1st) Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 581.—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:—

Mr. H. Horst, Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Captain St. G. C. Gore, R.E., Deputy Superintendent, 4th Grade, *attached to the Afghan Boundary Commission*, to officiate as Deputy Superintendent, 3rd Grade.

Captain J. R. Hobday, S.C., Assistant Superintendent, 1st (Officiating Deputy Superintendent, 4th) Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. G. B. Scott, Assistant Superintendent, 2nd Grade (Officiating 1st) Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 582.—With reference to Notification No. 1821 E., dated 7th August 1886, of the Government of India in the Foreign Department, Colonel H. C. B. Tanner, Bo.S.C., Deputy Superintendent, 2nd Grade, having reported his return from the Tibet Mission on the forenoon of the 18th August 1886, the following reversions are made, with effect from the same date:—

Mr. H. Horst, Officiating Deputy Superintendent, 2nd Grade, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

Captain St. G. C. Gore, R.E., Officiating Deputy Superintendent, 3rd Grade, *attached to the Afghan Boundary Commission*, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Captain J. R. Hobday, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his officiating appointment of Deputy Superintendent, 4th Grade.

Mr. G. B. Scott, Officiating Deputy Superintendent, 4th Grade, to revert to his officiating appointment of Assistant Superintendent, 1st Grade.

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

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 1st September 1886.

No. 13.—Mr. A. L. Palmer, Assistant Superintendent, 1st Grade, is allowed furlough on medical certificate for two years, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 12th August 1886.

The 3rd September 1886.

Offices reported opened and closed during the month of August 1886:—

Name of Office.	Where situated.	Date.	REMARKS.
	Departmental.		
Gudur . .	Madras Presdy. .	14th Aug. .	Opened.
Kayangalam .	Ditto . .	26th ,,	Ditto.
Matihla . .	Upper Burma .	22nd ,,	Ditto.
Sonepat . .	Punjab . .	26th ,,	Ditto.
	Railway.		
Ferozepore, left Bank Sutlej.	N. W. Ry. .	13th July.	Opened.
Spintangi (Duki Road).	S. P. S. Ry. .	1st Aug. .	Closed.
Suneri. . .	Ditto . .	1st ,,	Ditto.

NOTE.—The Office hitherto known as Gudur, G. I. P., is now called Gandgapur, G. I. P.

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

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 6th September 1886.

No. 3315.—In pursuance of Foreign Department Notification No. 1593 G. of the 10th August 1886, Lieutenant the Honorable H. D. Napier, Officiating Squadron Officer, on probation, 1st Regiment, Central India Horse, availed himself of the ninety days' leave to study the Native languages on the 24th August 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 4th September 1886.

No. 2243 *G.*—In continuation of this Office Notification No. 2154 G., dated the 24th August 1886, it is hereby notified that Colonels E. Temple and A. Conolly, respectively, delivered over and received charge of the Office of 2nd Assistant to the Resident in Meywar, on the forenoon of the 16th idem.

No. 2247 *G.*—With reference to Foreign Department Notification No. 1657 G., dated the 19th of August 1886, Lieutenant J. R. C. Colvin assumed charge of his duties as Assistant to the Agent to the Governor General in Rajputana on the afternoon of the 28th idem.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 3rd September 1886.

No. 987-190 *II.*—With reference to this Office Notification No. 598-190 II, dated the 10th June 1886, Munshi Balmokund Das, Tehsildar of Ajmere, sub. *pro tem.*, is appointed to officiate as Extra Assistant Commissioner and Treasury Officer, Ajmere, *vice* Pandit Jya Lal, transferred to Indore, with effect from the 25th August 1886, pending the return of Mr. Fitzpatrick from privilege leave, or until further orders.

Munshi Balmokund Das is invested, from the abovementioned date, with the powers of a Magistrate of the 2nd Class as described in Section 32, Act X of 1882 (Criminal Procedure Code), to be exercised within the limits of the Ajmere-Merwara District, and is further specially empowered, under the last clause of the said section, to pass sentence of whipping within the same limits.

No. 989-331.—The Chief Commissioner of Ajmere-Merwara is pleased to invest Mir Abdul Aziz, Naib Tehsildar of Ajmere, with the undermentioned powers, to be exercised within the limits of the Ajmere District, with effect from 1st August 1886:—

1. Powers of a Munsiff as defined in Section 9 of Ajmere Courts Regulation, No. 1 of 1877.
2. Powers of a Magistrate of the 3rd Class as defined in Section 32, Clause (*c*), of the Criminal Procedure Code (Act X of 1882.)

The 7th September 1886.

No. 1005-122.—In supersession of the Notification No. 343-122, dated Abu, 5th April 1886, the Reverend T. E. F. Morton, Pastor, Methodist Episcopal Church, is licensed, under Section 6, Act XV of 1872, to solemnize marriages in the Ajmere-Merwara District from the date of the said Notification.

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

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 31st August 1886.

No. 2444-3846.—Under the provisions of Section 5 of the Bangalore Municipal Regulations

of 1883, the undermentioned gentlemen have been elected Municipal Commissioners for the Civil and Military Station of Bangalore by the Hindu class of the inhabitants of the Station to fill vacancies in the Municipal Board:—

Mr. A. R. Sabapathy Moodliar.
„ V. Gungadara Chetty.
„ A. Singaravelu Moodliar, B.A.
„ P. Masilamony Moodliar.

2. These gentlemen will continue in office for two years from the date of their election or until their successors shall have been appointed.

By Order,

E. A. FRASER, *Major*,
Assistant to the Resident.

Report of a Deserter from the Bombay Unattached List, dated at Purandhar, this 30th day of August 1886.

Name,—Sergeant-Major John Edward Crofts.
Age,—34 years 6 months.
Size,—5 feet 8 inches.
Colour of—
Complexion, fresh; Hair, auburn; Eyes, blue.
Peculiar Marks by which his Identity may be ascertained—*Nil.*
Date of Desertion,—27th August 1886.
From whence Deserted,—Purandhar.
Date of Enlistment,—18th March 1871.
Place of Enlistment,—Salisbury.
Parish where Born,—Wincanton.
County,—Somerset.
Former Trade or Occupation,—Telegraph Clerk.
Dress at the time of Desertion,—
Coat or Jacket,—
Waistcoat,—
Breeches or Trowsers,—
} Supposed to have been in a khaki shooting suit.
REMARKS, stating any particular circumstances attending his Desertion,—Has a slight impediment in his speech.
Under 16 years' service.

J. R. POVAH, *Major*,
Comdt., Purandhar.

TREASURE TROVE.

NOTICE.

Is hereby given that, on the 10th day of October 1884, forty gold beads and two gold mohurs (pagodas), valued in all ₹15-8, were found in the supply channel of (North) Mopur, Nellore Taluq, Nellore District, Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the undersigned on the 1st February 1887, at Nellore, and establish their claims to it.

W. J. TATE,
Acting Collector.

NELLORE COLLECTOR'S OFFICE,
The 25th August 1886.

CEMETERY NOTICE.

List of Monuments in Gauhati Cemetery, published with reference to Rule XIX, Part I of the Revised Ecclesiastical Rules promulgated by Home Department Notification No. 103, dated 28th June 1885:—

Name.	Date.
Alfred Jenkinson Jones	1881
Condon	1879
Child of C. S. Ward	1852
Mrs. Mary Fleming	1857
Samuel Fleming	1853
Cowie Colvin Fell	1851
John Edwin Barker	1866
Child of Mr. and Mrs. Sinclair	1869
M. L. Marion Lee	1871
Major Mayne	1863
Child of George Mawson	1874
G. S. Hampton	1867
Child of J. R. D. Cameron	1852
W. Donald McKeon	1855
Lieutenant John Lambard	1848
Mr. W. J. Cash	1851
Mrs. Cash	1849
Daughter of Captain Weymess	1839
Mrs. Weymess	1840
Clara Reynolds	1852
Quartermaster-Sergeant Kirby	1839
Thomas Edward Pinto	1864
Charles Brownlow	1839
J. Goldsmith	1839
Mrs. Simons	1851
William Butler	1857
Child of Major Campbell	1863
Child of Major Campbell	1865
Child of Colonel William Fagan	1863
Edward Orr Logan	1873
John Woodrow Bishop	1864
Charlotte Anis Mulliers	1864
F. R. Butt	1863
F. Gomes	1848
Hannah Jane Rae	1831
Margaret Campbell Hannay	1841
Dear Maria	1838
G. M. Brodie	1846

WALTER A. HAMILTON,
Chaplain of Gauhati & Shillong.

Statement of Silver Balance in the Calcutta Mint for the week ending 8th September 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 1st September 1886	10,36,681	
Value of Government silver in the Mint on the same date	4,43,128	
		14,79,809
ADD—		
Silver received by the Mint during the week on account of the Currency Department	2,03,888	
Ditto ditto Government	254	
		2,04,142
DEDUCT—		16,83,951
New coin paid to Reserve Treasury during the week	...	
Petty items issued for miscellaneous purposes	...	
		...
Balance on the evening of the 8th September 1886		16,83,951
The Balance comprises—		
Silver held on account of the Currency Department	12,40,569	
Ditto ditto Government	4,43,382	
		16,83,951
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	...	
Ditto ditto Government	...	
		...

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

CALCUTTA MINT,
The 9th September 1886.

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferre to India, and outstanding in the Books of the Bank of Bengal on the 31st August 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 1889.	TOTAL.	Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.				
Balance of 15th August 1886	54,100	13,80,587	27,25,100	2,21,77,200	91,56,500	2,59,67,100	2,30,38,300	8,44,44,787	44,11,500	73,90,000	9,77,74,600	10,95,76,100		1,33,800	32,200	19,42,40,987
Amount of Stock transferred to London	...	...	...	...	...	36,000	...	36,000	...	...	...	...		...	...	36,000
Add—																
Amount enfaced at Madras between 16th and 31st August 1886	...	...	...	60,000	...	39,000	5,000	1,04,000	...	...	70,000	70,000		...	...	1,74,000
Amount enfaced at Bombay between 16th and 31st August 1886	...	...	...	1,28,000	20,000	1,54,100	62,000	3,84,100	25,500	35,000	2,72,000	3,32,500		...	...	7,16,600
Amount enfaced at Calcutta between 16th and 31st August 1886	...	...	...	2,52,000	14,500	3,01,500	25,000	5,93,000	...	25,000	9,92,200	10,17,200		...	...	16,10,200
	54,100	13,80,587	27,45,100	2,26,17,200	91,91,000	2,64,97,700	2,31,30,300	8,55,61,887	44,37,000	74,50,000	9,91,08,800	11,09,95,800		1,33,800	32,200	19,67,77,787
Deduct—																
Amount written off in the London Registers	...	...	3,000	3,02,000	...	1,05,000	1,89,000	5,99,000	...	1,000	3,20,300	3,21,300		...	...	9,20,300
Balance on 31st August 1886	54,100	13,80,587	27,42,100	2,23,15,200	91,91,000	2,63,92,700	2,29,41,300	8,49,62,887	44,37,000	74,49,000	9,87,88,500	11,06,74,500		1,33,800	32,200	19,58,57,487

NOTE.—From 9th June 1886 to 30th June 1886 enfaced from London 4,691 lakhs.
„ 1st July 1886 to 15th July „ „ „ 3 „
„ 16th „ „ to 31st „ „ „ 9 „
„ 1st Aug. „ to 15th Aug. „ „ „ 11 „
„ 16th „ „ to 31st „ „ „ 9 „
4,723 lakhs.
Balance against India . 600 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 2nd September 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 September 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	June 1886	Aug. 20, 1886
2	Punjab	Do. ,,	Do. 23, ,,
3	Central India	Do. ,,	Do. 25, ,,
4	Hyderabad (Imperial)	Do. ,,	Do. 26, ,,
5	Hyderabad (Assigned Districts.)	Do. ,,	Do. 27, ,,
6	Coorg / Madras	Do. ,,	Do. 28, ,,
8	Bombay / Military Works Branch	Do. ,,	Do. 30, ,,
10	Burma	Do. ,,	Do. 31, ,,
11	Central Provinces	Do. ,,	Sep. 1, ,,
12	Port Blair	Do. ,,	Do. 3, ,,
13	North-Western Provinces and Oudh.	Do. ,,	Do. 4, ,,
14	Assam	May ,,	Aug. 16, ,,
15	Bengal	Do. ,,	Do. 21, ,,

IRRIGATION.

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Rajputana	June 1886	Aug. 17, 1886
2	Punjab	Do ,,	Do. 21, ,,
3	Military Works Branch	Do. ,,	Do. 30, ,,
4	British Burma	Do. ,,	Do. 31, ,,
5	Madras	May ,,	July 28, ,,
6	Bombay	Do. ,,	Aug. 2, ,,
7	North-Western Provinces and Oudh.	Do. ,,	Do. 9, ,,
8	Bengal	Do. ,,	Do. 20, ,,

TELEGRAPH DEPARTMENT.

1	Indo-European	May 1886	Aug. 20, 1886
2	Indian	Do. ,,	Do. 31, ,,
3	General	Do. ,,	Sep. 4, ,,

GUARANTEED RAILWAYS.

1	Punjab	June 1886	Aug. 23, 1886
2	State Railway Stores Branch.	Do. ,,	Do. 25, ,,
3	Bombay	Do. ,,	Do. 27, ,,
4	Indian Midland Ry. / North-Western Provinces and Oudh (O. & R.)	Do. ,,	Sep. 2, ,,
6	Bengal	May ,,	Aug. 20, ,,

STATE RAILWAYS (CAPITAL).

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Jorhat / Amritsar-Pathankot	June 1886	Aug. 11, 1886
3	Bengal & North-Western / Sindh-Sagar	Do. ,,	Do. 23, ,,
5	Eastern Bengal / Wardah Coal	Do. ,,	Do. 24, ,,
7	Dhond and Manmad / Nagpur-Chhattisgarh / State Ry. Stores Branch	Do. ,,	Do. 25, ,,
10	Punjab Railway Surveys / Tirhoot	Do. ,,	Do. 26, ,,
12	Dacca-Mymensing / Madras Railway Surveys / Nalhatti / Nagpur-Bengal	Do. ,,	Do. 28, ,,
16	Assam Ry. Surveys / Bhopal / Umaria Colliery	Do. ,,	Do. 30, ,,
19	Burma	Do. ,,	Do. 31, ,,
20	Kaunia-Dhurla / Northern Bengal / N.-W. P. and Oudh Ry. Surveys.	Do. ,,	Sept. 1, ,,
23	Cawnpore-Achneyra	May ,,	July 19, ,,
24	Administrative Charges, Bengal.	Do. ,,	Do. 20, ,,
25	Satlej Bridge Divn. (R. F. Railway).	Do. ,,	Do. 29, ,,
26	Bengal Central	Do. ,,	Do. 31, ,,
27	Bolan / Cuddapah-Nellore / East Indian	Do. ,,	Aug. 6, ,,
30	Dildarnagar-Ghazipur / Holkar / Patna-Gya / Rajputana-Malwa / Rewari-Ferozepur / Sindia	Do. ,,	Do. 9, ,,
36	Ranaghat-Bhagwangola / Sind-Pishin	Do. ,,	Do. 16, ,,
38	Assam Subsidized / Chirra Punji Mt.	Do. ,,	Do. 17, ,,
40	Bengal Provn. Ry. Surveys	Do. ,,	Do. 19, ,,
41	Indian Midland Ry. / N.-W. P. & Oudh Provl.	Do. ,,	Do. 20, ,,
43	North-Western	Do. ,,	Do. 23, ,,
44	Southern-Mahratta	Do. ,,	Do. 25, ,,
45	Indian Midland. (Cawnpur-Jhansi Section.)	Do. ,,	Sept. 1, ,,
46	Bellary-Kistna	Apl. ,,	Aug. 3, ,,

STATE RAILWAYS (REVENUE).

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Jorhat	June 1886	Aug. 11, 1886
2	Eastern Bengal	Do. ,,	Do. 23, ,,
3	Dacca-Mymensing	Do. ,,	Do. 28, ,,
4	Bhopal	Do. ,,	Do. 30, ,,
5	British Burma	Do. ,,	Do. 31, ,,
6	Cawnpore-Achneyra	May ,,	July 22, ,,
7	Kaunia-Dhurla / Northern Bengal	Do. ,,	Do. 27, ,,
9	Nalhatti / Tirhoot	Do. ,,	Do. 30, ,,
11	Nagpur-Chhattisgarh / Wardah Coal	Do. ,,	Aug. 2, ,,
13	Umaria-Colliery	Do. ,,	Do. 4, ,,
14	East Indian	Do. ,,	Do. 6, ,,
15	Southern Mahratta	Do. ,,	Do. 9, ,,
16	Rajputana-Malwa	Do. ,,	Do. 10, ,,
17	North-Western	Do. ,,	Do. 23, ,,

FOREIGN STATES.

RAILWAYS—CAPITAL.

1	Joonagadh	June 1886	Aug. 17, 1886
2	Bhavnagar-Gondal	Do. ,,	Do. 18, ,,
3	Amraoti / Khamgaon	Do. ,,	Do. 25, ,,

RAILWAYS—REVENUE.

1	Bhavnagar-Gondal	June 1886.	Aug. 30, 1886

SIMLA,
The 7th September 1886.

A. G. BEGBIE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

STATEMENT OF THE AFFAIRS OF THE BANK OF BENGAL FOR THE WEEK ENDING 7TH SEPTEMBER 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office	95,71,752	6	7
Public Deposits at Branches	2,61,12,803	5	11
Other Deposits at Head Office and Branches	1,65,41,050	15	4
Bank Post Bills, &c.	3,03,64,934	6	8
Sundries	4,03,535	5	3
	16,25,736	3	7
RUPEES	8,28,63,674	4	5

ASSETS.	₹	a.	p.
Government Securities	40,78,596	0	0
Other authorized Investments	58,00,355	0	0
Loans on Government and other authorized Securities	91,99,080	8	6
Accounts of Credit on Government and other authorized Securities	90,71,326	11	9
Bills discounted and purchased	2,21,19,428	9	9
Balances with other Banks	11,93,768	5	10
Bullion	2,465	5	0
Dead Stock	11,32,163	15	2
Stamps	9,176	13	2
Sundries	7,63,488	1	10
	5,33,69,851	7	0
Cash and Currency Notes at Head Office	1,35,45,205	12	0
Cash and Currency Notes at Branches	1,59,48,617	1	5
	2,94,93,822	13	5
RUPEES	8,28,63,674	4	5

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

BANK OF BENGAL,
Calcutta, 9th September 1886.

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

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

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.

Regt. No.	No. of Notes.	Value. ₹	Name of Claimant.
17	E 26—32612	100	Chetpo, care of Gujar Mal, Bhabra, Hoshiarpur.
18	E 26—42300	100	Bindrabun and Tulsi Ram, care of Khyali Ram, Petition-writer, Deputy Commissioner's Office, Delhi.

LAHORE,
The 6th September 1886.

W. H. EGERTON,
for Deputy Commissioner of Currency.

POST OFFICE.

NOTIFICATIONS.

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

Bryce, John.
Cruickshank, J.
James, D. R.
Mendes, E. O.
Smith, Mrs. Barnard.

Letters marked "Care of Post Office."

Barnett, Mrs. James.
Baron of Warsdorf.
Berril, Charles D.
Bose, P. N.
Brown, S.
Bush, C.
Butler, T.
Campbell, Hon. James.
Cawe, Capt. A. E.
Clark, R.
Corrie, Mrs.
Davenhill, W. B.
Delany, Mrs. J.
Dempsey, Dr. W.
Dodd, C. B. N.
Dowling, D. G. A.
D'Rozario, H. S. S.
D'Silva, T. H.
Drury, Surgeon F. J.
Duplus, Madamoiselle C.
Easton, Percy H.
Engelbregt, J. W.
Forrester, Wm.
Fox, R. C. W.
Godfrey, J. B.
Grainger, R. H.
Hanham, C. R.
Harrison, R. J.
Hill, Mrs. Amy.
Hoare, R.
Horne, James S.
Johnson, H. M.
Kelly, Lieut. F. H.
Kemp, Edwin.
Knights, Mr.
Kohann, Madame Rosa.
Lloyd, Chas.
Martin, Lt. C. W. F.
"Mary."
McCreery, James.
McDonald, J.
McMorren, R.
Monro, H. T.
Morgan, J. C.
Morgan, W.
Mullen, J.
Norman, Lucy.
Oakley, G.
Okeden, Herbert.
Pollock, John.
Powell, C.
Protestant, G.
Ribeiro, Miss E.
Ralphs, Capt. A. W.
Rice, W. G. L.
Roberts, H. A.
Roberts, H. S.
Rochussey, S. E.
Rode, Capt. J.
Schoeman, G. M.
Scott, J. D.
Scotland, W. A.
Shaw, Miss E.
Smith, John.
Sole, Rev. A. B.
St. Aubyn, G. A.
St. Claire, C. C.
Stevens, Thomas.
Sugget, Thomas.
Thompson, R. D.
Tobin, C. J. C.
Tracey, A.
Tyrrell, C. A.
Walker, P. C.
Weinthraub, Nathan.
Williams, C.
Butterfield, E. K.
Lowe, J. W.
Marx, P.
Preese, L.
Shaw, Miss M.
Stern, Adolf.
Vigny, H.

Registered Letters.

Unclaimed Letters held in the Barrackpore Post Office on the 6th September 1886.

Arrakiel, B. A.
Charter, C. C.
Crossman, James.
Downey, Miss.
Duyer, G.
Fouracres, Mrs.
Fry, Mrs.
Hay, C. H.
Hoare, G. A.
Horsford, Mrs.
Martin, Mrs. E.
McMinn, John.
Ospher, J.
Reynolds, Mrs.
Robinson, Mrs. A.
Schwoaz, R. C.
Smith, Corporal W. H.
Taylor, Mrs. E.
Wilson, W. A.
Woods, A.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 11th September 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
*Egypt, Europe, America, Cape Colonies through United Kingdom	1886. 11th Sept.	Per P. & O. Str. from Bombay.
* Ditto ditto ditto Ditto (Book Post and Pattern Packets)	21st ,,	Ditto.
*Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion	20th ,,	Ditto.
*Zanzibar, Mozambique, and EastCoast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	21st ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	11th ,,	Ditto.
Australia, New Zealand and Tasmania	14th ,,	Ditto.
Madras and Colombo	14th ,,	Ditto.
Straits and Hong-Kong	15th ,,	Per P. & O. Str. *Pekin.*
Rangoon and Moulmein	17th ,,	Per Str. *Wingsang.*
Akyab, Kyouk Phyoo, and Rangoon	15th ,,	Per Str. *Arcot.*
Port Blair and Camorta	15th ,,	Per Str. *Medina.*
	23rd ,,	Per Str. *Maharani.*

* *N.B.*—The letter-box will close at 8-30 P.M. precisely, after which hour Foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 9 P.M. On other mail days the letter box will close at 7 P.M. precisely, after which hour late letters bearing an extra postage stamp of 4 annas will be received up to 7-30 P.M.

W. MERRETT,

Offg. Presidency Post Master, Calcutta.

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 هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا آٹهه 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 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 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.

کرسٹالين سنکونا دوائي بخار '

لال سنکونا بارک کي ايک نئي اور عمدہ 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 وہ لوگ جو ايک مشت بيس پونڈ لين نقد اس هار 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 بهار 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 در 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 بارہ آنه علاوہ اوپر لکهے هوئے نرخ کے هی '

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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 20th September 1886.

No. 584.—Mr. F. S. Bell is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from the date on which he reports himself for duty.

No. 585.—Mr. C. H. Milner is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from the date on which he reports himself for duty.

No. 586.—Mr. F. B. Powell is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from the date on which he reports himself for duty.

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

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Mussooree, the 21st September 1886.

No. 6 *F.-R.*—Mr. C. S. Kraal, Assistant Surveyor, 1st Grade, is granted privilege leave for one month, under Section 138, Chapter X, of the Civil Leave Code.

J. SCONCE, *Colonel, S.C.*,
Depy. Surveyor General,
In charge Revenue Branch, Survey of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 17th September 1886.

No. 14.—Mr. P. M. Madge, Assistant Superintendent, 1st Grade, is allowed furlough on medical certificate for three months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 1st September 1886.

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

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 16th September 1886.

No. 3399.—Sahebzada Wahid-ud-din, Attaché to the Governor General's Agent in Central India, made over charge of his duties at Indore on the forenoon of the 17th August 1886, and proceeded on the furlough granted to him in Foreign Department Notification No. 1660 G., dated 19th August 1886.

No. 3400.—In accordance with Foreign Department Notification No. [illegible] G. of the 26th August 1886, Lieutenant J. [illegible]say assumed charge of the Office of 3rd Assistant to the Governor General's Agent in Central India on the forenoon of the 19th ultimo.

No. 3401.—In accordance with Foreign Department Notification No. 1743 G., dated 1st September 1886, Pandit Jia Lal assumed charge of the Office of Attaché to the Governor General's Agent in Central India on the forenoon of the 30th August.

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 September 1886.

No. 2346 *G.*—With reference to Foreign Department Notification No. 1573 G., dated the 5th August 1886, Surgeon A. W. D. Leahy, Indian Medical Service, assumed charge of his duties as Officiating Medical Officer of the Kotah and Jhallawar Agencies on the forenoon of the 31st idem.

No. 2348 *G.*—With reference to Foreign Department Notification No. 1655 G., dated the 19th August 1886, Captain G. A. Collins assumed charge of his duties as Officiating 2nd-in-Command of the Merwara Battalion on the 5th September 1886.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 17th September 1886.

No. 1073-190 *II.*—Mr. H. E. J. Fitzpatrick, Extra Assistant Commissioner, Ajmere, availed himself, on the afternoon of the 2nd July 1886, of the leave granted him in this Office Notification No. 597-190 II., dated 10th June 1886, after making over charge of his duties to Pandit Jia Lal.

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

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 11th September 1886.

No. 2551-2756.—Under section 11, clause 2, of the Excise Act, No. XXII of 1881, as amended by Act VI of 1885, the Resident in Mysore is pleased to issue the following rules for restricting the cultivation of hemp and for regulating the sale of ganja and its preparations in the Civil and Military Station of Bangalore, with effect from the 22nd July 1886:—

Rules framed by the Resident in Mysore under Act XXII of 1881 as amended by Act VI of 1885, to control the sale of ganja and majum in the Civil and Military Station.

Rule I.—(1) Under section 11 of the Excise Act provision is made—

A. For the restriction of the cultivation of the hemp plant.

B. To restrict the export of ganja and majum obtained from hemp grown in the Civil and Military Station.

C. To restrict the import into the Civil and Military Station of Bangalore of ganja and its preparations.

D. To restrict and regulate (1) the preparation and sale of intoxicating drugs, and (2) to secure the duty leviable in respect of those drugs.

A. To restrict and regulate the cultivation of the hemp plant—

Rule II.—(1) For the purposes of these rules the hemp plant may be taken to be that generally known as the Cannabis sativa of Linn.—Hindustani, ganja; Canarese, bhanghi-soppu; Tamil, ganja-yelle; Telugu, bung-yaku; but as there are several varieties of the Indian hemp, each and every such variety shall be taken to be included in, and as falling under, these rules.

(2) The cultivation of hemp in the limits of the Civil and Military Station will only be allowed on pattahs in form A obtained from the Collector.

B. To regulate the export of the crop of ganja raised—

Rule III.—(1) Ganja obtained from hemp grown in the Civil and Military Station will only be allowed to be exported after a license has in form D been obtained from the Collector.

C. To regulate and restrict the import of ganja raised outside the limits of the Civil and Military Station of Bangalore—

Rule IV.—(1) The Collector may permit the Contractor to import ganja from beyond the limits of the Civil and Military Station under passes in form C to be issued by him in communication with the authorities of the district from which the article is imported, provided the drug is of good quality and is not more than 18 months old. The consignment on arrival shall not have bulk broken till examined and approved by the Collector. Stock shall then be taken and the consignment duly brought to book, and the number and date of the Collector's Pass shall be quoted against the entry in the Contractor's books.

D. To regulate and restrict (1) the preparation of intoxicating drugs, and (2) to secure the duty leviable therefrom—

1. Preparation of drugs.

Rule V.—(1) Appendix N contains a paper giving particulars of the drug itself and some of the principal and most popular preparations thereof, as well as the character, analysis, actions, and uses, botany and economic value of the fibre derived from the hemp plant, and this will serve as a reference for any general information needed on the subject by any one concerned.

2. To secure the duty leviable on the drugs sold.

Rule VI.—(1) To enable Government to recover the duty on the drugs raised in or imported into the Civil and Military Station the following rules shall be observed:—

License form.

(2) The quantity of ganja contained in any of its preparations thereof sold shall be duly exhibited in accounts of both the contractors and the retail dealers. The stocks made and sold shall be separately accounted for as ganja, majum, &c., in the forms prescribed, J, K, L, for the contractors as wholesale dealers, and M, for shopkeepers as retail vendors.

(3) Every person other than the Government contractor and retail vendors in the Civil and Military Station shall on or before the 1st December 1886, produce before the Amildar such ganja or the preparations thereof over five tolahs as he may have in his possession. If the drug is bad from old age or other cause, it shall be destroyed by the Amildar at once. If it is sound it shall be retained by the Amildar for two months during which time the owner may arrange with the contractor to purchase it or he may get a pass for its export from the Collector.

(4) In case the drug is held by the outgoing contractor, he shall make it over to the incoming Government contractor, who shall take over not less than one month's stock struck on the average sales for the past 12 months, and such further quantity thereof as the new contractor may wish to take, provided the Collector approves the quality of such drug. The Collector shall fix the price of these and all other drugs on the market value of the drug (exclusive of profits) at the time of transfer or on the original invoices produced by the old contractor, adding cost of carriage. Any surplus stocks that may remain in the hands of the old contractor shall be ascertained by the Collector and a notice served for its removal within one month's time, under an export pass. A security bond shall be taken from the old contractor to protect Government interests for the time the drugs may remain in his possession. But in any case the new contractor shall be bound to make his own arrangements to provide for the requisite supply needed by him to go on with his contract independent of any such settlement as herein set forth. The old contractor shall further be strictly interdicted against inducing the retail vendors to purchase from him more than the average quantity likely to be required by them during the closing and especially the last month of the contract. This rule shall be strictly enforced.

(5) The contractor shall keep his stock at his wholesale shop and the licensed retail vendors shall keep their stock in their shops, and no where else. The custody of the drugs at the wholesale shop shall be entrusted by the contractor to some responsible person who shall be bound to take out a wholesale license in this behalf in the form (H), so that he may be made directly responsible for his acts. There is no objection to the contractor himself being such wholesale vendor, provided he holds, beside the contract bond, a wholesale license in the prescribed form (H).

(6) The contractor shall only sell to licensed retail vendors. The latter shall sell by retail to the public, but shall not allow the ganja or its preparation to be consumed on their premises.

Rules framed under Section 13 of the Excise Act.

Rule VII.—(1) The following rules are framed under section 13 of the Excise Act, XXII of 1881, as amended by Act VI of 1885, to regulate the sale of intoxicating drugs wholesale and retail.

Excise Act, Section 13.

(2) Licenses for the wholesale and retail vend of ganja will be issued by the Collector in forms H and I or in such other forms as may be prescribed by Government from time to time.

(3) The wholesale and retail prices at which ganja and majum shall be sold are hereby fixed as under:—

		Prices per seer of 80 tolahs. R a. p.
Ganja	Wholesale	2 1 4
	Retail	2 11 4
Majum	Wholesale	0 13 4
	Retail	1 4 0

Halwa, bhang and other preparations shall be charged in proportion to the quantity of ganja used in the manufacture thereof, which shall be

duly specified in the shop accounts and separately accounted for therein.

Form A.—Pattah or license.
„ B.—Contract bond.
„ C.—Pass for import of ganja.
„ D.—Pass for export of ganja.
„ E.—Pass for transport of ganja.
„ F.—Contractor's pass for ganja sent to depots.
„ G.—Pass for removal of ganja from depots to retail shops.
„ H.—Wholesale license.
„ I.—Retail license.
„ J.—Depot ledger book.
„ K. and L.—Account of daily sales of ganja and majum at wholesale depots.
„ M.—Retail shop account book.

Rule VIII.—(1) The forms of licenses, accounts, passes, &c., as noted in the margin, are hereby prescribed for adoption.

Rules framed under Section 55 of the Excise Act.

Rule IX.—(1) The following rules are framed under Section 55 of the Excise Act.

(2) The period for which retail licenses shall run, the fees to be paid therefor, and the period for which the wholesale contract shall run shall be as specified in the licenses issued for the wholesale and retail vend thereof and in the contract bond entered into between the Government and the contractor. Excise Act, Section 55, clause (*a*).

(3) The security to be given by every licensed vendor of drugs shall be equal to one-twelfth of his sales annually and not less than R12. Excise Act, Section 55, clause (*b*).

(4) The following rules shall be observed in the disposal of drugs and other things confiscated under this Act. Excise Act, Section 55, clause (*d*).

(4*a*) All articles confiscated under the Excise Act, XXII of 1881, shall be made over by the Magistrate ordering the said confiscation to the Treasury Officer to be sold by public auction. All intoxicating drugs liable to confiscation and which have been confiscated according to the provisions of the Act, may be destroyed if bad or more than 18 months old or unfit for use, but if good shall be sold to the contractor at such reasonable rates as may be approved by the Collector. Excise Act, Section 55, clause (*e*).

(4*b*) The proceeds of the sale of such confiscated articles shall be credited to Government unless the Magistrate dealing with the case award the whole or any part to the informer or Excise officer at whose instance conviction and confiscation followed. This latter course should as a rule be followed in order to encourage people in detecting and reporting breaches of these rules.

(5) The duties of Excise officers are detailed in appendix O, and shall be generally followed by such officers, and the contractors, wholesale and retail vendors, and all those concerned shall accede to requisitions made by such officers to give practical effect to the said instructions. Excise Act, Section 55, clause (*f*).

Rule X.—Parties offending against these rules are liable to prosecution under the Excise Act, XXII of 1881, as amended by Act VI of 1885.

N.B.—Copies of the appendices and forms referred to in these rules can be had at the office of the Collector, Civil and Military Station of Bangalore.

By Order,

E. A. FRASER, *Major*,
Assistant to the Resident.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 20th September 1886.

No. 3.—Lieutenant G. A. S. Stone, R.E., Assistant Engineer, 2nd Grade, passed the examination for promotion to 1st Grade Assistant Engineer, laid down in Public Works Department Code, Chapter II, paragraphs 9, 10, and 11, on 6th July 1886.

No. 4.—Lieutenant G. Williams, R.E., Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani, as laid down in Public Works Department Code, Chapter II, paragraph 14, on 11th September 1886.

T. C. MANDERSON, *Major, R.E.*,
Offg. Inspector General, Military Works.

Statement of Silver Balance in the Calcutta Mint for the week ending 22nd September 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 15th September 1886 .	12,40,569	
Value of Government silver in the Mint on the same date .	4,42,786	16,83,355
ADD—		
Silver received by the Mint during the week on account of the Currency Department	4,383	
Ditto ditto Government	5,108	9,491
DEDUCT—		16,92,846
New coin paid to Reserve Treasury during the week .	...	
Petty items issued for miscellaneous purposes . . .	...	...
Balance on the evening of the 22nd September 1886 . .		16,92,846
The Balance comprises—		
Silver held on account of the Currency Department .	12,44,952	
Ditto ditto Government	4,47,894	16,92,846
There is in addition awaiting assay—		
Bullion belonging to Private Individuals . . .	2,28,688	
Ditto ditto Government	...	2,28,688

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

CALCUTTA MINT,
The 22nd September 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 21st September 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 1,29,75,342 6 8 / Public Deposits at Branches 1,44,68,242 15 2	2,74,43,585	5	10
Other Deposits at Head Office and Branches	3,01,96,747	12	9
Bank Post Bills, &c. . . .	4,29,983	15	9
Sundries	16,78,356	2	9
RUPEES .	8,41,05,338	4	1

ASSETS.	₹	a.	p.
Government Securities . .	57,11,393	0	0
Other authorized Investments .	56,58,185	0	0
Loans on Government and other authorized Securities . .	82,75,438	1	7
Accounts of Credit on Government and other authorized Securities .	90,51,357	4	8
Bills discounted and purchased .	2,29,65,939	14	0
Balances with other Banks . .	12,21,850	2	6
Bullion	2,138	2	6
Dead Stock	11,30,274	0	1
Stamps	8,486	2	3
Sundries	7,62,390	12	8
	5,47,87,452	8	3
Cash and Currency Notes at Head Office ₹ 1,36,43,244 4 6 / Cash and Currency Notes at Branches 1,56,74,641 7 4	2,93,17,885	11	10
RUPEES .	8,41,05,338	4	1

BANK OF BENGAL,
Calcutta, 23rd September 1886.

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

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

Rate for Demand Loans 6 per cent.
Percentage 49·06.

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 at Chaibassa, in the Singbhum District.						
4	Old Hindu punched coins . .	Silver .	0	4 each	0	203	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	26	Do. 17th January 1887.
23	Ditto with illegible dates . .	Do. .	0	0 each	6	95	
	Found in the Etawah District.						
56	Buddhist punched coins . .	Silver .	0	3 each	0	84	
	Found in the Ballia District.						
58	Old Hindu or Buddhist punched coins.	Do. .	1	0 each	0	120	Do. 24th June 1887.
	Found in the Hissar District.						
59	Muhammad Shah . . .	Do. .	1	8 each	0	4	
60	Ahmed Shah Bahadur . .	Do. .	1	8 each	0	2	
62	Muhammad Shah, bad specimens	Do. .	1	0 each	0	35	

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

CALCUTTA MINT,
The 22nd September 1886.

No. 1338.—*Account of Revenue and Expenditure of the Government of India for the first two*

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

	Revenue.	Estimates, 1886-87.	April 1885 to May 1885.	April 1886 to May 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	23,316,000	4,135,300	3,688,700	...	446,600
II	Opium	9,227,600	1,388,300	1,492,700	104,400	...
III	Salt	6,392,500	1,155,600	1,215,100	59,500	...
IV	Stamps	3,694,400	647,700	625,600	...	22,100
V	Excise	4,134,800	667,700	692,900	25,200	...
VI	Provincial Rates	2,909,100	563,900	517,300	...	46,600
VII	Customs	1,173,200	219,200	227,600	8,400	...
VIII	Assessed Taxes	1,458,100	191,300	99,300	...	92,000
IX	Forest	1,153,300	96,000	115,500	19,500	...
X	Registration	309,800	53,200	48,900	...	4,300
XI	Tributes from Native States	712,000	78,000	86,600	8,600	...
XII	Interest	630,900	149,400	137,800	...	11,600
XIII	Post Office	1,157,100	190,200	200,100	9,900	...
XIV	Telegraph	564,200	93,700	90,600	...	3,100
XV	Mint	181,100	49,400	39,900	...	9,500
XVI	Law and Justice	576,000	74,500	69,600	...	4,900
XVII	Police	322,200	45,600	50,400	4,800	...
XVIII	Marine	184,800	12,500	18,900	6,400	...
XIX	Education	203,800	27,700	25,300	...	2,400
XX	Medical	55,200	7,800	5,800	...	2,000
XXI	Scientific and other Minor Departments.	88,500	6,200	5,500	...	700
XXII	Receipts in aid of Superannuation, &c.	264,600	17,800	24,400	6,600	...
XXIII	Stationery and Printing	71,500	6,900	6,800	...	100
XXIV	Exchange	...	...	...	...	...
XXV	Miscellaneous	294,500	38,200	42,500	4,300	...
		59,075,200	9,916,100	9,527,800	...	388,300
XXVI	State Railways (Gross Earnings)	10,841,200	1,591,000	1,888,700	297,700	...
XXVII	Guaranteed Companies (Net Traffic Receipts).	3,133,500	1,371,300	1,271,700	...	99,600
XXVIII	Subsidized Companies (Repayment of Advances of Interest.)	...	...	...	...	...
XXIX	Major Works: Direct Receipts	921,300	65,400	65,700	300	...
XXX	Minor Works and Navigation	144,600	16,100	19,000	2,900	...
XXXI	Military Works	188,100	4,800	3,100	...	1,700
XXXII	Civil Works	463,300	66,600	70,000	3,400	...
XXXIII	Army: Effective	744,900	122,300	134,900	12,600	...
	„ Non-effective	48,100				
		75,560,200	13,153,600	12,980,900	...	172,700
	England, including Army, Public Works, &c.	178,900	33,600	46,400	12,800	...
	Exchange added to Revenue	59,600	10,600	16,100	5,500	...
	GRAND TOTAL	75,798,700	13,197,800	13,043,400	...	154,400

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

THE TREASURY,
Calcutta, the 24th September 1886.

months of the year 1886-87, as compared with the corresponding period of 1885-86.

sterling omitting all amounts below hundreds of pounds.

	Expenditure.	Estimates, 1886-87.	April 1885 to May 1885.	April 1886 to May 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Refunds and Drawbacks	207,000	35,300	28,500	...	6,800
2	Assignments and Compensations	1,301,000	250,500	241,600	...	8,900
3	Land Revenue	3,588,000	495,000	512,400	17,400	...
4	Opium (including Cost of Production)	2,648,400	1,816,200	1,564,600	...	251,600
5	Salt (do. do.)	496,600	62,200	81,200	19,000	...
6	Stamps	84,100	14,500	14,300	...	200
7	Excise	105,800	19,600	14,100	...	5,500
8	Provincial Rates	46,600	12,400	2,200	...	10,200
9	Customs	133,400	21,200	21,900	700	...
10	Assessed Taxes	58,700	1,200	4,700	3,500	...
11	Forest	739,100	91,200	88,000	...	3,200
12	Registration	191,200	29,600	30,300	700	...
13	Interest on Ordinary Debt*	3,822,300	881,300	765,400	...	115,900
14	Do. on other Obligations	362,900	49,800	15,900	...	33,900
15	Post Office	1,201,900	187,500	185,600	...	1,900
16	Telegraph	587,600	91,300	84,100	...	7,200
17	Mint	84,500	15,700	12,200	...	3,500
18	General Administration	1,402,000	228,400	213,600	...	14,800
19	Law and Justice	3,467,500	538,300	541,300	3,000	...
20	Police	3,017,900	446,500	472,600	26,100	...
21	Marine (including River Navigation)	375,600	62,900	75,900	13,000	...
22	Education	1,326,200	177,400	181,200	3,800	...
23	Ecclesiastical	172,400	27,000	26,000	...	1,000
24	Medical	778,500	117,900	119,900	2,000	...
25	Political	645,500	141,300	109,900	...	31,400
26	Scientific and other Minor Departments	467,000	92,600	91,000	...	1,600
27	Territorial and Political Pensions	644,800	103,500	109,500	6,000	...
28	Civil Furlough and Absentee Allowances	6,300	300	200	...	100
29	Superannuation Allowances and Pensions	694,800	218,000	108,200	...	109,800
30	Stationery and Printing	427,800	56,200	60,000	3,800	...
31	Exchange	137,700	...	...	...	...
32	Miscellaneous	304,000	54,700	51,500	...	3,200
33	Famine Relief	1,000	900	100	...	800
34	Construction of Protective Railways	500,000	...	...	...	...
35	Do. do. Irrigation Works	111,300	25,600	14,300	...	11,300
36	Reduction of Debt	749,000	...	...	...	...
		30,888,400	6,366,000	5,842,200	...	523,800
37	Construction of Railways (Charged against Revenue in addition to that under Famine Insurance)	199,200	14,500	95,600	81,100	...
38	State Railways: (Working Expenses)	5,569,100	653,400	846,800	193,400	...
	Interest on Capital deposited by Companies	400	...	...	...	...
39	Guaranteed Companies: (Surplus Profits, Land and Supervision)	497,500	17,300	23,600	6,300	...
	Interest	3,400	...	...	...	...
40	Subsidized Companies: Land, &c.	69,500	4,800	6,000	1,200	...
41	Miscellaneous Railway Expenditure	120,000	16,400	19,900	3,500	...
42	Major Works: Working Expenses	611,700	85,700	87,800	2,100	...
43	Minor Works and Navigation	740,600	104,900	88,400	...	16,500
44	Military Works	1,152,300	93,900	95,000	1,100	...
45	Civil Works	4,190,900	395,800	395,500	...	300
46	Army: Effective	12,449,000	2,549,000	1,965,200	...	583,800
	Do. Non-effective	839,400	197,000	191,800	...	5,200
		57,241,400	10,498,700	9,657,800	...	840,900
	England, including Army, Public Works, Guaranteed Interest, &c.	14,512,900	2,837,500	2,849,600	12,100	...
	Exchange charged as Expenditure	4,837,600	893,100	988,700	95,600	...
		76,591,900	14,229,300	13,496,100	...	733,200
	Expenditure not charged to Revenue—					
	Capital Outlay on Railways and Irrigation Works—					
	In India—					
47	State Railways	2,327,100	626,700	459,300	...	167,400
48	Irrigation Works	700,000	101,300	54,000	...	47,300
49	Special Defence Works	235,000	...	24,400	24,400	...
	In England—					
47	State Railways	1,800,000	213,200	318,600	105,400	...
48	Irrigation Works	...	...	200	200	...
49	Special Defence Works	155,000	...	...	...	...
50	Capital charge involved in Redemption of Liabilities	4,844,200	...	...	...	...
	Exchange on Expenditure not charged to Revenue	651,700	67,100	110,600	43,500	...
		10,713,000	1,008,300	967,100	...	41,200
	GRAND TOTAL	87,304,900	15,237,600	14,463,200	...	774,400

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

C. R. C. KIERNANDER,
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 September 1886.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1859-54.	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 1878.	Transfer Loan of 1879, 4½ per cent. Portion.			
Balance of 31st August 1886 .	54,100	13,80,587	27,42,100	2,23,15,200	91,91,000	2,63,92,700	2,29,41,300	8,49,62,887	44,37,000	9,87,88,500	1,33,800	32,200	19,58,57,487
Add—													
Amount enfaced at Madras between 1st and 15th September 1886 .	...	...	...	...	...	...	...	...	...	1,70,000	...	...	1,70,000
Amount enfaced at Bombay between 1st and 15th September 1886 .	...	...	...	1,500	...	1,000	14,500	17,000	...	1,000	...	...	18,000
Amount enfaced at Calcutta between 1st and 15th September 1886 .	...	...	...	1,06,100	1,500	68,500	7,000	1,83,100	4,000	6,59,000	...	...	8,46,100
	54,100	13,80,587	27,42,100	2,24,22,800	91,92,500	2,64,62,200	2,29,62,800	8,51,62,987	44,37,000	9,96,18,500	1,33,800	32,200	19,68,91,587
Deduct—													
Amount written off in the London Registers .	...	...	...	94,000	500	38,000	29,500	1,62,000	...	75,000	...	...	2,37,000
Balance on 15th September 1886	54,100	13,80,587	27,42,100	2,23,28,800	91,92,000	2,64,24,200	2,29,33,300	8,50,00,987	44,37,000	9,95,43,500	1,33,800	32,200	19,66,54,587

NOTE.—From 9th June 1867 to 15th July 1886 enfaced from India, 5,275 lakhs, re-transferred from London 4,694 lakhs.

,, 16th July 1886 to 31st	,,	9	,,
,, 1st Aug. ,, to 15th Aug.	,,	14	,,
,, 16th ,, ,, 31st	,,	25	,,
,, 1st Sept. ,, to 15th Sept.	,,	10	,,
		5,133 lakhs.	
		4,715 ,,	
Balance against India .		668 lakhs.	

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
The 15th September 1886.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 14th September 1886.

No. 79.—Captain J. Burn-Murdoch, R.E., Executive Engineer, 4th Grade, sub. *pro tem.*, is, on return from furlough, posted to the Sind-Pishin State Railway, Northern Section.

No. 80.—Mr. R. W. Egerton, Assistant Engineer, 1st Grade, is, on return from furlough, posted to the North-Western Railway.

The 17th September 1886.

No. 81.—The Honorable E. H. S. Napier, Assistant Engineer, 2nd Grade, is transferred, in the interests of the public service, from the Sind-Sagar State Railway to the Sind-Pishin State Railway, Northern Section.

No. 82.—Mr. A. Bewley, Assistant Engineer, 1st Grade, is granted furlough for twenty months, with the usual subsidiary leave, with effect from 1st October 1886, or such subsequent date as he may be permitted to avail himself of the same.

The 20th September 1886.

No. 83.—Babu Sheo Dayal, Executive Engineer, 4th Grade, sub. *pro tem.*, is granted furlough for one year, three months and twenty-five days, with effect from the 16th September 1886, or such subsequent date as he may be permitted to avail himself of the same.

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

NAGPUR-BENGAL STATE RAILWAY.

NOTIFICATION.

Nagpur, the 14th September 1886.

Mr. D. Campbell, Honorary Assistant Engineer, Kanhan Bridge Division, availed himself of the three months' privilege leave granted to him by Notification dated 10th July 1886, in *Gazette of India*, Part II, and returned to duty on the forenoon of the 31st August 1886.

J. Y. DAVIDSON,
Engineer-in-Chief.

CEMETERY NOTICE.

NOTICE.

According to the revised Rule No. XIX relating to Church and Cemeteries, published by the Government of India, Home Department, No. 103 (Ecclesiastical), dated 20th June 1885, notice is hereby given that the undermentioned old tombs or monuments are in a ruinous condition at St. Stephen's Church, Ootacamund. They will be made level with the ground if any relatives or friends of the deceased do not undertake to restore them within three months from the date of this advertisement :—

Names on the ruined tombs or monuments.

Sergeant White.	Newmarch.
Schmidt.	Daniel.
Pager.	Leigh.
Kinsman.	Nicholan.
Cecil.	Browne.
Gallaghan.	Browning.
Leight.	Rigel.
Bainbridge.	Babington.
Thomson.	Clarke.
Milton.	Shephard.
Goshett.	Wallace.
Halloway.	Phillott.
Garrard.	Lewis.
Malcolm McNeill.	Philips.
Blenkinsop.	Wilton.
Applegate.	Jenkins.
Smith.	Campbell.
Dickinson.	Boye.
Chippindale.	Goellon.
Lawless.	Godfrey.
Donaldson.	

W. B. DE WINTON,
Exe. Engr., Nilgiri Divn.

EXECUTIVE ENGINEER'S OFFICE,
NILGIRI DIVISION,
The 24th August 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.
		₹	
19	E 2—92660	500	Rai Seth Chand Mall, Amere.
20	E 26—39626	100	F. Field, Esq., Extra Assistant Commissioner, Abbottabad, Hazara.

LAHORE,
The 14th September 1886.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 20th September 1886.

POSTAL CIRCLE, BOMBAY.

No. 8711.—Mr. G. A. T. Bennett officiated as Deputy Post Master, Bombay, from the 11th to 23rd August 1886.

Mr. F. B. Oshea is appointed to officiate as Deputy Postmaster, Bombay, from the 24th August 1886.

Mr. Narayan Chimnaji is appointed to officiate as a 3rd Grade Superintendent, from the 24th August 1886.

Mr. Vinayak Karnanand is appointed to officiate as a 4th Grade Superintendent and Personal Assistant to the Postmaster General, Bombay, from the 24th August 1886.

Mr. M. F. Ingle is appointed to officiate as a 1st Class Mail Officer from the 22nd August 1886.

Mr. C. H. Watts officiated as a 2nd Class Mail Officer from the 22nd to the 23rd August 1886.

Mr. G. A. T. Bennett is appointed to officiate as a 2nd Class Mail Officer from the 24th August 1886.

Mr. G. S. Hooper is appointed to officiate as a 3rd Class Mail Officer from the 22nd August 1886.

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

Calcutta, the 22nd September 1886.

It is hereby notified for general information that only two deliveries daily will be made from the Calcutta General Post Office and its Town Sub-Offices on the three great days of the Doorga Poojah Festival, *viz.*, the 4th, 5th, and 6th October next.

The delivery arrangements on these days will be in all respects the same as on Sunday.

The other departments of the General Post Office and its Town Sub-Offices will be open as usual to the public for the receipt of registered and insured articles and of parcels and for the issue and payment of Money Orders, as well as Savings Bank transactions.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

Unclaimed letters held in the Calcutta General Post Office on 23rd September 1886.

Ambuland, J.	Martin & Co.	Thurburn, E.
Kelly, W. J.	Shellaher, Capt. J. R.	Young, J. H.

Letters marked "Care of Post Office."

Andrews, Mrs.	Grainger, R. H.	Norman, Lucy.
Baron of Warsdorf.	Hamer, Capt. H.	Okeden, Herbert.
Berrill, Charles D.	Harrison, J.	Pollock, John.
Biermann, V.	Harrison, R. J.	Porter, Mrs. J.
Bose, P. N.	Hill, Mrs. Amy.	Protestant, G.
Braddon, Capt. C. J. S.	Holmes, C. D.	Rebeiro, Miss E.
Bremmer, Esq.	Horne, James S.	Relphe, Capt. A. W.
Brown, S.	Johnson, H. M.	Roberts, H. A.
Brunton, Mrs. J.	Jones, R. H. Wynn.	Roberts, H. S.
Butler, T.	Kelly, Lieut. F. H.	Rochussey, S. E.
Butterwick, Miss.	Kemp, Edwin.	Rode, Capt. J.
Caws, Capt. A. E.	Knight, Mr.	Schoeman, G. M.
Chatterton, Jack,	Kohana, Madame Rosa.	Scotland, W. A.
Clark, R.	Lemarchand, J. P.	Scott, J. D.
Cooper, W. L.	Lloyd, Chas.	Shaw, Miss E.
Curry, Miss Annie.	Macdonald, Dr. T. R.	Simpson, Capt. J. M.
Davenhill, W. B.	Mackenzie, Alex.	Smith, John.
Delany, Mrs. J.	Martin, Lt. C. W. F.	Smyth, Dr. F. A.
Dempsey, Dr. W.	"Mary."	St. Aubyn, G. A.
Dowling, D. G. A.	McCreery, James.	Sugget, Thomas.
D'Rozario, H. S. S.	McDonald, J.	Touzel, C. J. C.
D'Silva, T. H.	Medland, W.	Tyrrell, C. A.
Dupins, Madamoiselle C.	Miley, Dr, W. K.	Walker, P. C.
Easton, Percy H.	Monro, H. T.	Weinthraub, Nathan.
Ernest, F. L.	Morgan, J. C.	Williams, C.
Funks, S.	Morgan, W.	Williams, G. E.
"Gertrude."	Mullen, J.	Wilton, C.

Registered Letters.

Arnowitz, T.	Lowe, J. W.	Preese, L.
Davies, G. F. L.	McKing, J.	Shaw, Miss M.
Leslie, Mrs. C.	Pogose, G. P.	Stern, Adolf.

Unclaimed Letters held in the Barrackpore Post Office on the 20th September 1886.

Campbell, Lady.	Hildie, Mrs. J. T.	Owen, M. S.
Charles, C. C.	Hoare, G. H.	Sircar, A. C.
Downey, Miss.	Hodges, N.	Smith, Miss.
Elder, Capt.	Occupant, 67, Barrack-pore.	Taylor, Mrs. E.
Fry, Mrs.		Wilson, W. A.
Ghose, Okhoy Coomar.		

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 25th September 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	28th Sept.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	27th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	28th ,,	Ditto.
Australia, New Zealand and Tasmania	28th ,,	Ditto.
Madras and Colombo	29th ,,	Per P. & O. Str. *Nepaul.*
Straits and Hong-Kong	28th ,,	Per Str. *Appear.*
Rangoon and Moulmein	29th ,,	Per Str. *Patna.*
Akyab, Kyouk Phyoo, and Rangoon	29th ,,	Per Str. *Coconada.*
Port Blair *via* Rangoon	29th ,,	Per Str. *Patna.*

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. On Foreign mail days the letter box will close at 8-30 P.M. and late letters will be received up to 9 P.M.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

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 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 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 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 خانونمين بكتي هى ماسواے قيمت 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, 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.

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 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 اسوله 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 علاوه 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:—

Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts. R8.

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Orders and subscriptions for 1885 should be at once remitted.

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	One page.	*Half page.*	*Quar. page.*
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Books required for the public service should be obtained through Local Governments.

☞ *The amounts within parenthesis are for packing and postage.*

FINANCIAL DEPARTMENT.

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PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 2, 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 date 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.

NOTIFICATION.

Simla, the 27th September 1886.

No. 587.—ERRATUM.—In this Department Notification No. 534, dated 15th January 1886, the date of return to duty from furlough of Major G. Strahan, R.E., Deputy Superintendent, 1st Grade, Survey of India, for "forenoon of the 13th November 1885," read "afternoon of the 6th November 1885."

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

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 24th September 1886.

No. 3504.—This Office Notification No. 2717 of the 21st July 1886, granting privilege leave for two months and thirteen days to Colonel H. M. B. Burlton, Officiating Cantonment Magistrate, is hereby cancelled.

By Order,

F. L. PETRE,
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 25th September 1886.

No. 2420 *G.*—With reference to this Office Notification No. 879 G., dated 19th April 1886, Jemadar Seonarain, of the Meywar Bhil Corps, returned from furlough and resumed charge of his duties as Native Adjutant from Jemadar Ganga on the 13th September 1886.

No. 2422 *G.*—Captain J. A. Bell, Officiating 2nd-in-Command and Squadron Commander, Deoli Irregular Force, is granted privilege leave for sixteen days, with effect from the 1st October 1886.

By Order,

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 24th September 1886.

No. 1108-190 *II.*—With reference to this Office Notification No. 987-190 II, dated 3rd September 1886, Munshi Balmakund Dass and Mr. H. E. J. Fitzpatrick, respectively, made over and received charge of the Office of Extra Assistant Commissioner and Treasury Officer, Ajmere, on the forenoon of the 13th September 1886.

No. 1110-269.—The officers holding the appointments of Assistant Commissioners of Ajmere and Merwara, being Magistrates of the 1st Class, are invested with the powers of a Magistrate of the District, for the purposes of Act X of 1882 (Criminal Procedure Code), within their respective jurisdictions, with effect from the 18th September 1886.

No. 1113-328 *VII.*—With reference to Foreign Department Notification No. 1782 G., dated 9th September 1886, Mr. C. S. Bayley, B.C.S., received charge of the Office of Assistant Commissioner, Ajmere, from Mr. L. W. King, C.S., on the afternoon of the 18th September 1886.

With effect from the abovementioned date, Mr. Bayley is invested with the powers of a Magistrate of the 1st Class, as defined in Section 32, Act X of 1882 (Criminal Procedure Code.)

By Order,

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 22nd September 1886.

No. 84.—Major C. E. Shepherd, S.C., Executive Engineer, 1st Grade, is transferred, in the interests of the public service, from the Bolan Railway to the Sind-Pishin State Railway, Northern Section.

The 24th September 1886.

No. 85.—With reference to Public Works Department Notification No. 130, dated 14th May 1886, Mr. G. E. Moore, Executive Engineer, 1st Grade, sub. *pro tem.*, is, on return from furlough, posted to the Eastern Bengal State Railway.

The 28th September 1886.

No. 86.—With reference to Public Works Department Notification No. 240, dated 21st September 1886, the undermentioned Executive Engineers, 4th Grade, temporary rank, are posted to the lines noted opposite their names :—

Mr. R. L. Campbell to the Bellary-Kistna State Railway.

Mr. H. T. Gwyther to the Cuddapah-Nellore State Railway.

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

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 19th of June 1886, one hundred and thirty-four Nagaram gold fanams, valued at ₹16-12, were found by one Bomma Boyan, while taking out earth in the vacant ground belonging to, and adjoining the house of, one Kattalai Servakaran, in the Andipalaiyam village, Pollachi Taluq, Coimbatore District, Madras Presidency.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of the Coimbatore District, on the 1st day of March 1887, at Coimbatore, with a view to their claims being inquired into and disposed of according to law.

M. SURYAMURTHY PILLAI,
for *Collector.*

COIMBATORE COLLECTOR'S OFFICE,
The 25th September 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 August 1885, the treasure described below, and valued at ₹37-1-4, was found underground in Survey field No. 148 of Bhimpuram, in Pureeshottapur Khandam, Berhampore Taluk of this District :—

Description of Property.	*Value.* ₹ a. p.
One golden (Delhi) mohur, weighing 28½ chinnams	18 12 0
One golden Endra mohur, weighing 27½ chinnams	18 5 4
TOTAL .	37 1 4

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Ganjam, at his Office, on the 15th December 1886, in order to the matter being inquired into and determined according to the provisions of the said Act.

E. J. SEWELL,
Acting Collector of Ganjam District.

Statement of Silver Balance in the Calcutta Mint for the week ending 29th September 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 22nd September 1886 .	12,44,958	
Value of Government silver in the Mint on the same date .	4,47,894	16,92,846
ADD—		
Silver received by the Mint during the week on account of the Currency Department	2,49,531	
Ditto ditto Government	...	2,49,531
		19,42,377
DEDUCT—		
New coin paid to Reserve Treasury during the week .	...	
Petty items issued for miscellaneous purposes . . .	...	...
Balance on the evening of the 29th September 1886 . .		19,42,377
The Balance comprises—		
Silver held on account of the Currency Department .	14,94,482	
Ditto ditto Government	4,47,895	19,42,377
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	235	
Ditto ditto Government	...	235

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

CALCUTTA MINT,
The 30th September 1886.

CEMETERY NOTICE.

NOTICE.

According to the revised Rule No. XIX relating to Church and Cemeteries, published by the Government of India, Home Department, No. 103 (Ecclesiastical), dated 20th June 1885, notice is hereby given that the undermentioned old tombs or monuments are in a ruinous condition at St. Stephen's Church, Ootacamund. They will be made level with the ground if any relatives or friends of the deceased do not undertake to restore them within three months from the date of this advertisement :—

Names on the ruined tombs or monuments.

Sergeant White.	Newmarch.
Schmidt.	Daniel.
Pager.	Leigh.
Kinsman.	Nicholan.
Cecil.	Browne.
Gallaghan.	Browning.
Leight.	Rigel.
Bainbridge.	Babington.
Thomson.	Clarke.
Milton.	Shephard.
Goshett.	Wallace.
Halloway.	Phillott.
Garrard.	Lewis.
Malcolm McNeill.	Philips.
Blenkinsop.	Wilton.
Applegate.	Jenkins.
Smith.	Campbell.
Dickinson.	Boye.
Chippindale.	Goellon.
Lawless.	Godfrey.
Donaldson.	

W. B. DE WINTON,
Exe. Engr., Nilgiri Divn.

EXECUTIVE ENGINEER'S OFFICE,
NILGIRI DIVISION,
The 24th August 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.
18	D 20—65162	100	Messrs. Ramji Das and Sons, Phillour.
	D 19—26519	1,000	
19	D 17—95385	50	Gyasiram Dinaram, Agra.

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

ALLAHABAD,
The 29th September 1886.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
27	B 83—67233	50	N. Alamelu Chetty and Brother, Periakulam.

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

FORT ST. GEORGE,
The 23rd September 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 28th September 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 1,34,40,077 7 8 / Public Deposits at Branches ₹ 1,38,15,965 0 6	2,72,56,042	8	2
Other Deposits at Head Office and Branches	3,20,34,815	14	2
Bank Post Bills, &c.	4,51,015	3	2
Sundries	17,52,801	0	6
RUPEES	8,58,51,339	9	0

ASSETS.	₹	a.	p.
Government Securities	58,12,205	8	0
Other authorized Investments	57,05,033	12	0
Loans on Government and other authorized Securities	1,24,84,697	7	3
Accounts of Credit on Government and other authorized Securities	91,36,871	3	8
Bills discounted and purchased	2,19,73,795	6	0
Balances with other Banks	11,88,571	8	4
Bullion	1,836	10	6
Dead Stock	11,30,822	2	7
Stamps	9,163	7	3
Sundries	7,62,279	14	11
	5,82,05,277	0	6
Cash and Currency Notes at Head Office ₹ 1,31,14,371 11 9 / Cash and Currency Notes at Branches ₹ 1,45,31,690 12 9	2,76,46,062	8	6
RUPEES	8,58,51,339	9	0

BANK OF BENGAL,
Calcutta, 30th September 1886.

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

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

Rate for Demand Loans 7 per cent.
Percentage 44·9.

Report of a Deserter from the 1st Battalion, the Duke of Wellington's West Riding Regiment of Foot, dated at Rawalpindi, this 23rd day of September 1886.

Number, Rank, and Name,—No. 335, Private John Hindson.
Age,—23 years.
Size,—5 feet 5¾ inches.
Colour of—
Complexion, ruddy; Hair, brown; Eyes, brown.
Date of Desertion,—18th September 1886.
Place of Desertion,—Rawalpindi.
Date of Enlistment,—13th October 1882.
At what Place Enlisted,—Halifax.
Parish and County in which Born,—Leeds, Yorks.
Marks,—*Nil.*
Trade,—*Nil.*
Coat or Jacket, Waistcoat, Breeches or Trowsers,— } Regimentals white clothing.
REMARKS,—
Under 4 years' service.

E. G. FENN, *Lieut.-Colonel,*
Comdg. 1st Battn., D. W.'s W. R. Regt.

POST OFFICE.

NOTIFICATIONS.

Simla, the 22nd September 1886.

No. 8863.—Mr. R. G. Hoggarth is appointed to officiate as a 1st Grade Superintendent.

Lala Debi Prosad is appointed to officiate as a 2nd Grade Superintendent.

Lalla Pershadi Lal is appointed to officiate as Manager, Dead Letter Office, Allahabad.

Mr. H. H. Jahans is appointed to be Post Master, Cawnpore.

Moulvi Habibur Rahman Ahmed is appointed to be Post Master, Agra.

G. J. HYNES,
Offg. 1st Asst. Dir. Genl. of the Post Office of India.

POSTAL CIRCLE, MADRAS.
The 27th September 1886.

No. 9127.—Mr. Jesudasen Pillay, B.A., Post Master, Madura, is appointed to officiate as Examiner of Post Office Accounts, Palamcottah Division, in the 4th Grade of Superintendents.

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

Unclaimed letters held in the Calcutta General Post Office on 29th September 1886.

Ambuland, J.
Carpenter, A. W.
Cowley, H.
Kelly, W. J.
Thurburn, E.

Letters marked "Care of Post Office."

Anderson, Professor.
Andrews, Mrs.
Baron of Warsdorf.
Baskett, A. H. S. S.
Berrill, Charles D.
Biermann, V.
Booth, Patrick.
Bose, P. N.
Braddon, Capt. C. J. S.
Bremmer, Esq.
Brown, S.
Butler, T.
Butterwick, Miss.
Caws, Capt. A. E.
Chatterton, Jack.
Clark, R
Curry, Miss Annie.
Davenhill, W. B.
Deane, Miss Julia.
Delany, Mrs. J.
Dempsey, Dr. W.
Dowling, D. G. A.
Drewba, Mr.
D'Rozario, H. S. S.
D'Silva, T. H.
Dupins, Madamoiselle C.
Easton, Percy H.
Ernest, F. L.
Fredericks, H.
Funks, S.
"Gertrude."
Grainger, R. H.
Hill, Mrs. Amy.
Holmes, C. D.
Horne, James S.
Innes, F.
Johnson, H. M.
Jones, R. H. Wynn.
Kelly, Lieut. F. H.
Kemp, Edwin.
Knight, Mr.
Kohann, Madame Rosa.
Lemarchand, J. P.
Lloyd, Chas.
Mackenzie, Alex.
Marshall, Geo.
Martin, Lt. C. W. F.
"Mary."
McCreery, James.
McDonald, J.
Medland, W.
Miley, Dr. W. K.
Monro, H. T.
Morgan, J. C.
Morgan, W.
Mullan, H. M.
Mullen, J.
Musgrave, James.
Norman, Lucy.
Oglivie, W. A.
Okeden, Herbert.
Pollock, John.
Porter, Mrs. J.
Protestant, G.
Reading, B.
Rebeiro, Miss E.
Reid, W. A. M.
Relphe, Capt. A. W.
Roberts, H. S.
Rochussey, S. E.
Rode, Capt. J.
Schoeman, G. M.
Scotland, W. A.
Scott, J. D.
Shaw, Miss E.
Simpson, Capt. J. M.
Smith, John.
Stern, A.
St. Aubyn, G. A.
Sugget, Thomas.
Thompson, R. D.
Tonzel, C. J. C.
Travers, R. S.
Tyrrell, C. A.
Walker, P. C.
Weinthraub, Nathan.
Williams, C.
Williams, G. E.
Wilton, C.
X. R.

Registered Letters.

Barry and Sons, J. B.
McKing, J.
Pogge, G. P.
Richardson, Morrison & Co.
Shaw, Miss M.
Stern, Adolf.

Unclaimed Letters held in the Barrackpore Post Office on the 27th September 1886.

Campbell, Lady.
Hildie, Mrs. J. T.
Hodges, N.
Ives, Col. E. R.
Occupant 67, Barrackpore,
Owen, M. S.
Prendergast, Major C. L.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 2nd October 1886.

SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
Egypt, Europe, America, Cape Colonies through United Kingdom	1886. 5th Oct.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	4th ,,	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	5th ,,	Ditto.
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	4th ,,	Per French Str. *Tibre.*
Straits and Hong-Kong	8th ,,	Per Str. *Tai-tang.*
Rangoon and Moulmein	6th ,,	Per Str. *Arcot.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	6th ,,	Ditto *Medina.*

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. On Foreign mail days the letter box will close at 8-30 P.M. and late letters up to 9 P.M.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

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 کوئیناٹین کا خوب قائم مقام ھی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ھرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سوائے اونکے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ھیں 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 ھیں 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 خانونمیں بکتي ھی 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, ₹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 ھوئي ھی معمولي سے صاف کي ھوئي 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 ھر ایک ملازم سرکاري کام اور خیرات کے لئے اور وہ لوگ جو ایک مشت بیس پونڈ لین نقد اس بھار 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—

اور عام لوگون کو بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھار پر مل سکتا ھی یعنے چار آونس ٹین کا آٹھہ روپیہ آٹھہ آنہ ; آٹھہ آونس کي ٹین کا سولہ روپیہ آٹھہ آنہ اور ایک پونڈ ٹین کا بتیس ۳۲ روپیہ یہہ دو کلکتہ کے بڑي بڑي ولایتي اور دیسي دواخانون مین بھي بکتي ھی 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 ھوئے نرخ کے ھی ،

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.
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates. R1-8.
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates. R1-8.
Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates. R1-8.
Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 7 plates. R3.
Indian Meteorological Memoirs, Vol. II, Part V, 4to, 26 pages, 1 plate, R1.
Indian Meteorological Memoirs, Vol. II, complete, in cloth. R10.
Indian Meteorological Memoirs, Vol. III, Part I, 4to, 116 pages, 7 plates. R2.
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.

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,, a part of the Calcutta Series purchased separately *inclusive of postage in India* . . .	...	,, 2 0
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,, 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.
Ka. 276. **Red Sea,** in five sheets. Captain T. Elwon, R.N., 1871-72. R6-4 the set.
Ld. 286. **Anchorages in the Red Sea.** Published in 1873. R1-4.
Ld. 1277. **Mersa Durur to Trinkitat,** showing the approaches to Sawákin. Commander A. Carpenter R.N., 1884. R1-12.
Mm. 294. **Gulf of Suez.** Captain G. S. Nares, R.N., 1871-72. R2-4.

INDIAN OCEAN.

O. 11. **Indian Ocean:** Curves of equal magnetic variation, 1880. By R. C. Carrington, F.R.A.S. 8*a*.
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. 1257*a*. **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.

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

INDIA—WEST COAST.

Office No. of Chart.
N. 16. **Karachi Harbour.** By Navigating Lieutenant T. C. Pascoe, R.N., 1883. R1.
N. 25. **Port of Salaya or Seraia.** By Commander A. D. Taylor, I.N., 1879. R1.
N. 26. **Bet Harbour.** Navigating Lieutenant T. C. Pascoe, R.N., 1883. R1.
N. 1217. **Cutch Mandvi.** By Commander A. D. Taylor, I.N., corrected to 1879. R1.
N. 1270. **Okha Coast.** By Lieutenant Constable, I.N., 1852. 12*a*.
N. 1271. **Kathiawar Coast.** Two sheets. Lieutenant Constable, I.N., 1853. R1-8.
N. 1272. **Kathiawar Coast. Porebandar to Korynaur** Lieutenant A. M. Grieve, I.N., 1854. Two sheets R1-8.
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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 date 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.

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

NOTIFICATION.

Quetta, the 28th September 1886.

No. 99.—Mr. W. H. Rushton, Assistant Engineer, 1st Grade, passed the Departmental Examination in Hindustani, on 5th July 1886.

A. C. BIGG-WITHER,
Joint Secy. to Agent to Govr. Genl.,
Baluchistan, P. W. Dept.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 1st October 1886.

No. 3581.—Colonel C. Martin, C.B., Commandant, Central India Horse, and Political Agent in Western Malwa, availed himself of the thirty days' privilege leave granted him in this Office Notification No. 3210 of the 30th August 1886, on the forenoon of the 21st September 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 1st October 1886.

No. 2482 *G.*—Surgeon P. D. Pank, Civil Surgeon, Bikaneer, availed himself on the forenoon of the 17th September 1886, of the privilege leave granted him in Foreign Department Notification No. 1739 G., dated the 1st idem.

By Order,

E. G. COLVIN,

1st Asst. Agent to the Govr. Genl.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 19th June 1886, treasure, consisting of the undermentioned copper idols, &c., valued at ₹19-10, was found under ground in the tank known as Kallikulam in Paimash, No. 816, in the village of Adirangam, in Teruturaipundi taluq, Tanjore District :—

1.	Yoganarasimhaswami, weighing .	80 seers
2.	Yoganarasimhaswami Amman, weighing	40 „
3.	Renganadaswami, with Tiruvasi (pedestal), weighing . . .	20 „
4.	Three other idols, weighing . .	15 „
5.	Broken pieces of copper plates, weighing	2 „
	TOTAL	157* seers

* Valued at ₹19-10.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Tanjore, at his office, on the 25th February 1887, in view to the matter being enquired into and determined according to law.

E. GIBSON,

Acting Collector.

TANJORE COLLECTOR'S OFFICE,
VALLUM,
The 30th September 1886.

Report of a Deserter or Absentee without leave from the 1st Battalion, Durham Light Infantry, dated at Camp Dabhaura, this 2nd day of October 1886.

Number, Rank, and Name, —No. 1251, Private William Cotter.	At what Place Enlisted,—London.
Age,—27 years 4 months.	Parish and County in which Born,—Bethnal Green, London, Middlesex.
Height,—5 feet 8¾ inches.	Place of residence for last 12 months before enlistment,—Not known.
Colour of—Complexion, fresh; Hair, brown; Eyes, blue.	Marks,—Scar, right hand, H. star, scar, ring, left forearm and hand.
Date of Desertion or Absence,—27th September 1886.	Trade,—Seaman.
Place of Desertion or Absence,—Off pass granted him to Chunar from 24th to 27th September.	Regimentals, or plain clothes,—Khaki uniform.
Date of Enlistment,—29th January 1884.	REMARKS,—This man was not seen at Chunar. Deserted off pass.
	Under 3 years' service.

JNO. WOODWARD, *Lieut.-Colonel,*
Comdg. 1st Battn., Durham Light Infy.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Jubbulpore, this 6th day of October 1886.

Number, Rank, and Name. —No. 2290, Private Thomas Eastwood.	At what Place Enlisted,—Warwick.
Age,—25 years 5 months.	Parish and County in which Born,—St. George, Birmingham, Warwickshire.
Size,—5 feet 9 inches.	Marks,—
Colour of—Complexion, fresh; Hair, brown; Eyes, blue.	Trade,—Fruiterer.
Date of Desertion,—30th September 1886.	Coat or Jacket, Waistcoat, Breeches or Trowsers,— } Regimentals white clothing.
Place of Desertion,—Calcutta.	REMARKS,—Supposed to be travelling as a professional pugilist. Rather slenderly built.
Date of Enlistment,—3rd May 1880.	Under 7 years' service.

S. FIELD, *Colonel,*
Comdg. 2nd Battn., Royal Warwickshire Regt.

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 persons whose names are 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.
		₹	
21	E 25—18987	50	Basti Ram and Mutaddi Mal Bazar, Sudder Bazar, Kasouli.

A. H. H. MUNROWD,
for *Deputy Commissioner of Currency.*

LAHORE,
The 2nd October 1886.

SURVEY OF INDIA DEPARTMENT,

MAP, RECORD, AND ISSUE OFFICE.

Maps of the Survey of India Department, published at the Survey of India Offices, Calcutta and Dehra Dun, for the quarter ending 30th September 1886.

Agents for Sale of Maps.

Calcutta.—No Agent. Maps can be obtained from the Office, 13, Wood Street.
Allahabad.—Curator, Government Books, N.-W. 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 Depôt.
Rajkot.—Mr. Narainjee Sunderjee, for maps of Kattywar only.
Ahmedabad.—The Huzoor Deputy Collector, for maps of Guzerat only.
London.—Messrs. Allen & Co., Waterloo Place.
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.

Agents cannot issue maps on the *Public Service.*

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 newly published maps are periodically notified in the Gazettes of India and of Local Governments, and in the Newspapers "Pioneer," "Madras Mail," and "The Times of India."

DESCRIPTION.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY. Uncolored.	Colored.	Date of Publication.
			R a.	R a.	
GENERAL MAPS.					
Skeleton Map of India, No. 2, with additions and corrections to April 1886	1″ = 128 M.	27″ × 20″	1 12	2 0	July 1886.
Do. do. do.	do.	do.	1 12	2 0	do.
Map of India, with hills, No. 2, do do.	1″ = 80 M.	37″ × 34″	2 0	2 8	do.
Do. do. corrected to June 1886	1″ = 64 M.	In 4 sheets 19″ × 22″	4 8	4 12	March 1886.
Do. do. No. 3	do.	In 2 sheets 36″ × 23″	3 0	4 0	July 1886.
Skeleton or Lecture Map of India	1″ = 128 M.	27″ × 20″	0 8	0 12	do.
Do. do. reduction of above	[illegible]	In 6 sheets, each sheet 40″ × 27″	6 0	8 0	August 1886.
Northern Burmah and Regions adjacent. Preliminary Edition	1″ = 16 M.	40″ × 27″	0 8	0 8	January 1886.
DISTRICT MAPS.					
Map of District Lohardugga, Chota Nagpore. District, Sub-Division, and Thana boundaries corrected up to January 1886	1″ = 4 M.	In 4 sheets, each sheet 40″ × 27″	4 0	5 0	July 1886.
Map of District Hooghly	do.	26″ × 17″	0 8	0 10	August 1886.
Do. Kohat	do.	34″ × 26″	1 0	1 4	Sept. 1886.
PLANS OF CANTONMENTS AND CITIES.					
City and Environs of Ajmere in Rajputana, in seven [illegible] Railway Limits	12″ = 1 M.	34″ × 26″	5 0	6 8	July 1886.
Saugor Civil Station, Military Cantonments, City and Suburbs	6″ = 1 M.	In 2 sheets, each sheet measures 40″ × 24″	2 0	2 8	June 1886.
ATLAS SHEETS.					
Quarter Atlas Sheet, No. 32 N.W. Part of Bickaneer, Native States (Rajputana Agency)	4″ = 1 M.	27″ × 20″	0 12	0 12	February 1884.
Quarter Atlas Sheet, No. 49 S.W. Parts of Districts Delhi, Gurgaon, Rhotak, and Hissar (Punjab), Shaikhawati and Ulwar (Rajputana)	do.	do.	0 12	0 12	August 1886.
Quarter Atlas Sheet, No. 67 N.E. Parts of Bareilly, Kumaon, Tarai, and Pilibhit (N.W.P.), and Nepal (Native States)	do.	do.	0 12	0 12	May 1884.
Quarter Atlas Sheet, No. 67 N.W. Part of Districts Moradabad, Bijnor, Bareilly, Tarai, and Kumaon (N.W.P.), and Rampur (Native States)	do.	do.	0 12	0 12	May 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.
			R a.	R a.	
STANDARD SHEETS.					
BENGAL SURVEY.					
Sheet No. 172. District Durbunga	1″= 1 M.	40″ × 27″	1 8	1 12	July 1886.
,, 270. District Julpaigouri	do.	38″ × 25″	1 8	1 12	August 1886.
,, 271. Do.	do.	do.	1 8	1 12	do.
,, 272. Do.	do.	do.	1 8	1 12	do.
,, 317. Do.	do.	do.	1 8	1 12	do.
,, 318. Do.	do	do.	1 8	1 12	do.
,, 337. Do.	do.	do.	1 8	1 12	do.
HOOGHLY RIVER SURVEY.					
Sheet No. 1	do.	40″ × 27″	1 0	1 4	do.
,, 2	do.	do.	1 0	1 4	do.
BOMBAY.					
GUJARAT SURVEY.					
Sheet No. 15 (2nd Edition), City of Surat with portions of the Collectorate and parts of the Baroda and Sachin States	1″= 1 M.	40″ × 25″	1 12	2 0	June 1886.
Sheet No. 15, Section 1 (2nd Edition). Parts of Olpad and Chorasi Talukas of the Surat District	2″= 1 M.	do.	1 12	2 0	April 1886.
Sheet No. 15, Section 2 (2nd Edition). City of Surat with parts of the Chorasi and Olpad Talukas of the Surat Collectorate	do.	do.	1 12	2 0	May 1886.
Sheet No. 15, Section 3 (2nd Edition). Part of the Chorasi Taluka of the Surat Collectorate	do.	do.	1 12	2 0	April 1886.
Sheet No. 35, Section 1. Parts of the Jalalpore, Chikhli, and Bardoli Talukas of the Surat Collectorate	do.	do.	1 12	2 0	do.
Sheet No. 35, Section 2. Part of the Bardoli Taluka of the Surat Collectorate	do.	do.	1 12	2 0	May 1886.
Sheet No. 35, Section 3. Parts of the Chikhli, Jalalpore, and Bulsar Talukas of the Surat Collectorate	do.	do.	1 12	2 0	April 1886.
Sheet No. 40, Section 1. Part of the Godhra Taluka of the Panch Mehals Collectorate	4″= 1 M.	40″ × 27″	1 4	1 8	February 1885.
Sheet No. 40, Section 2. Part of the Godhra Taluka of the Panch Mehals Collectorate	do.	do.	1 4	1 8	do.
Sheet No. 40, Section 3. Parts of the Godhra Taluka of the Panch Mehals Collectorate and of the Rewah Kantha States	do.	do.	1 12	2 0	do.
Sheet No. 49, Section 13. Parts of the Dang Garvi, Dang Derbhavti, Dang Kirli, Dang Pimpladevi, Dang Bilbari, and Dang Amala States	do.	do.	1 12	2 0	March 1884.
Sheet No. 49, Section 14. Part of the Dang States of the Pimpaluir Taluka of the Khandesh Collectorate and of the Gaikwars Territory	do.	do.	1 8	1 12	do.
Sheet No. 50, Section 6. Khandesh Agency and Baroda State	do.	40″ × 25″	1 8	1 12	July 1886.
Sheet No. 50, Section 11. Parts of the Kalvan Taluka of the Nasik Collectorate and of the Dang Vasurna State	do.	42″ × 28″	1 8	1 12	October 1885.
Sheet No. 184. Parts of the Baroda State and of the Rewah Kantha Agency	1″= 1 M.	40″ × 25″	1 12	2 0	June 1886.
KATHIAWAR SURVEY.					
Sheet No. 5 (2nd Edition). Part of Ahmedabad and Gohelvad	1″= 1 M.	40″ × 27″	1 12	2 0	Nov. 1883.
,, 6 (do.) Do. do.	do.	40″ × 25″	1 12	2 0	June 1886.
,, 7 (do.) Part of Gohelvad	do.	do.	1 12	2 0	do.
,, 8 (do.) Do.	do.	40″ × 27″	1 8	1 12	October 1883.
,, 9 (do.) Do.	do.	40″ × 25″	1 12	2 0	June 1886.
,, 11 (do.) Part of the Jhalavad and Machhukanta	do.	40″ × 27″	1 12	2 0	January 1884.
,, 12 (do.) Part of Jhalavad	do.	40″ × 25″	1 12	2 0	June 1886.
,, 14 (do.) Part of N. Kathiawar, Ahmedabad, and Gohelvad	do.	40″ × 27″	1 12	2 0	April 1884.
,, 15 (do.) Part of Gohelvad and N. Kathiawar	do.	40″ × 25″	1 12	2 0	July 1886.
,, 16 (do.) Parts of Kathiawar, Gohelvad, and Undsarvaiya	do.	do.	1 12	2 0	do.
,, 17 (do.) Do. do.	do.	do.	1 12	2 0	June 1886.
,, 19 (do.) Parts of Babriavad and Gohelvad	do.	42″ × 28″	1 4	1 8	April 1884.

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.
			R a.	R a.	
STANDARD SHEETS—*contd.*					
BOMBAY—*contd.*					
KATHIAWAR SURVEY—*contd.*					
Sheet No. 20 (2nd Edition). Parts of Jhalavad and Machhukanta	1″= 1 M.	42″ × 27″	1 12	2 0	Nov. 1883.
,, 21 (do.) Do. do	do.	40″ × 25″	1 12	2 0	June 1886.
,, 22 (do.) Parts of Kathiawar and Jhalavad	do.	do.	1 12	2 0	do.
,, 23 (do.) Parts of Kathiawar, Jhalavad, & Halar	do.	40″ × 27″	1 12	2 0	March 1884.
,, 24 (do.) Parts of Kathiawar and Halar	do.	40″ × 25″	1 12	2 0	June 1886.
,, 26 (do.) Parts of Kathiawar and Gohelvad	do.	do.	1 12	2 0	July 1886.
,, 27 (do.) Do. do.	do.	do.	1 12	2 0	June 1886.
,, 28 (do.) Parts of Sorath, Kathiawar, Gohelvad, and Babriavad	do.	do.	1 12	2 0	July 1886.
,, 29 (do.) Parts of Babriawar and Sorath	do.	do.	1 12	2 0	June 1886.
,, 32 (do.) Parts of Halar and Machhukanta	do.	do.	1 12	2 0	do.
,, 33 (do.) Parts of Halar, Machhukanta, and Jhalavad	do.	do.	1 12	2 0	do.
,, 35 (do.) Part of Halar	do.	do.	1 12	2 0	do.
,, 43 (do.) Do.	do.	do.	1 12	2 0	July 1886.
,, 45 (do.) Do.	do.	do.	1 12	2 0	June 1886.
,, 52 (do.) Do.	do.	do.	1 12	2 0	do.
,, 53 (do.) Do.					
CUTCH SURVEY.					
Sheet No. 1	do.	40″ × 27″	1 8	1 12	January 1884.
,, 2	do.	do.	1 4	1 8	do.
,, 6	do.	do.	1 12	2 0	do.
,, 7	do.	do.	1 12	2 0	March 1884.
,, 8 and 9	do.	do.	1 8	1 12	February 1884.
,, 23	do.	do.	1 12	2 0	March 1884.
CENTRAL INDIA & RAJPUTANA.					
Sheet No. 95. Parts of Jodhpore and Sirohee	do.	40″ × 25″	1 0	1 4	August 1886.
,, 118. Parts of Oodeypore, Jodhpore, and Sirohee	do.	do.	1 0	1 4	do.
,, 148. Parts of Dungarpore and Oodeypore	do.	do.	1 0	1 4	do.
,, 149. Parts of Dungarpore and Idar	do.	do.	1 0	1 4	do.
RAJPUTANA SURVEY.					
Sheet No. 73. Part of Jodhpore	do.	42″ × 28″	1 0	1 4	January 1886.
,, 74. Do.	do.	do.	1 0	1 4	March 1886.
,, 75. Parts of Jodhpore and Sirohee	do.	do.	1 0	1 4	do.
HYDERABAD.					
YEDAGERRY CIRCAR.					
Sheet 104 and 105	1″= 2 M.	40″ × 25″	1 0	1 4	June 1886.
DEVERKONDAH CIRCAR.					
Sheet 151 (Isolated portion)	1″= 1 M.	do.	1 0	1 4	do.
,, 152 Do.	do.	do.	1 0	1 4	do.
MULKAID CIRCAR.					
Sheet 101, 102, 103, 125, 126, and 127	1″= 2 M.	40″ × 27″	1 0	1 4	do.
,, 104, 105, 128, and 129	do.	40″ × 25″	1 0	1 4	do.
,, 106, 130	do.	do.	1 0	1 4	do.
KOILKONDAH CIRCAR.					
Sheet 100, 101, 124, and 125	do.	do.	1 0	1 4	do.
,, 102, 103, 126, and 127	do.	do.	1 0	1 4	do.
,, 104, 105, 128, and 129	do.	do.	1 0	1 4	do.

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.*					
HYDERABAD—*contd.*					
KUMMUMETT CIRCAR.					
Sheet 220	1″= 1 M.	42″ × 28″	Not	priced.	July 1886.
,, 224	do.	do.	do.	do.	do.
MYSORE SURVEY.					
Sheet No. 25. Part of District Kadur	do.	40″ × 25″	1 0	1 4	do.
,, 50. Part of Districts Kadur and Mysore	do.	do.	1 0	1 4	do.
,, 60. Part of Districts Bangalore and Mysore	do.	do.	1 0	1 4	do.
,, 61. Do. do.	do.	do.	1 0	1 4	do.
OUDH SURVEY.					
Sheet No. 136. Districts Lucknow, Unao, Rae Bareilly, and Bara Banki	do.	38″ × 25″	1 8	1 12	August 1886.
176. District Fyzabad	do.	do.	1 8	1 12	June 1886.
PUNJAB.					
PUNJAB SURVEY.					
Sheet No. 147. District Montgomery	do.	40″ × 27″	1 8	1 12	Sept. 1886.
,, 148. Do.	do.	do.	1 8	1 12	do.
,, 149. Do.	do.	do.	1 8	1 12	do.
,, 150. Do.	do.	do.	1 8	1 12	do.
,, 170. Do.	do.	do.	1 8	1 12	do.
,, 171. Do.	do.	do.	1 8	1 12	do.
,, 172. Do.	do.	do.	1 8	1 12	do.
,, 173. Do.	do.	do.	1 8	1 12	do.
,, 174. Do.	do.	38″ × 25″	1 8	1 12	July 1886.
,, 175. Do.	do.	40″ × 27″	1 8	1 12	Sept. 1886.
,, 194. Do.	do.	do.	1 8	1 12	July 1886.
,, 195. Do.	do.	do.	1 8	1 12	Sept. 1886.
,, 196. Do.	do.	do.	1 8	1 12	do.
,, 197. Do.	do.	do.	1 8	1 12	July 1886.
,, 198. Do.	do.	do.	1 8	1 12	do.
,, 211. Do.	do.	do.	1 8	1 12	Sept. 1886.
,, 212. Do.	do.	do.	1 8	1 12	July 1886.
,, 251. Districts Juliunder and Ludhiana, and Kapurthala State	do.	do.	1 8	1 12	Sept. 1886.
,, 257 N. E. District Hissar	2″= 1 M.	40″ × 25″	1 0	1 4	May 1886.
,, 257 N. W. Do.	do.	do.	1 0	1 4	do.
,, 257 S. E. Do.	do.	do.	1 0	1 4	do.
,, 257 S. W. Do.	do.	do.	1 0	1 4	do.
,, 258 N. E. Do.	do.	do.	1 0	1 4	do.
,, 258 N. W. Do.	do.	do.	1 0	1 4	do.
,, 258 S. E. Do.	do.	do.	1 0	1 4	do.
,, 258 S. W. Do.	do.	do.	1 0	1 4	do.
,, 259 N. E. Do.	do.	do.	1 0	1 4	August 1886.
,, 259 N. W. Do.	do.	do.	1 0	1 4	do.
,, 259 S. E. Do.	do.	do.	1 0	1 4	do.
,, 259 S. W. Do.	do.	do.	1 0	1 4	do.
,, 260 N. E. Do.	do.	do.	1 0	1 4	July 1886.
,, 260 N. W. Do.	do.	do.	1 0	1 4	do.
,, 260 S. E. Do.	do.	do.	1 0	1 4	do.
,, 260 S. W. Do.	do.	do.	1 0	1 4	do.
,, 261 N. E. Do.	do.	do.	1 0	1 4	August 1886.
,, 261 N. W. Do.	do.	do.	1 0	1 4	do.
,, 261 S. E. Do.	do.	do.	1 0	1 4	do.
,, 261 S. W. Do.	do.	do.	1 0	1 4	do.
INDEX MAP.					
Index to the Sheets of the Hooghly River Survey	1″= 4 M.	13″ × 9″	0 4	0 4	do.
,, Standard Sheets of H. H. the Nizam's Dominions and Assigned Districts of Berar	...	20″ × 20″	0 4	0 4	do.
,, Rajputana Survey	...	17″ × 14″	0 4	0 4	Sept. 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.	
TECHNICAL CHARTS.					
Chart of Triangulation of Suakin Survey	1″= 2 M.	34″ × 26″	Nil.	Nil.	June 1886.
,, ,, of Bangalore Cantonment and City Survey	2″= 1 M.	42″ × 28″	Nil.	Nil.	July 1886.
Preliminary Chart of the Eastern Frontier Series	1″= 4 M.	do.	Nil.	Nil.	1880.
MISCELLANEOUS MAPS.					
HOOGHLY RIVER SURVEY.					
Sheet No. 1	6″= 1 M.	40″ × 27″	2 0	2 8	August 1886.
,, 2	do.	do.	2 0	2 8	do.
,, 3	do.	do.	2 0	2 8	do.
,, 4	do.	do.	2 0	2 8	do.
,, 1 A. & E.	16″= 1 M.	30″ × 22″	2 0	2 4	July 1886.
,, 1 B. & F.	do.	do.	2 0	2 4	do.
,, 1 C. & G.	do	do.	2 0	2 4	do.
,, 1 D. & H.	do.	do.	2 0	2 4	do.
,, 1 I.	do.	25″ × 20″	2 0	2 4	do.
,, 1 K.	do.	do.	2 0	2 4	do.
,, 4 B.	do.	do.	2 0	2 4	June 1886.
,, 4 C.	do.	do.	2 0	2 4	July 1886.
,, 4 D.	do.	do.	2 0	2 4	June 1886.
,, 4 G.	do.	do.	2 0	2 4	July 1886.
,, 5 A.	do.	do.	2 0	2 4	June 1886.
,, 5 B.	do.	do.	2 0	2 4	do.
,, 5 C.	do.	do.	2 0	2 4	do.
,, 5 D.	do.	do.	2 0	2 4	do.
,, 5 F.	do.	do.	2 0	2 4	do.
,, 5 G.	do.	do.	2 0	2 4	do.
,, 5 H.	do.	do.	2 0	2 4	do.
,, 5 I.	do.	do.	2 0	2 4	do.
,, 5 M.	do.	do.	2 0	2 4	do.
,, 5 N.	do.	do.	2 0	2 4	do.
,, 9 A.	do.	do.	2 0	2 4	do.
,, 9 B.	do.	do.	2 0	2 4	do.
,, 9 C.	do.	do.	2 0	2 4	do.
,, 9 E.	do.	do.	2 0	2 4	do.
,, 9 F.	do.	do.	2 0	2 4	do.
,, 9 G.	do.	do.	2 0	2 4	do.
,, 9 H.	do.	do.	2 0	2 4	do.
,, 9 I.	do.	do.	2 0	2 4	do.
EXTRA-DEPARTMENTAL MAPS.					
Reconnaissance Map of the country near Suakin	1″= 4 M.	30″ × 22″	0 8	0 8	do.

R. BEAVAN, *Lieut.-Colonel,*
Offg. Assistant Surveyor General,
In Charge, Map Record and Issue Office.

SURVEY OF INDIA DEPARTMENT,
Calcutta, 1st October 1886.

CEMETERY NOTICE.

NOTICE.

According to the revised Rule No. XIX relating to Church and Cemeteries, published by the Government of India, Home Department, No. 103 (Ecclesiastical), dated 20th June 1885, notice is hereby given that the undermentioned old tombs or monuments are in a ruinous condition at St. Stephen's Church, Ootacamund. They will be made level with the ground if any relatives or friends of the deceased do not undertake to restore them within three months from the date of this advertisement :—

Names on the ruined tombs or monuments.

Sergeant White.
Schmidt.
Pager.
Kinsman.
Cecil.
Gallaghan.
Leight.
Bainbridge.
Thomson.
Milton.
Goshett.
Halloway.
Garrard.
Malcolm McNeill.
Blenkinsop.
Applegate.
Smith.
Dickinson.
Chippindale.
Lawless.
Donaldson.
Newmarch.
Daniel.
Leigh.
Nicholan.
Browne.
Browning.
Rigel.
Babington.
Clarke.
Shephard.
Wallace.
Philpott.
Lewis.
Philips.
Wilton.
Jenkins.
Campbell.
Boye.
Goellon.
Godfrey.

W. B. DE WINTON,
Exe. Engr., Nilgiri Divn.

EXECUTIVE ENGINEER'S OFFICE,
NILGIRI DIVISION,
The 24th August 1886.

POST OFFICE.

NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 6th October 1886.

Ambuland, J.	Christolu & Co.	Orman & Co.
Birch & Co.	Cowley, H.	Palmer, C. W.
Biss, J. B.	Cubitt, W. M.	Siquierce, J. S.
Bourbillon & Co.	Erskine, Messrs. & Co.	Thurburn, E.
Burke, J. H.	Kelly, W. J.	Watson, J. B., & Co.
Campbell, J.	Kilgour, Miss.	

Letters marked "Care of Post Office."

Ahmed, H. L.	Fredericks, H.	Ogilvie, W. A.
"Akaba."	Funks, S.	Okeden, Herbert.
Anderson, Mrs.	"Gertrude."	Pogose, P. M.
Anderson, Professor.	Glazier, E. G., Mrs.	Pollock, John.
Andrews, Mrs.	Grainger, R. H.	Protestant, G.
Baron of Warsdorf.	Hand, Mrs. R. G.	Reading B.
Baskett, A. H. S. S.	Hart, Dale.	Rebeiro, Miss E.
Berrill, Charles D.	Hiley, Charles.	Reid, W. A. M.
Basu, S. & Co.	Hill, Mrs. Amy.	Relphe, Capt. A. W.
Berland, Mrs.	Horne, James S.	Roberts, H. S.
Bessie, Louis.	Innes, F.	Rochussey, S. E.
Biermann, V.	Johnson, H. M.	Rode, Capt. J.
Booth, Patrick.	Jones, R. H. Wynn.	Schoeman, G. M.
Bose, P. N.	Jones, Tom.	Scotland, W. A.
Box, Esq.	Kelly, Lieut. F. H.	Scott, J. D.
Bremmer, Esq.	Kemp, Edwin.	Simpson, Capt. J. M.
Browne, J.	Knight, Mr.	Smith, John.
Brown, S.	Kohann, Madame Rosa.	Spencer & Co.
Brunton, Mrs. J.	Lemarchand, J. P.	Spencer, Mrs. C.
Caws, Capt. A.	Lodder, Mrs.	Stern, Alsedph.
Chatterton, Jack.	Lodder, E.	St. Aubyn, G. A.
Clark, R	Mackenzie, Alex.	Stuart, Miss M.
Curry, Miss Annie.	Marshall, Geo.	Sueget, Thomas.
Cuttiss, Arthur	Martin, Lt. C. W. F.	Touzel, C. J. C
Davenhill, W. B.	"Mary."	Travers, R. S.
Deane, Miss Julia.	McCreery, James.	Tyrrell, C. A.
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Dibblee, F. L.	Medland, W.	Walker, P. C.
Dowling, G. A.	Miley, Dr. W. K.	Weinthraub, Nathan.
D'Rozario, H. S. S.	Monro, H. T.	Wilkowsky, L. C.
D'Silva, T. H.	Morgan, J. C.	Williams, C.
Dupins, Madamoiselle C.	Morgan, W.	Williams, G. E.
Eagle, F. S.	Mullan, H. M.	Wilton, C.
Easton, Percy H.	Mullen, J.	X R.
Evezord, Mrs. J. D'Arcy.	Musgrave, James. Norman, Lucy.	Young, Miss Florence.

Registered Letters.

Arrakiel, M.	Demount, F.	Richardson, Morrison & Co.
Barry and Sons, J. B.	McKing, J.	
Berrill, J. C. D.	Pogose, G. P.	

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

Hildie, Mrs. J. T.	Prendergast, Major C. L.
Owen, M. S.	Sen, S. B.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 9th October 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 Oct.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	11th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	12th ,,	Ditto.
Australia, New Zealand and Tasmania	12th ,,	Ditto.
Madras and Colombo	15th ,,	Per P. & O. Str, *Coromandel*.
Straits and Hong-Kong	20th ,,	Per Str. *Japan*.
Rangoon and Moulmein	13th ,,	Ditto *Madura*.
Akyab, Kyouk Phyoo, Sandoway and Rangoon	13th ,,	Ditto *Maharatta*.

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., except on Foreign mail day the letter box will close at 8-30 P.M. and late letters up to 9 P.M.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

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 هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب ترخ ذيل خريد کرسکتے هين يعنے ترخ چار اونس کے ٹين کا آٹهه 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 ترخ ذيل خريد کرسکتے هين يعنے ترخ 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 خانوںمين 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 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 لين نقد اس هار 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 بهار 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 يه 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 بارہ آنه علاوہ اوپر لکهے هوئے نرخ کے هی ،

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 16th October 1886.

From the 13th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 6th 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.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Mussoorie, the 6th October 1886.

No. 6.—With reference to the Surveyor General's Notification No. 576, dated 3rd August 1886, Mr. T. H. Rendell, Surveyor, 4th Grade, Survey of India, is granted privilege leave for one month, in extension of that already granted to him by the Surveyor General in the above Notification.

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

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 August 1886.

Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
STATE RAILWAYS (CAPITAL).			
1	Jorhat	July 1886	Sept. 13, 1886
2	Bengal & North-Western	Do. "	Do. 18, "
3	Punjab Railway Surveys	Do. "	Do. 23, "
4	Sindh-Sagar	Do. "	Do. 25, "
5	Eastern Bengal	Do. "	Do. 25, "
	Dacca-Mymensing		
	Dhond-Manmad		
	Naihatti		
6	Northern Bengal	Do. "	Do. 27, "
	Nagpur-Bengal		
	Umaria Colliery		
	Wardah Coal		
	Kaunia-Dhuria		
13	Tirhoot	Do. "	Do. 28, "
14	Assam Railway Surveys		
15	Bhopal Railway Surveys	Do. "	Do. 29, "
	Madras Railway Surveys		
	Nagpur-Chhattisgarh		
	State Ry. Stores Branch		
	Administrative Charges.		
	Bengal Central	Do. "	Oct. 1, "
20	Burma		
	N.-W. P. and Oudh Ry. Surveys.		
	Ranaghat-Bhagwangola	June "	Aug. 11, "
25	Amritsar-Pathankot		
	Holkar		
26	Rajputana-Malwa	Do. "	Sept. 6, "
	Rewari-Ferozepur		
	Satlej Bridge Divn. (R. F. Railway).		
30	Bengal Ry. Surveys.	Do. "	Do. 7, "
28	Eastern Bengal	Do. "	Do. 9, "
29	Cuddapah-Nellore	Do. "	Do. 9, "
	Sind-Pishin		
30	Assam Subsidized Rys.	Do. "	Do. 13, "
	Chirra Punji - Company-gunj.		
31	Cawapore-Achneyra	Do. "	Do 14, "
32	Indian Midland (Cawnpur-Jhansi Section.)	Do. "	Do 20, "
33	East Indian		
	North Western		
34	Patna-Gya	Do. "	Oct. 2, "
	Sindia		
42	Dildarnagar-Ghazipur	May "	Aug. 9, "
43	Indian Midland	Do. "	Do. 20, "
44	N.-W. P. & Oudh Provl.	Do. "	Do. 25, "
45	Southern Mahratta	Do. "	Sept. 11, "
46	Bellary-Kistna.	Do. "	
	FOREIGN STATES.		
1	Joonagadh	July 1886	Sept. 16, 1886
2	Khairagar-Gondal	Do. "	Do. 20, "
3	Khairagar-Ahmadi	Do. "	Do. 27, "

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	Rajputana	July 1886	Sept. 18, 1886
2	Central India	Do. "	Do. 20, "
3	Punjab	Do. "	Do. 25, "
4	Central Provinces	Do. "	Do. 25, "
	Bombay		
	Hyderabad (Imperial) Military Works		
5	Port Blair	Do. "	Do. 27, "
	Hyderabad (Assigned Districts.)		
9	Coorg	Do. "	Do. 28, "
10	Madras	Do. "	Do. 29, "
12	North-Western Provinces and Oudh.	Do. "	Do. 30, "
13	Burma	Do. "	Oct. 1, "
14	Bengal	Do. "	Do. 2, "
15	Assam	June "	Sept. 10, "
	IRRIGATION.		
1	Punjab	July 1886	Sept. 20, 1886
2	Rajputana	Do. "	Do. 27, "
3	Bombay Military Works	Do "	Do. 29, "
5	Bengal	Do. "	Do. 29, "
	Madras		
7	Burma	Do. "	Oct. 1, "
	North-Western Provinces and Oudh.		
	TELEGRAPH DEPARTMENT.		
1	Indo-European	June 1886	Sept. 24, 1886
2	Indian	Do. "	Do. 27, "
3	General	Do. "	Do. 27, "
	GUARANTEED RAILWAYS.		
1	Bombay North-Western Provinces and Oudh.	July 1886	Sept. 27, 1886
4	Indian Midland	Do. "	Do. 27, "
5	State Railway Stores	June "	Aug. 23, "
6	Punjab	Do. "	Do. 27, "
7	Madras	Do. "	Sept. 7, "
	Bengal	Do. "	

A. G. BEGBIE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

SIMLA,
The 6th October 1886.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 6th October 1886.

Offices reported opened and closed during the month of September 1886 :—

Name of Office.	Where situated.	Date.	REMARKS.
	Departmental.		
Adoni	Madras Presdy.	20th Sep.	Opened.
Badami	Sind	15th "	Closed.
Beliaghat (Calcutta.)	Bengal	27th "	Opened.
Napiye	Upper Burma	26th July.	Ditto.
Pollebetta	Madras Presdy.	14th Sep.	Ditto.
Yendawmyo	Upper Burma	31st Aug.	Ditto.
	Railway.		
Chandia, Rupondh, Umaria	B. E. S. Ry.	23rd Sep.	Opened.
Gopalnagar	B. C. Ry.	1st "	Closed.
Hardwar	O. & R. Ry.	20th Aug.	Opened.
Ichapur, Khurdah, Tittaghur	E. B. S. Ry.	1st Sep.	Ditto.
Khewra, Pind Dadan Khan	N. W. Ry.	31st Aug.	Closed.
Kushba	A. B. S. Ry.	10th Sept.	Opened.

NOTE.—The name of the Office hitherto known as "Belgaon, G. I. P.," has been altered to "Asvali, G. I. P."

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

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 6th October 1886.

No. 2510 *G.*—Second Class Hospital Assistant Hussein Alli, attached to the Chaoni Dispensary in Jhallawar, is granted two months' privilege leave, with effect from the forenoon of the 23rd September 1886.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 6th October 1886.

No. 87.—Captain R. Gardiner, R.E., Class II of the State Railway Superior Revenue Establishment, is, with the sanction of the Government of India, granted leave for one month, under Public Works Department Code, Volume I, Chapter V, paragraph 16, with effect from the 7th October 1886, or such subsequent date as he may be relieved of his duties on the Eastern Bengal State Railway.

No. 88.—Mr. W. Monies, Assistant Engineer, 1st Grade, has been granted by Her Majesty's Secretary of State for India an extension of leave, on medical certificate for six months, in continuation of that granted him in Director General's Notification No. 76, dated 26th August 1886.

No. 89.—Mr. J. M. Montague, Executive Engineer, 4th Grade, sub. *pro tem.*, has been granted by Her Majesty's Secretary of State for India leave for six weeks in extension of that granted him in Director General's Notification No. 81, dated 18th June 1885.

The 7th October 1886.

No. 90.—Mr. W. Beechey, Assistant Engineer, 3rd Grade, is transferred, in the interests of the public service, from the Bilaspur-Etawah to the Sind-Sagar State Railway.

The 11th October 1886.

No. 91.—With reference to Public Works Department Notification No. 246, dated 27th September 1886, Mr. R. K. Biernacki, Locomotive Candidate, is posted to the North-Western Railway.

The 12th October 1886.

No 92.—The undermentioned officers are transferred, in the interests of the public service, from the Bolan Railway to the Sind-Pishín State Railway :—

Captain W. H. White, R.E., Executive Engineer, 2nd Grade, sub. *pro tem.*

Mr. W. J. Weightman, Assistant Engineer, 1st Grade.

Mr. R. D. Perceval, Assistant Engineer, 1st Grade.

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

NORTH-WESTERN RAILWAY.

NOTIFICATION.

The 11th October 1886.

No. 7.—Mr. H. T. Ferguson, Deputy Locomotive Superintendent, Class I, Grade III, of the Superior Revenue Establishment, attached to the North-Western Railway, has been granted by Her Majesty's Secretary of State for India six months' extraordinary leave without pay, in addition to six months' leave on private affairs to England granted to him under North-Western Railway Notification No. 3 of 5th April 1886.

L. CONWAY-GORDON, *Major, R.E.,*
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 :—

Burma Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1886.		R	
W3	Q 6—08483	100	Soobrayaloo, No. 68, 38th Street, Rangoon.
,,	—11926	100	

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

RANGOON,
The 7th October 1886.

Statement of Silver Balance in the Calcutta Mint for the fortnight ending 13th October 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 29th September 1886	14,94,482	
Value of Government silver in the Mint on the same date	4,47,895	
		19,42,377
ADD—		
Silver received by the Mint during the fortnight on account of the Currency Department	246	
Ditto ditto Government	63	
		309
		19,42,686
DEDUCT—		
New coin paid to Reserve Treasury during the fortnight	...	
Petty items issued for miscellaneous purposes	...	
		...
Balance on the evening of the 13th October 1886		19,42,686
The Balance comprises—		
Silver held on account of the Currency Department	14,94,728	
Ditto ditto Government	4,47,958	
		19,42,686
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	...	
Ditto ditto Government	...	
		...

J. SCULLY, *Surgeon-Major,*
In charge of the current duties of the Office of the Master of the Mint.

CALCUTTA MINT,
The 14th October 1886.

Descriptive Return of an Absentee from the 1st Battalion, King's Own Borderers, dated at Meerut, this 7th day of October 1886.

Number, Rank, and Name, —No. K. O.B.—905, Private John Harris.
Age,—22 years 8 months.
Height,—5 feet 4 inches.
Colour of—
Complexion, dusky; Hair, brown; Eyes, hazel.
Date of Absence,—6th October 1886.
Place,—Meerut.
Date of Enlistment,—24th March 1884.
At what Place Enlisted,—
Parish and County in which Born,—
Marks,—Scar on left wrist.
Trade,—
Coat or Jacket,— } Regimental khaki clothing.
Waistcoat,— .
Breeches or Trowsers,— .
REMARKS,—Escaped from the Royal Artillery cells, where he was a prisoner. As far as is known, he had only 1 shirt, 1 pair drawers, 1 blanket, and 1 helmet with him.

C. L. WOOLLCOMBE, *Lieut. & Adjt.,*
Comdg. 1st Battn., King's Own Borderers.

Report of Deserter from the 1st Battalion, Worcestershire Regiment of Foot, dated at Karachi, this 7th day of October 1886.

Number, Rank, and Name, —No. 481, Private John Cain.
Age,—21 years 4 months.
Size,—5 feet 4½ inches.
Colour of—
Complexion, fresh; Hair, light brown; Eyes, blue.
Date of Desertion,—2nd October 1886.
Place of Desertion,—Karachi.
Date of Enlistment,—10th July 1883.
At what Place Enlisted,—Dudley.
Parish and County in which Born,—Dudley, Worcestershire.
Marks,—Scar on back of left hand.
Trade,—Labourer.
Coat or Jacket,— } Regimental khaki clothing.
Waistcoat,— .
Breeches or Trowsers,— .
REMARKS,—Under 4 years' service.

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

DIRECTOR OF THE INDIAN MARINE.

Notice to Mariners.

The following intimation has been received from Commander A. Carpenter, R.N., in charge of the Marine Survey of India :—

Until the locality is re-surveyed vessels should not pass between the Crocodile Rock and the Cadiapatam Coast, a rock having been reported inside Kotah Island, and another suspected between Crocodile Rock and Adundale Island.

See Chart, 751, West Coast of India, Sheet XIII.

J. HEXT,
Director of the Indian Marine.

H. M. I. M. DOCKYARD,
BOMBAY,
The 27th September 1886.

POST OFFICE.

NOTIFICATIONS.

Simla, the 7th October 1886.

No. 9529.—ERRATUM.—*Gazette of India*, Part II, page 602. In this Office Notification No. 8863, dated 22nd September 1886, *for* "Mr. R. G. Hoggarth," *read* "Mr. R. G. Haygarth."

G. J. HYNES,
Offg. 1st Asst. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 14th October 1886.

Biss, J. B.	Geor, A.	Hazell, C.
Cowley, H.	Hazlewood, A. H. G.	Helm, F. P.

Letters marked "Care of Post Office."

Ahmed, H. L.	"Gertrude."	Norman, Lucy.
"Akaba."	Giles, G. M.	Ogilvie, W. A.
Anderson, Mrs.	Glazier, E. G., Mrs.	Okeden, Herbert.
Anderson, Professor.	Gould, A.	Piado, E.
Andrews, Mrs.	Grainger, R. H.	Pogose, P. M.
Baron of Warsdorf.	Halsey, S.	Pollock, John.
Baskett, A. H. S. S.	Hart, Dale.	Protestant, G.
Berrill, Charles D.	Hill, Mrs. Amy.	Reading B.
Basu, S. & Co.	Horne, James S.	Reid, W. A. M.
Bessie, Louis.	Innes, F.	Relphe, Capt. A. W.
Biermann, V.	Johnson, H. M.	Roberts, H. S.
Booth, Patrick.	Jones, R. H. Wynn.	Rochussey, S. E.
Bose, P. N.	Jones, Tom.	Schoeman, G. M.
Box, Esq.	Kelly, Lieut. F. H.	Scotland, W. A.
Browne, J.	Kemp, Edwin.	Scott, J. D.
Brown, S.	Knight, Mr.	Serra, P.
Brunton, Mrs. J.	Kohann, Madame Rosa.	Simpson, Capt. J. M.
Caws, Capt. A.	Lemarchand, J. P.	Smith, C. W. T.
Chatterton, Jack.	Lodder, Mrs.	Spencer, Mrs. C.
Clark, R	Lynch, H.	Staunton, Mrs. R. S.
Curry, Miss Annie.	Mackenzie, Alex.	St. Aubyn, G. A.
Cuttiss, Arthur	Martin, Lt. C. W. F.	Stuart, Miss M.
Darenhill, W. B.	Martin, Mrs. N.	Sugget, Thomas.
Deane, Miss Julia.	"Mary."	Tancovaci, M.
Dempsey, Dr. W.	McCreery, James.	Touzel, C. J. C.
Dowling, G. A.	McDonald, J.	Travers, R. S.
D'Silva, T. H.	Medland, W.	Tyrrell, C. A.
Dupins, Madamoiselle C.	Miley, Dr. W. K.	Underwood, C. A.
Easton, Percy H.	Monro, H. T.	Walker, P. C.
Evezord, Mrs. J. D'Arcy.	Morgan, W.	Weinthraub, Nathan.
Fredericks, H.	Mullan, H. M.	Williams, C.
Funks, S.	Mullen, J.	Wilton, C.
	Musgrave, James.	Young, Miss Florence.

Registered Letters.

Barry and Sons, J. B.	Brown, J.	McKing, J.

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

Arrakiel, M.	Fry, Mrs.	Owen, M. S.
Berrill, J. C. D.	Hendrickson, Charles.	Prendergast, Major C. L.
Downey, Miss.	Maxwell, W. B.	Smith, Mrs. T. P.
Demount, F.		

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 16th October 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 Oct.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	18th ,,	Ditto.
Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion	19th ,,	Ditto.
Madras and Colombo	16th ,,	Per P. & O. Str. *Coromandel.*
Straits and Hong-Kong	20th ,,	Per Str. *Japan.*
Rangoon and Moulmein	20th ,,	Ditto *Africa.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	20th ,,	Ditto *Coconada.*
Port Blair and Camorta	21st ,,	Ditto *Mahanani.*

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., except on Foreign mail day the letter box will close at 8-30 P.M. and late letters up to 9 P.M.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

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 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 ليوے 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 ; اور ايك پونڈ كے ٹين كا بيس روپيه '

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونميں بكتي هى علاوے قيمت مذكورۂ بالا كے محصول ڈاك چار آنه 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, 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.

کرسٹلین سنکونا دوائي بخار'

لال سنکونا بارک کي ایک نئي اور عمدہ دوا گورنمنٹ فاکٹري میں تیار ہوئی 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 لیں نقد اس بھاو سے خرید سکتے ہیں 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 لوگوں 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 سولہ روپیہ آٹھہ آنہ اور ایک پونڈ ٹین کا بتیس ۳۲ روپیہ یہہ دو کلکتہ کے بڑي بڑي والیٹي اور دیسي دواخانوں میں 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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Subscription for *Gazette* and Supplement per annum	15	0	0
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative **Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is ₹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 date 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.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 18th October 1886.

No. 15.—Mr. T. R. G. Cadiz, Assistant Superintendent, 1st Grade, is allowed furlough on medical certificate, in extension, for nine months, under Section 53 of the Civil Leave Code, with effect from the forenoon of the 18th October 1886.

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

Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India and outstanding in the Books of the Bank of Bengal on the 30th September 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 September 1886	54,100	13,80,587	27,42,100	2,23,28,800	91,92,000	2,64,24,200	2,29,33,300	8,50,00,987	44,37,000	74,53,000	9,95,43,500	11,14,33,500	1,33,800	32,200	19,66,54,587
Add—															
Amount enfaced at Madras between 16th and 30th September 1886 . .	...	...	3,400	36,800	6,200	12,600	23,000	82,000	...	18,000	64,000	82,000	...	...	1,64,000
Amount enfaced at Bombay between 16th and 30th September 1886 . .	...	...	2,000	35,000	1,500	3,64,000	11,000	4,13,500	...	31,000	2,13,000	2,44,000	...	...	6,57,500
Amount enfaced at Calcutta between 16th and 30th September 1886 . .	...	...	...	46,800	...	37,100	11,500	95,400	...	25,000	8,85,100	9,10,100	...	...	10,05,500
	54,100	13,80,587	27,47,500	2,24,47,400	91,99,700	2,68,37,900	2,29,78,800	8,55,91,887	44,37,000	75,27,000	10,07,05,600	11,26,69,600	1,33,800	32,200	19,84,81,587
Deduct—															
Amount written off in the London Registers . .	...	...	7,700	2,34,700	16,700	10,65,100	88,900	14,13,100	...	36,000	1,30,600	1,66,600	...	...	15,79,700
Balance on 30th September 1886	54,100	13,80,587	27,39,800	2,22,12,700	91,83,000	2,57,72,800	2,28,89,900	8,41,78,787	44,37,000	74,91,000	10,05,75,000	11,25,03,000	1,33,800	32,200	19,69,01,887

Note.—From 9th June 1869 to 31st July 1886 enfaced from India 5,284 lakhs, re-transferred from London 4,703 lakhs.
„ 1st Aug. 1886 to 15th Aug. „ „ „ 14 „ „ „ 11 „
„ 16th „ „ to 31st „ „ „ „ 25 „ „ „ 9 „
„ 1st Sept. „ to 15th Sept. „ „ „ „ 10 „ „ „ 2 „
„ 16th „ „ to 30th „ „ „ „ 18 „ „ „ 15 „

5,351 lakhs.
4,740 „

Balance against India . 611 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 14th October 1886.

W. D. CRUICKSHANK,
Depy. Secretary and 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 October 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 30th September 1886	54,100	13,80,587	27,39,800	2,22,12,700	91,83,000	2,57,72,800	2,28,89,900	8,41,78,787	44,37,000	74,91,000	10,05,75,000	11,25,03,000	1,33,800	32,200	19,69,01,887
Add—															
Amount enfaced at Madras between 1st and 15th October 1886 . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Bombay between 1st and 15th October 1886 . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Calcutta between 1st and 15th October 1886 . . .	...	...	...	1,000	...	1,500	...	2,500	...	18,000	1,69,700	1,87,700	...	...	1,90,200
	54,100	13,80,587	27,39,800	2,22,13,700	91,83,000	2,57,74,300	2,28,89,900	8,41,81,287	44,37,000	75,09,000	10,07,44,700	11,26,90,700	1,33,800	32,200	19,70,92,087
Deduct—															
Amount written off in the London Registers . .	...	...	...	1,000	...	1,000	...	2,000	...	...	...	...	...	...	2,000
Balance on 15th October 1886	54,100	13,80,587	27,39,800	2,22,12,700	91,83,000	2,57,73,300	2,28,89,900	8,41,79,287	44,37,000	75,09,000	10,07,44,700	11,26,90,700	1,33,800	32,200	19,70,90,087

Note.—From 9th June 1867 to 15th Aug. 1886 enfaced from India 5,298 lakhs, re-transferred from London 4,714 lakhs.
„ 16th Aug. 1886 to 31st „ „ „ „ 25 „ „ „ 9 „
„ 1st Sept. „ to 15th Sept. „ „ „ „ 10 „ „ „ 2 „
„ 16th „ „ to 30th „ „ „ „ 18 „ „ „ 15 „
„ 1st Oct. „ to 15th Oct. „ „ „ „ 1 „ „ „ ... „

5,352 lakhs.
4,740 „

Balance against India . 612

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 18th October 1886.

W. D. CRUICKSHANK,
Depy. Secretary and Treasurer.

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

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 1,09,60,916 14 11			
Public Deposits at Branches ₹ 1,46,55,184 8 1	2,56,16,101	7	0
Other Deposits at Head Office and Branches	2,92,30,914	1	11
Bank Post Bills, &c.	4,35,021	12	1
Sundries	10,48,531	8	7
RUPEES	8,15,87,233	12	7

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				51,38,892	8	0
Other authorized Investments				57,03,995	4	0
Loans on Government and other authorized Securities				1,06,94,850	13	11
Accounts of Credit on Government and other authorized Securities				90,10,313	12	10
Bills discounted and purchased				2,07,07,792	1	8
Balances with other Banks				10,49,012	13	11
Bullion				1,721	2	6
Dead Stock				11,29,129	10	8
Stamps				9,080	6	3
Sundries				7,69,927	1	10
				5,42,24,315	11	7
Cash and Currency Notes at Head Office	1,20,28,445	11	2			
Cash and Currency Notes at Branches	1,53,34,472	5	10	2,73,62,918	1	0
RUPEES				8,15,87,233	12	7

BANK OF BENGAL,
Calcutta, 21st October 1886.

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

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

Rate for Demand Loans 6 per cent.
Percentage 47·8.

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

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 13th October 1886	14,94,728	
Value of Government silver in the Mint on the same date	4,47,958	19,42,686
ADD—		
Silver received by the Mint during the week on account of the Currency Department	...	
Ditto ditto Government	...	...
		19,42,686
DEDUCT—		
New coin paid to Reserve Treasury during the week	...	
Petty items issued for miscellaneous purposes	1,196	1,196
Balance on the evening of the 20th October 1886		19,41,490
The Balance comprises—		
Silver held on account of the Currency Department	14,94,728	
Ditto ditto Government	4,46,762	19,41,490
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,66,695	
Ditto ditto Government	...	2,66,695

J. SCULLY, *Surgeon-Major,*
In charge of the current duties of the Office of the Master of the Mint.

CALCUTTA MINT,
The 21st October 1886.

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

NOTIFICATION.—ESTABLISHMENT.

Indore, the 19th October 1886.

No. 3.—The Mhow Fort Division, which was formed as a separate Executive Division, *vide* Notification No. 9, dated 1st October 1884, has now been abolished, on completion of the Mhow Fort work, with effect from 1st October 1886.

By order,

C. S. THOMASON, *Colonel, R.E.,*
Secy. to Agent to Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 13th October 1886.

No. 2575 *G.*—First Class Hospital Assistant No. 88, Mahomed Fakur (1st), attached to the Erinpura Irregular Force, is granted sixty days' leave of absence on full pay, with effect from the 2nd October 1886.

No. 2576 *G.*—Second Class Hospital Assistant No. 354, Syud Sujjad Hossein, attached to the Deoli Irregular Force, is granted sixty days' leave of absence on full pay, with effect from 1st October 1886.

The 16th October 1886.

No. 2600 *G.*—Lieutenant-Colonel A. W. Roberts, Political Agent, Ulwar, availed himself on the forenoon of the 13th September 1886 of the privilege leave granted him in this Office Notification No. 2292 G., dated 10th September 1886, and returned from it on the forenoon of 9th October 1886.

No. 2602 *G.*—With the concurrence of the Government of the North-Western Provinces and Oudh, 3rd Class Hospital Assistant Moorut Lall, of the Rajputana Circle, and 1st Class Hospital Assistant Hafeezoollah, of the North-Western Provinces and Oudh, are permitted to exchange provinces, with effect from the 2nd September 1886.

No. 2603 *G.*—With reference to this Office Notification No. 2602G., dated 16th October 1886, 1st Class Hospital Assistant Hafeezoollah took charge of the Charitable Dispensary at Abu on the afternoon of the 4th October 1886, from 2nd Class Hospital Assistant Jowala Pershad, who proceeded on fifteen days' privilege leave.

No. 2605 *G.*—Second Class Hospital Assistant Imdad Hossein, attached to the Residency Hospital at Oodeypore, held charge of the duties of the Residency Surgeon, Oodeypore, in addition to his own, from the 17th June to the 5th July 1886, both days inclusive.

No. 2606 *G.*—Second Class Hospital Assistant Luchmun Dass, attached to the Bikaneer Raj Dispensary, assumed charge of the duties of the Agency Surgeon, Bikaneer, in addition to his own, with effect from the forenoon of the 17th September 1886.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Abu, the 15th October 1886.

No. 1199-375 *II.*—The leave granted to Mr. F. L. Reid, Principal, Ajmere Government College, and Inspector of Schools, Ajmere-Merwara, by this Office Notification No. 971-75 III., dated 30th August 1886, is converted to six months' leave on private affairs, with effect from 4th August 1886, under the provisions of Section 141, Chapter X, of the Civil Leave Code.

No. 1202-388.—In supersession of all previous Notifications on the subject, and in exercise of the powers conferred on him by Section 2, Clause *b*, of Ajmere Regulation II of 1877 (Land and Revenue), the Chief Commissioner of Ajmere-Merwara is pleased to appoint the Assistant Commissioners of Ajmere and Merwara for the time being to discharge the functions of a Collector under the said Regulation within their respective districts.

The Assistant Commissioner of Ajmere will, however, continue, until further orders, to exercise for both districts the powers conferred on him in this Office Notification No. 1161-136 II, dated 23rd October 1885, in respect of Excise.

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 14th October 1886.

No. 93.—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 a further extension of three months' leave on medical certificate in continuation of the leave notified in Director General's Notification No. 41 of 30th April 1886.

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

Report of a Deserter or Absentee without leave from the 2nd Battalion, The Liverpool Regiment of Infantry, dated at Camp Kailana, Chakrata, this 13th day of October 1886.

Number, Rank, and Name.—No. L'pool.—671, Private William Gibbons.	At what Place Enlisted,—Thames Police Court.
Age,—26 years 7 months.	Parish and County in which Born,—Bermondsey, London, Middlesex.
Height,—5 feet 5 inches.	
Colour of—Complexion, dark; Hair, dark brown; Eyes, grey.	Place of residence for last 12 months before enlistment,—No record.
Date of Desertion or Absence—1st October 1886.	Marks,—Mole in front of chest.
Place of Desertion or Absence,—Rest Camp, Allahabad.	Trade,—Labourer.
Date of Enlistment,—12th February 1884.	Regimentals, or plain clothes,—Regimentals.
	REMARKS,—Under 3 years' service.

C. H. NEWINGTON, *Major,*
Comdg. Depôt, 2nd Battn., L'pool. Regt.

Report of a Deserter or Absentee without leave from the 2nd Battalion, The Liverpool Regiment of Infantry, dated at Camp Kailana, Chakrata, this 13th day of October 1886.

Number, Rank, and Name,—No. L'pool.—1058, Private George Fitch.	At what Place Enlisted,—Reading.
Age,—19 years 11 months.	Parish and County in which Born,—Clewer, Windsor, Berks.
Height,—5 feet 4¼ inches.	
Colour of—Complexion, fresh; Hair, brown; Eyes, brown.	Place of residence for last 12 months before enlistment,—No record.
Date of Desertion or Absence,—1st October 1886.	Marks,—Star on left forearm.
Place of Desertion or Absence,—Rest Camp, Allahabad.	Trade,—Tailor.
Date of Enlistment,—6th January 1885.	Regimentals, or plain clothes,—Regimentals.
	REMARKS,—Under 2 years' service.

C. H. NEWINGTON, *Major,*
Comdg. Depôt, 2nd Battn., L'pool. Regt.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about October 1885, treasure, consisting of sovereigns, &c., was found in the debris of an out-house near the Perambur Barracks Road, in the village of Perambore, in the taluk and district of Madras, in the Presidency of Fort St. George. A part of the said treasure was under conversion by the finder into jewels at the time of the recovery of the treasure.

2. The following are the particulars of the treasure found and recovered :—

10 Full sovereigns with loops attached.

2 Thick pieces of gold of 21 pagodas weight.

1 Small piece of gold $\frac{17}{32}$ pagodas weight.

2 Pieces of gold saradoo with a roll of wire attached to one of them of $12\frac{5}{16}$ pagodas weight.

1 Ten-rupee Currency Note, No. B 88—25765 of Madras Circle, and 60 Rupees in cash.

3. All persons claiming the treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Madras, at his office, on the Beach, on the 13th January 1887, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

C. F. MACCARTIE,
Acting Collector.

MADRAS COLLECTOR'S OFFICE,
The 13th August 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.
		₹	
20	D 17—99740 D 20—70887	50 100	Haji Abdul Ghaffar Imam Elahi, Fyzabad.

C. G. VANSITTART,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

ALLAHABAD,
The 20th October 1886.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
28	B 93—60498	100	S. Venkatasaiyer, Salem.

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

FORT ST. GEORGE,
The 14th October 1886.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 21st October 1886.

Besson, J. & Co.	Gabbon, J. B.	McGanagall, J.
Brault & Co.	Hazell, C.	Nicoll, Francis.
Browne, James.	Helm, F. A. & Co.	Thomson, C. H.
Campbell, Mrs.	Helm, F. P.	Williams, P.
Crepps, J. R.	Kenyon, E. A.	Wiseman, T., & Co.

Letters marked "Care of Post Office."

Ahmed, H. R.	Glazier, E. G., Mrs.	Piado, E.
Anderson, Mrs.	Gorman, D. A. O.	Pollock, John.
Anderson, Professor.	Grainger, R. H.	Protestant, G.
Andrews, Mrs.	Greer, R. T.	Reading, B.
Baron of Warsdorf.	Halsey, S.	Reid, W. A. M.
Baskett, A. H. S. S.	Hegarty, Miss M.	Relphe, Capt. A. W.
Basu, S. & Co.	Hill, Mrs. Amy.	Roberts, H. S.
Berrill, Charles D.	Horne, James S.	Rochussey, S. E.
Bessie, Louis.	Hughes, R. J.	Sampin, A.
Biermann, V.	Innes, F.	Scotland, W. A.
Bole, S. L.	Johnson, H. M.	Scott, J. D.
Bose, P. N.	Jones, R. H. Wynn.	Senior, J. H.
Box, Esq.	Jones, Tom.	Serra, P.
Brown, S.	Kelly, Lieut. F. H.	Simpson, Capt. J. M.
Butterwick, Miss.	Knight, Mr.	Smith, C. W. T.
Cameron, Miss.	Landsut, C.	Smith, J. S.
Caws, Capt. A.	Laye, Frank J.	Sim, R. B.
Chatterton, Jack.	Lloyd, Chas.	Spencer, Mrs. C.
Clark, R.	Lonidor, R.	Staunton, Mrs. R. S.
Creek, Col.	Lynch, H.	St. Aubyn, G. A.
Curry, Miss Annie.	Mackenzie, Alex.	Stern, Adalph.
Davenhill, W. B.	Maneckjee, N.	Stevens, T.
Dempsey, Dr. W.	Mann, G.	Sugget, Thomas.
Don, W.	"Mary."	Touzel, C. J. C.
Dowling, G. A.	McCreery, James.	Travers, R. S.
D'Silva, T. H.	Medland, W.	Underwood, C. A.
Dundas, P. A. C.	Miley, Dr, W. K.	Vere, Miss Clara.
Dupins, Madamoiselle C.	Monier, J. A.	Virgo, E. G.
Easton, Percy H.	Monro, H. T.	Walker, P. C.
Evezord, Mrs. J. D'Arcy.	Morgan, W.	Weinberg, Mrs.
Fraser, Bernard.	Mullan, H. M.	Williams, C.
Funks, S.	Musgrave, James.	Young, James.
Giles, G. M.	Norman, Lucy.	Young, Miss Florence.
	Okeden, Herbert.	

Registered Letters.

Brown, J.	McKing, J.

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

Arrakiel, M.	Douglas, S. R.	Maxwell, W. B.
Crossman, J.	Downey, Miss.	Novel, Mr.
Chatterjee, Jadub Chunder.	Fry, Mrs.	Owen, M. S.
Campbell, Sir F. T.	Galloway, D.	Powell, C. W. C.
Campbell, Col. J. C.	Hendrickson, Charles.	Thomas, C. F.
Cress, T.	Hogan, A.	Zacheriah, H. C.
	Maseyk, C. B.	

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

The 23rd October 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 Oct.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	25th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Phillippine Islands, China and Japan	26th ,,	Ditto.
Australia, New Zealand and Tasmania	26th ,,	Ditto.
Madras and Colombo	30th ,,	Per P. & O. Str. *Rosetta.*
Rangoon and Moulmein	27th ,,	Per Str. *Bhundara.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	27th ,,	Ditto *Medina.*
Port Blair *vid* Rangoon	27th ,,	Ditto *Bhundara.*

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., except on Foreign mail day the letter box will close at 8-30 P.M. and late letters up to 9 P.M.

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

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 برٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے 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 سوله روپيه آٹهه آنه '

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 6, 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 16th October 1886.

From the 13th November next, till further notice, the complete *Gazette of India* **will be published at Calcutta. After the 6th 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 ₹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 date 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.

NOTIFICATION.

Simla, the 1st November 1886.

No. 589.—Mr. T. Archdale Pope, who has been appointed an Assistant Superintendent, 2nd Grade, under Notification No. 840—17-21 S., dated the 8th October 1886, of the Government of India in the Revenue and Agricultural Department, is appointed to officiate in the 1st Grade of Assistant Superintendents, with effect from the forenoon of the 14th October 1886.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 2nd November 1886.

Offices reported opened and closed during the month of October 1886 :—

Name of Office.	Where situated.	Date.	REMARKS.
	Departmental.		
Aurungabad	Hyderabad, Deccan	1st Oct.	Opened.
*Bahawalpur (Viceroy's Camp).	Punjab	28th ,,	Ditto.
Gareshkhind	Bombay Presdy.	21st ,,	Closed.
Grant's Buildings, Bombay.	Ditto	1st ,,	Opened.
Kachh	Baluchistan	16th ,,	Closed.
Kyanhuyat	Upper Burma	23rd ,,	Opened.
Kyanktan	Burma	1st ,,	Ditto.
Landour	N.-W. Provinces	22nd ,,	Closed.
Mahableshwar	Bombay Presdy.	1st ,,	Opened.
Matheran	Ditto	1st ,,	Ditto.
Mussooree, Library Bazar.	N.-W. Provinces	31st ,,	Closed.
Myinthé	Upper Burma	7th ,,	Ditto.
Nathiagali	Punjab	20th ,,	Ditto.
Uttarpara	Bengal	5th ,,	Opened.
	Railway.		
Byadgi	S. M. Ry.	18th Oct	Opened.
Gadgiri			
Harihar			
Hatimatur			
Haveri			
Karur			
Kugri			
Kulur			
Kundgol			
Ranebennur			
Saonshi			
Yelogi			

* Closed 1st November 1886.

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

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 28th October 1886.

No. 3846.—Mr. G. S. T. Harris, C.E., Executive Engineer of the Rewah State, returned from the furlough granted to him in this Office Notification No. 2363 of the 7th July 1885, and took charge of his duties on the forenoon of the 12th instant.

The unexpired portion of his leave is hereby cancelled.

No. 3855.—Third Class Hospital Assistant Padam Nath, attached to the Bhopal Battalion, is granted twenty-nine days' privilege leave from the 3rd October 1886.

The 29th October 1886.

No. 3866.—Colonel C. Martin, C.B., Commandant, Central India Horse, and Political Agent, Western Malwa, returned from the thirty days' privilege leave granted to him in this Office Notification No. 3210, dated the 30th August 1886, and took charge of his duties on the forenoon of the 20th October 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 30th October 1886.

No. 2720 *G.*—With reference to this Office Notification No. 2243 G., dated the 4th September 1886, Colonel E. Temple resumed charge of his duties as 2nd Assistant to the Resident in Meywar from Colonel A. Conolly, on the forenoon of the 15th October 1886.

No. 2730 *G.*—Third Class Hospital Assistant Ewaz Ally, attached to the Mandrael Dispensary in Kerowlee, was granted three months' leave on private affairs, in accordance with Section 130 of the Civil Leave Code, with effect from the forenoon of the 10th August 1886, and 3rd Class Hospital Assistant Dost Mohomed Khan, of the Government Reserve List, was appointed to act for him.

No. 2731 *G.*—Third Class Hospital Assistant Raghu Nath, attached to the Mayo College Hospital at Ajmere, is granted two years' leave without pay on private affairs, in accordance with Section 134 of the Civil Leave Code, with effect from the afternoon of the 19th October 1886, and Second Class Hospital Assistant Mahesh Pershad, of the Reserve List of Hospital Assistants for Government employment, is appointed to act for him.

The 2nd November 1886.

No. 2742 *G.*—Second Class Hospital Assistant, No 277, Kataroo Ram, returned on the 7th of October 1886, from the leave granted him in this Office Notification No. 2191 G., dated the 28th August 1886.

No. 2744 *G.*—Third Class Hospital Assistant Hurdeo Pershad returned from the leave granted him in this Office Notification No. 2198 G., dated the 28th August 1886, and resumed charge of his duties on the forenoon of the 17th October 1886, from 2nd Class Hospital Assistant Mahesh Pershad, who reverted to the Reserve List of Hospital Assistants for Government employment. The one month's unexpired portion of leave due to Hurdeo Pershad has been cancelled.

By Order,

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

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 29th October 1886.

No. 95.—With reference to Public Works Department Notification No. 279, dated 22nd October 1886, Mr. B. W. Cantopher, Executive Engineer, 3rd Grade, is posted to the Bellary-Kistna State Railway. This cancels that portion of Director General's Notification No. 86, dated 28th September 1886, which relates to Mr. R. L. Campbell, Executive Engineer, 4th Grade, temporary rank.

No. 96.—Mr. J. W. A. McNair, Class III of the State Railway Superior Revenue Establishment, Stores Department, is, in the interests of the public service, re-transferred to the Bilaspur-Etawah Railway, with effect from such date as he is relieved of his duties as Acting Port Store-keeper, State Railway Department, Calcutta.

The 1st November 1886.

No. 97.—With reference to Public Works Department Notification No. 273, dated 20th October 1886, Mr. C. H. Croudace, Executive Engineer, 1st Grade, is posted to the North-Western Railway.

No. 98.—Mr. J. S. Brown, Executive Engineer, 3rd Grade, sub. *pro tem.*, is, on return from furlough, posted to the North-Western Railway.

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

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

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 27th October 1886	17,26,001	
Value of Government silver in the Mint on the same date	5,05,052	22,31,053
ADD—		
Silver received by the Mint during the week on account of the Currency Department	258	
Ditto ditto Government	289	547
		22,31,600
DEDUCT—		
New coin paid to Reserve Treasury during the week	1,60,000	
Petty items issued for miscellaneous purposes	729	1,60,729
Balance on the evening of the 3rd November 1886		20,70,871
The Balance comprises—		
Silver held on account of the Currency Department	15,31,324	
Ditto ditto Government	5,39,547	20,70,871
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	6,61,251	
Ditto ditto Government	...	6,61,251

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

CALCUTTA MINT,
The 4th November 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.
		₹	
30	B 86—55481	100	G. H. Davey, Esq., Quilon.
31	B 93—83356	100	T. Ekambara Gramani, Madras.

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

FORT ST. GEORGE,
The 25th October 1886.

Report of a Deserter or Absentee without leave from the 1st Battalion, Royal Irish Fusiliers, dated at Nowshera, this 26th day of October 1886.

Number, Rank, and Name, —No. 1394, Private James Hughes.	Parish and County in which Born,—Tillysand, Armagh.
Age,—21 years 7 months.	Place of residence for last 12 months before enlistment,—Not known.
Height,—5 feet 7 inches.	Marks,—None.
Colour of—	Trade,—Labourer.
Complexion, dark ; Hair, dark brown ; Eyes, hazel.	Regimentals, or plain clothes,—Regimentals, khaki.
Date of Desertion or Absence—21st October 1886.	REMARKS,—Supposed to have left with party of time-expired men leaving Peshawar District for Deolali.
Place of Desertion or Absence,—Nowshera.	Under 4 years' service.
Date of Enlistment,—18th July 1883.	
At what Place Enlisted,—Armagh, Ireland.	

F. J. TODD, *Colonel*,
Comdg. 1st Battn., Royal Irish Fusiliers.

TREASURE TROVE.

NOTICE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on the 19th August 1886, treasure consisting of cash valued in the aggregate at ₹30-1-11, were found accidentally by four cowherd boys, while digging the ground for pebbles with small sticks, in a place said to have been formerly used as a straw yard by the father of one Katike Balayya, in the village site of Old Porumamillapalli, in the Cumbum taluq, Kurnool District, in the Madras Presidency.

All persons claiming the said treasure or any part thereof are hereby required to appear personally or by agent before the Collector of Kurnool, at his Office, on 3rd March 1887, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

C. KOUGH,
Acting Collector of Kurnool.

KURNOOL COLLECTOR'S OFFICE,
KURNOOL,
The 21st October 1886.

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

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 1,15,89,267 1 1			
Public Deposits at Branches ₹ 1,34,40,495 6 0	2,50,29,762	7	1
Other Deposits at Head Office and Branches	2,88,40,708	5	11
Bank Post Bills, &c.	3,68,507	5	3
Sundries	20,42,251	12	2
RUPEES	8,06,37,984	13	5

ASSETS.	₹	a.	p.
Government Securities	70,80,019	0	0
Other authorized Investments	54,88,035	0	0
Loans on Government and other authorized Securities	91,81,647	6	10
Accounts of Credit on Government and other authorized Securities	92,05,052	15	6
Bills discounted and purchased	1,96,85,119	12	8
Balances with other Banks	8,35,268	10	11
Bullion	1,866	3	6
Dead Stock	11,28,014	14	2
Stamps	9,020	9	3
Sundries	7,70,008	15	9
	5,33,84,953	8	7
Cash and Currency Notes at Head Office ₹ 1,06,91,060 6 7			
Cash and Currency Notes at Branches ₹ 1,65,61,970 14 3	2,72,53,031	4	10
RUPEES	8,06,37,984	13	5

BANK OF BENGAL,
Calcutta, 4th November 1886.

J. GORDON,
Chief Acctt. & Dy. Secy.
Rate for Demand Loans 6 per cent.
Percentage 48·4

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

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 کوئیناٹین کا خوب قائم مقام ھی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ھرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سوائے اونکے جو کوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ھیں یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ '

اور عوام‌الناس بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ھیں 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 خانونمیں بکتي ھی 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, ₹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 ھوئي ھی معمولي ے صاف کي ھوئي دوائي بخار سے کونین ے لئے یہہ بہت خوب قایم مقام ھی اور سیب پور متصل کلکتہ کے بوٹانکل گارڈن یعني کمپني باغ کے سپرنٹنڈنٹ صاحب سے ھر ایک ملازم سرکاري کام اور خیرات کے لئے اور وہ لوگ جو ایک مشت بیس پونڈ لین نقد اس بھاو 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—

اور عام لوگون کو بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھاو پر مل سکتا ھی یعنے چار آونس ٹین کا آٹھہ روپیہ آٹھہ آنہ ; آٹھہ آونس کي ٹین کا آسولہ روپیہ آٹھہ آنہ اور ایک پونڈ ٹین کا بتیس ۳۲ روپیہ یہہ دو کلکتہ کے بڑي بڑي ولایتي اور دیسي دواخانون مین بھي بکتي ھی محصول ڈاک چار آونس کي ٹین کے لئے چار آنہ ; آٹھہ اونس کي ٹین کے لئے آٹھہ آنہ اور ایک پونڈ کي ٹین کے لئے بارہ آنہ علاوہ اوپر لکھے ھوئے نرخ کے ھی '

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 28th October 1886.

From the 1st November next, the hours up to which Registered letters and Parcels will be received in the General Post Office, and the Town Sub-Offices of Calcutta, will be as follows:—

General Post Office.

Registered letters for Inland Post	5-30 P.M.
Parcels of all descriptions	5 „

Town Sub-Offices.

Registered letters	4-30 P.M.
Parcels of all descriptions	4-30 „

From the same date, the latest hours of posting for the undermentioned places at the different Town Offices will be as noted below the name of each Office:—

PLACES TO WHICH MAILS ARE DESPATCHED.	NAMES OF TOWN POST OFFICES.																						
	Alipur.	Amherst Street.	Bagh Bazar.	Ballygunge.	Bara Bazar.	Beadon Square.	Beliaghat.	Bhawanipur.	Bow Bazar.	Cossipore.	Dharamtala.	Fort William.	Garden Reach.	Hatkhola.	Kalighat.	Kidderpore.	Napit Bazar.	Park Street.	Simla.	Wellesley Street.	Writers' Buildings.	Chowringhee.	Watgunge.
	Afternoon.																						
HOWRAH AND SEEBPORE.																							
Places in Assam, except those in the Sylhet and Silchar Districts) and stations served by the Northern Bengal Railway, Darjeeling, Rungpur, Bogra, Baulcah, &c., Barrackpore, Ranaghat, Belgoria, Kamarhati, Barnagore, Tollygunge.	12-25	12-40	12-25	12-25	12-50	12-20	12-25	12-30	12-50	11-50	12-50	12-50	11-35	12-35	12	12-35	12-40	12-50	12-25	12-45	12-55	12-55	12-1
Stations served by the East Indian Railway Loop Line; also Baulcah, Howrah, Akra, Contai, Debipur, Diamond Harbour, Ghateshwar, Kedgeree, Kukrahati, Kulpi, Myaadal, Sahipur, Sorisha, Sntahata, Nazra, Boral, Magrahat, Jaynagar, Mathurapur.	2-30	2-45	2-30	2-30	2-55	2-30	2-30	2-35	2-55	2-5	2-55	2-55	1-40	2-40	2-5	2-40	2-45	2-55	2-35	2-50	3-5	3	2
Burrisal, Jessore and Khoolna Districts, Baraset, Badu, Duttapukur, Deganga, Dum-Dum, Itinda, Rajibpur, Bhangore, Goberdanga, Prithiba, Rajarhar, Tababeria, and places in Bussecrhat Sub-Division, Bombay, Madras, N.-W. Provinces, Punjab, Behar, Oudh, Sind, Rajputana, Central India and Central Provinces.																							
Stations served by Eastern Bengal State Railway, including Dacca, Chittagong, Noakhali, Tipperah, Maimensing, Kishnaghur, Furreedpore, Nattore, Pubna, Sylhet, and Cachar. All stations on the East Indian Railway Chord Line and Jamalpur, Bhagalpur, and Monghyr, on the East Indian Railway Loop Line.	5-15	5-30	5-15	5-15	5-40	5-10	5-15	5-20	5-40	4-40	5-40	5-40	4-25	5-25	4-50	5-25	5-30	5-40	5-15	5-35	6	5-45	5-5
Howrah, Dum-Dum, Behala, Baraset, Badu, Deganga, and Itinda.																							
Cuttack, Midnapore, and Poorpe.																							

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

Simla, the 26th October 1886.

No. 10339.—Mr. E. deC. Williams, Deputy Postmaster General, Sind and Baluchistan, having been granted leave on private affairs for six months, and Mr. J. W. Cornwall having been appointed to officiate for him during his absence, they mutually made over and received charge on the 21st October 1886, before noon.

P. SHERIDAN,
Offg. Depy. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 4th November 1886.

Billimoria, C. S.
Browne, James.
Ball, S. D. A. W.
McGonagall, Joseph.
Thomson, C. H.
Wiseman, T. & Co.

Letters marked "Care of Post Office."

Ahmed, H. R.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 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 16th October 1886.

From the 13th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 6th 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 ₹5 per annum, payable in advance. When sent by post, ₹2-8 per annum additional will be charged for postage.

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

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the date 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.

NOTIFICATION.

Calcutta, the 17th November, 1886.

No. 590.—Mr. J. T. U. Coxen, Surveyor, 4th Grade, is granted leave on medical certificate for six months, under Section 128, Chapter X, Civil Leave Code, with effect from 10th November.

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

No. 1635.—*Account of Revenue and Expenditure of the Government of India for the first three months of the year 1886-87, as compared with the corresponding period of 1885-86.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling omitting all amounts below hundreds of pounds.

	Revenue.	Estimates, 1886-87.	April 1885 to June 1885.	April 1886 to June 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	23,316,000	6,557,200	6,161,800	...	395,400
II	Opium	9,227,600	2,084,300	2,177,500	93,200	...
III	Salt	6,392,500	1,708,400	1,728,200	19,800	...
IV	Stamps	3,694,400	992,200	968,600	...	23,600
V	Excise	4,134,800	1,023,800	1,058,900	35,100	...
VI	Provincial Rates	2,000,100	896,800	873,700	...	23,100
VII	Customs	1,173,200	301,600	316,700	15,100	...
VIII	Assessed Taxes	1,458,100	303,400	203,800	...	99,600
IX	Forest	1,153,300	152,200	177,100	24,900	...
X	Registration	309,800	86,600	80,000	...	6,600
XI	Tributes from Native States	712,000	106,600	106,400	...	200
XII	Interest	630,900	166,300	160,500	...	5,800
XIII	Post Office	1,157,100	283,300	300,500	17,200	...
XIV	Telegraph	564,200	141,600	131,700	...	9,900
XV	Mint	181,100	81,600	42,500	...	39,100
XVI	Law and Justice	576,000	113,700	114,900	1,200	...
XVII	Police	322,200	70,000	76,400	6,400	...
XVIII	Marine	184,800	27,400	32,200	4,800	...
XIX	Education	203,800	42,300	40,200	...	2,100
XX	Medical	55,200	11,100	8,800	...	2,300
XXI	Scientific and other Minor Departments.	88,500	8,800	11,600	2,800	...
XXII	Receipts in aid of Superannuation, &c.	264,600	34,100	41,200	7,100	...
XXIII	Stationery and Printing	71,500	11,000	15,000	4,000	...
XXIV	Exchange	...	...	...	...	...
XXV	Miscellaneous	204,500	56,400	60,000	3,600	...
		59,075,200	15,260,700	14,888,200	...	372,500
XXVI	State Railways (Gross Earnings)	10,841,200	2,469,700	2,879,400	409,700	...
XXVII	Guaranteed Companies (Net Traffic Receipts).	3,133,500	1,926,800	1,757,200	...	169,600
XXVIII	Subsidized Companies (Repayment of Advances of Interest.)	...	...	...	...	...
XXIX	Irrigation Major Works: Direct Receipts.	921,300	173,000	170,100	...	2,900
XXX	Irrigation Minor Works and Navigation.	144,600	22,600	29,400	6,800	...
XXXI	Military Works	188,100	7,700	5,100	...	2,600
XXXII	Civil Works	463,300	105,300	105,700	400	...
XXXIII	Army: Effective	744,900	185,080	205,800	20,800	...
	„ Non-effective	48,100				
		75,560,200	20,150,800	20,040,900	...	109,900
	England, including Army, Public Works, &c.	178,900	48,300	58,600	10,300	...
	Exchange added to Revenue	59,600	15,200	20,700	5,500	...
	GRAND TOTAL	75,798,700	20,214,300	20,120,200	...	94,100

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

,THE TREASURY,
Calcutta, the 19th November 1886.

	Expenditure.	Estimates, 1886-87.	April 1885 to June 1885.	April 1886 to June 1886.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Refunds and Drawbacks	207,000	53,000	49,200	...	3,800
2	Assignments and Compensations	1,301,000	289,900	273,200	...	16,700
3	Land Revenue	3,588,000	751,900	773,600	21,700	...
4	Opium (including Cost of Production)	2,648,400	1,978,700	1,718,300	...	260,400
5	Salt (do. do.)	496,600	101,300	128,400	27,100	...
6	Stamps	84,100	22,500	22,500	...	...
7	Excise	103,800	30,200	21,000	...	9,200
8	Provincial Rates	46,600	20,600	7,100	...	13,500
9	Customs	133,400	32,400	33,000	600	...
10	Assessed Taxes	58,700	2,400	9,300	6,900	...
11	Forest	739,100	145,400	146,800	1,400	...
12	Registration	191,200	45,700	46,500	800	...
13	Interest on Ordinary Debt*	3,822,300	1,022,000	883,700	...	133,300
14	Do. on other Obligations	362,900	68,300	28,100	...	40,200
15	Post Office	1,201,900	281,200	281,200	...	1,000
16	Telegraph	587,600	132,000	125,800	...	6,200
17	Mint	84,500	26,700	18,200	...	8,500
18	General Administration	1,402,000	341,400	318,400	...	23,000
19	Law and Justice	3,467,500	821,000	827,900	6,900	...
20	Police	3,017,900	679,000	721,100	42,100	...
21	Marine (including River Navigation)	375,600	90,300	113,300	23,000	...
22	Education	1,326,200	268,000	278,200	10,200	...
23	Ecclesiastical	172,400	40,500	38,700	...	1,800
24	Medical	778,500	178,100	179,100	1,000	...
25	Political	645,500	421,900	170,300	...	251,600
26	Scientific and other Minor Departments	467,000	136,000	130,700	...	5,300
27	Territorial and Political Pensions	644,800	164,000	171,900	7,900	...
28	Civil Furlough and Absentee Allowances	6,300	800	200	...	600
29	Superannuation Allowances and Pensions	694,800	278,400	170,300	...	108,100
30	Stationery and Printing	427,800	86,500	94,200	7,700	...
31	Exchange	137,700	...	...	...	...
32	Miscellaneous	304,000	76,600	74,900	...	1,700
33	Famine Relief	1,000	1,700	100	...	1,600
34	Construction of Protective Railways	500,000	...	...	...	...
35	Do. do. Irrigation Works	111,300	45,700	23,200	...	22,500
36	Reduction of Debt	749,000	...	...	...	...
		30,888,400	8,634,100	7,882,400	...	751,700
37	Construction of Railways (Charged against Revenue in addition to that under Famine Insurance)	109,200	28,400	106,500	78,100	...
38	State Railways: (Working Expenses)	5,569,100	1,126,800	1,358,700	231,900	...
	Interest on Capital deposited by Companies	400	...	...	...	...
39	Guaranteed Companies: (Surplus Profits, Land and Supervision)	497,500	23,900	51,900	28,000	...
	Interest	3,400	...	...	...	...
40	Subsidized Companies: Land, &c.	69,500	6,200	8,900	2,700	...
41	Miscellaneous Railway Expenditure	120,000	21,200	28,500	7,300	...
42	Irrigation Major Works: Working Expenses	611,700	142,900	145,500	2,600	...
43	Irrigation Minor Works and Navigation	740,600	160,200	142,000	...	18,200
44	Military Works	1,152,300	155,400	167,500	12,100	...
45	Civil Works	4,190,900	663,900	667,500	3,600	...
46	Army: Effective	12,449,000	3,859,100	3,052,900	...	806,200
	Do. Non-effective	839,400	273,600	273,800	200	...
		57,241,400	15,095,700	13,886,100	...	1,209,600
	England, including Army, Public Works, Guaranteed Interest, &c.	14,512,900	3,230,900	3,268,200	37,300	...
	Exchange charged as Expenditure	4,837,600	1,016,900	1,154,300	137,400	...
		76,591,900	19,343,500	18,308,600	...	1,034,900
	Expenditure not charged to Revenue—					
	Capital Outlay on Railways and Irrigation Works—					
	In India—					
47	State Railways	2,327,100	1,012,500	818,000	...	194,500
48	Irrigation Works	700,000	158,100	95,500	...	62,600
49	Special Defence Works	235,000	...	30,100	30,100	...
	In England—					
47	State Railways	1,800,000	362,600	492,400	129,800	...
48	Irrigation Works	...	900	600	...	300
49	Special Defence Works	155,000	...	...	...	...
50	Capital charge involved in Redemption of Liabilities	4,844,200	...	2,900	2,900	...
	Exchange on Expenditure not charged to Revenue	651,700	114,400	174,100	59,700	...
		10,713,000	1,648,500	1,613,600	...	34,900
	GRAND TOTAL	87,304,900	20,992,000	19,922,200	...	1,069,800

* 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.

CALCUTTA UNIVERSITY.

NOTICE.

The University examinations in Arts, Law, Medicine, and Engineering, 1887, will be held on the undermentioned dates :—

Entrance, F. A., and B. A. examinations on Monday, the 28th March, and following days.

M. A. and Prem Chand Roy Chand examinations on Monday, the 7th November, and following days.

B. L., Honours in Law, and L. M. S. examinations on Monday, the 21st February, and following days.

M. B. and M. D. examinations on Monday, the 6th June, and following days.

F. E. examination on Monday, the 20th June, and following days.

L. E. and B. E. examinations on Monday, the 18th July, and following days.

Applications from candidates for admission to the Entrance, F. A., and B. A. examinations must be lodged with the Registrar on or before the 14th February.

Applications from candidates for admission to the M. A. examination must be lodged with the Registrar on or before the 7th October.

Applications from candidates for admission to the B. L. and Honours in Law examinations must be lodged with the Registrar on or before the 21st January.

Applications from candidates for admission to the L. M. S. examinations must be lodged with the Registrar on or before the 7th February.

Applications from candidates for admission to the M. B. examinations must be lodged with the Registrar on or before the 23rd May.

Applications from candidates for admission to the M. D. examination must be lodged with the Registrar on or before the 6th May.

Applications from candidates for admission to the F. E. examination must be lodged with the Registrar on or before the 6th June.

Applications from candidates for admission to the L. E. and B. E. examinations must be lodged with the Registrar on or before the 4th July.

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

By order of the Vice-Chancellor,

CHARLES H. TAWNEY,

Offg. Registrar.

SENATE HOUSE,
The 26th October 1886.

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

The following portions of the text books in English are appointed to be read and to be committed to memory for the Entrance Examination, 1888 :—

TO BE READ.

Book of Worthies.

Aristides.
Xenophon.
Epaminondas.
Alexander.
Scipio Africanus.
Julius Cæsar.

Student's Treasury of English Lyrics.

After Blenheim.
The Wreck of the Hesperus.
Rosabelle.
True Greatness.
To Blossoms.
The last of the Flock.
The Girl describes Her Fawn.
To Daffodils.
The Poplar Field.
To-morrow.

TO BE COMMITTED TO MEMORY.

After Blenheim.
The Wreck of the Hesperus.
Rosabelle.

The following changes in the Regulations of the University having been sanctioned by the Senate and approved by His Excellency the Governor-General of India in Council, are published for general information :—

In paragraph 1 of the Regulations for Honours in Medicine and Surgery after the words "Medical Jurisprudence" the following words have been inserted :—

"A fee of fifty rupees shall be payable by each candidate for examination in one or more of the above branches."

In paragraph 14 of the Regulations for a Licence in Medicine and Surgery (Calendar 1886, page 60), the following words have been omitted :—

"To examine, in presence of the Examiners Morbid Products chemically and by the aid of the Microscope, demonstrating the results obtained."

After paragraph 8 of the Regulations for the Licence in Medicine and Surgery under the head "First Licentiate Medical Examination," the following paragraph has been inserted, to be numbered paragraph 9 :—

"A female student who has passed the Entrance Examination, attended classes, and obtained her certificate in Medicine, Surgery and Midwifery in the Calcutta Medical College, shall, if recommended by the Principal, be admitted to this Examination on her producing certificates to the following effect :—

(*a*) Of having passed the First Arts Examination of the University.

(*b*) Of having completed her nineteenth year.

(*c*) Of having attended in a school of medicine recognized by the Syndicate an additional course of lectures in each of the following subjects:—

Anatomy.	Botany.
Physiology.	Chemistry."

and the numbering of the succeeding paragraphs has been altered accordingly.

For the present marginal note to the Entrance certificate the following has been substituted : "The certificate of every candidate, who is not a private student, must be signed by the Principal or Head Master of the school from which he appears. The certificate of a candidate, who appears as a private student, must be signed by the Principal of an affiliated College or a Government Inspector of Schools," and the following footnote has been appended to the words "Private student" in the above marginal note. "A student who does not appear from any school, or who has been transferred since the 1st of November next preceding the examination, without the consent of an Inspector, to the school from which he appears, will be treated as a private student."

CHARLES H. TAWNEY,

Offg. Registrar.

SENATE HOUSE,
The 9th November, 1886.

The undermentioned Students have been declared entitled to Maharaja Sir Jotindra Mohan Tagore's Medals for the year 1886 on the result of the examination held by the Tagore Law Professor on the subject of his lectures :—

Asutosh Mukhopadhyay . .	Gold Medal.
Jnanendranath Basu . . .	Silver Medal.

CHARLES H. TAWNEY,

Offg. Registrar.

SENATE HOUSE,
The 12th November, 1886.

The undermentioned Student has been declared entitled to the Peary Chand Mittra Medal for the year 1886, on the result of the B. A. Examination :—

Syamaprasanna Majumdar . Presidency College.

CHARLES H. TAWNEY,

Offg. Registrar.

SENATE HOUSE,
The 17th November, 1886.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATION.

Abu, the 8th November, 1886.

No. 2791 *G.*—The following rules are laid down by the Agent to the Governor-General under Section 160, Act XIV of 1882 (Code of Civil Procedure) regarding the travelling and other expenses to be paid to witnesses summoned to attend the British Civil Courts in Rajputana which were established by Foreign Department Notifications No. 286 I., dated the 23rd January, 1884, and No. 1333 I., dated the 30th April, 1885 :—

I.—Save as hereinafter provided, travelling and other expenses will be allowed on the following scale :—

(*a*) to witnesses of the class of cultivators, laborers, and menials, three annas a day.

(*b*) to witnesses of a better class such as zemindars, traders, pleaders, and persons of corresponding rank, from six annas to two rupees a day as the Court may direct ;

(*c*) to witnesses of superior rank, three rupees a day ; and

(*d*) the allowances of officers of Government will be regulated by the rules in the Civil Travelling Allowance Code.

II.—No expenses, other than travelling charges, will be allowed to legal practitioners practising at the place where the Court which they are summoned to attend is held.

Travelling charges may be allowed to these, witnesses at such rates as the Court considers reasonable and necessary.

III.—Persons other than those mentioned in the last preceding rule, residing within a distance of three miles from the Court-house, will be allowed their expenses at half the rates prescribed in Rule I.

IV.—If a witness demand any sum in excess of what has been paid to him, such sum will be allowed if he satisfy the Court that he has actually and necessarily incurred the additional expense.

V.—If a witness be detained for a longer period than one day, the expenses of his detention will be allowed at such rate, not exceeding that payable under Rule I, as may seem to the Court to be reasonable and proper.

VI.—The Court may on consideration of the merits of any case, for reasons stated in writing, allow expenses on a higher scale than that prescribed in the foregoing rules.

By Order,

L. S. NEWMARCH,

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 13th November, 1886.

No. 1293-327.—Rai Bahadur Pandit Bhag Ram, Judicial Assistant, is granted privilege leave for one month, with effect from the 15th November, 1886, or such subsequent date as he may avail himself of the same.

By Order,

J. R. C. COLVIN,

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

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 9th November, 1886.

No. 8.—Captain F. N. Maude, R.E., Assistant Engineer, 1st Grade, passed the Departmental Standard Examination as required by Public Works Department Code, II, 14, on 3rd November, 1886.

G. E. L. S. SANFORD, *Colonel, R.E.*,
Inspector General of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 16th November, 1886.

No. 103.—Mr. A. T. Chiodetti, Assistant Engineer, 2nd Grade, is granted leave on medical certificate for three months, with effect from such date as he may be permitted to avail himself of the same.

The 17th November, 1886.

No. 104.—Mr. G. Cowper, Executive Engineer, 4th Grade, has been granted an extension of nine months in continuation of the furlough previously granted.

The 19th November, 1886.

No. 105.—Mr. F. W. Roberts, Assistant Engineer, 3rd grade, passed the professional examination, on the 25th of September, 1886, as prescribed in Public Works Department Code, Volume I, Chapter II, paragraphs 9 to 11.

No. 106.—Mr. F. Reilly, Executive Engineer, 4th grade, temporary rank, is transferred, in the interests of the public service, from the Ferozepore Bridge Works to the North-Western 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 :—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
22	D 17—96499	50	The Magistrate of Naini Tal.
	D 20—26925	100	
	,, —58329	100	
	,, —64588	100	
23	D 20—70590	100	Hafiz Azizuddin, Meerut.
24	D 17—90263	50	Ahmed Ali, Pleader.
	,, —98834	50	

C. G. VANSITTART,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

ALLAHABAD,
The 17th November, 1886.

Burma Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No. 1886-87.	No. of Notes.	Value. R	Name of Claimant.
W4	Q 6—12567	100	Shaik Hmah, Rangoon.
	,, —12568	100	
	,, —12569	100	
	,, —12570	100	
	,, —12571	100	
	,, —12572	100	
	,, —12573	100	
	,, —12574	100	
	,, —12575	100	
	,, —12576	100	
	,, —12577	100	
	,, —12578	100	
	,, —12579	100	
	,, —12580	100	
	,, —12581	100	
	,, —12582	100	
	,, —12583	100	
	,, —12584	100	
	,, —12585	100	
	,, —12586	100	

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

RANGOON,
The 12th November, 1886.

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

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 10th November, 1886	21,27,884	
Value of Government silver in the Mint on the same date	4,88,239	26,16,123
ADD—		
Silver received by the Mint during the week on account of the Currency Department	575	
Ditto ditto Government	...	575
		26,16,698
DEDUCT—		
New coin paid to Reserve Treasury during the week	2,20,000	
Petty items issued for miscellaneous purposes	1,117	2,21,117
Balance on the evening of the 17th November, 1886		23,95,581
The Balance comprises—		
Silver held on account of the Currency Department	19,20,396	
Ditto ditto Government	4,75,185	23,95,581
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	1,60,547	
Ditto ditto Government	...	1,60,547

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

CALCUTTA MINT,
The 18th November, 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

يهه دوا كوئينائين كا خوب قائم مقام هى اور كلكته كے برٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سوائے اونكے جو كوئي ايك مشت بيس پونڈ خريد ليوے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ،

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

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دوا خانونمين بكتي هى ماسواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره 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 foregoing rates.

کرسٹلین سنکونا 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 برٹانكل 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 بهاؤ سے خريد سكتے هين يعنے چار آونس كے ٹين كا چهه روپيه بارهه آنه ; آٹهه آونس كے ٹين كا باره روپيه آٹهه آنه ; اور ايك پونڈ كے ٹين كا چوبيس روپيه—

اور عام لوگون كو برٹانكل 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 آسوله 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 بارهه آنه علاوه اوپر لكهے هوئے نرخ كے هى ،

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

LIABILITIES.

	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				43,56,664	15	0
Public Deposits at Head Office	95,47,957	13	3	2,24,30,290	2	3
Public Deposits at Branches	1,28,82,332	5	0			
Other Deposits at Head Office and Branches				3,19,02,147	6	8
Bank Post Bills, &c.				3,42,704	7	8
Sundries				21,01,685	5	11
RUPEES				8,11,33,492	5	6

ASSETS.

	R	a.	p.	R	a.	p.
Government Securities				89,53,613	4	0
Other authorized Investments				53,82,231	8	0
Loans on Government and other authorized Securities				76,45,100	12	11
Accounts of Credit on Government and other authorized Securities				93,42,170	2	10
Bills discounted and purchased				2,08,44,237	9	9
Balances with other Banks				8,08,583	1	6
Bullion				1,690	2	6
Dead Stock				11,25,244	15	6
Stamps				8,198	5	3
Sundries				7,70,041	10	3
				5,48,81,111	8	6
Cash and Currency Notes at Head Office	1,00,76,217	13	10	2,62,52,380	13	0
Cash and Currency Notes at Branches	1,61,76,162	15	2			
RUPEES				8,11,33,492	5	6

BANK OF BENGAL,
Calcutta, 18th November, 1886.

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

Rate for Demand Loans 5 per cent.
Percentage 46·2.

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

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 28th October 1886.

From the 1st November next, the hours up to which Registered letters and Parcels will be received in the General Post Office, and the Town Sub-Offices of Calcutta, will be as follows:—

General Post Office.

Registered letters for Inland Post	5-30 P.M.
Parcels of all descriptions	5 „

Town Sub-Offices.

Registered letters	4-30 P.M.
Parcels of all descriptions	4-30 „

From the same date, the latest hours of posting for the undermentioned places at the different Town Offices will be as noted below the name of each Office:—

PLACES TO WHICH MAILS ARE DESPATCHED.	NAMES OF TOWN POST OFFICES.																						
	Allpur.	Amherst Street.	Bagh Bazar.	Ballygunge.	Bara Bazar.	Beadon Square.	Beliaghat.	Bhawanipur.	Bow Bazar.	Cossipore.	Dharamtala.	Fort William.	Garden Reach.	Hatkhola.	Kalighat.	Kidderpore.	Napit Bazar.	Park Street.	Simla.	Wellesley Street.	Writers' Buildings.	Chowringhee.	Watgunge.
	Afternoon.																						
HOWRAH AND SEEBPORE.																							
Places in Assam (except those in the Sylhet and Silchar Districts) and stations served by the Northern Bengal Railway, Darjeeling, Rungpur, Bogra, Baulеah, &c., Barrackpore, Ranaghat, Belgoria, Kamarhati, Baranagore, Tollygunge.	12-25	12-40	12-25	12-25	12-50	12-20	12-25	12-30	12-50	1-50	12-50	12-50	11-35	12-35	12	12-35	12-40	12-50	12-25	12-45	12-55	12-55	12
Stations served by the East Indian Railway Loop Line; also Baulеah, Howrah, Akra, Contai, Debipur, Diamond Harbour, Ghateshwar, Kedgeree, Kukrahati, Kulpi, Mysadal, Sahipur, Sorisha, Sutahata, Nazra, Boral, Magrahat, Jaynagar, Mathurapur.	2-30	2-45	2-30	2-30	2-55	2-30	2-30	2-35	2-55	2-5	2-55	2-55	1-40	2-40	2-5	2-40	2-45	2-55	2-35	2-50	3-5	3	2
Burrisal, Jessore and Khoolna Districts, Baraset, Badu, Duttapukur, Deganga, Dum-Dum, Itinda, Rajibpur, Bhangore, Goberdanga, Prithiba, Rajarhat, Tababeria, and places in Busseerhat Sub-Division, Bombay, Madras, N.-W. Provinces, Punjab, Behar, Oudh, Sind, Rajputana, Central India and Central Provinces.																							
Stations served by Eastern Bengal State Railway, including Dacca, Chittagong, Noakhali, Tipperah, Maimensing, Kishnaghur, Furreedpore, Nattore, Pubna, Sylhet, and Cachar. All stations on the East Indian Railway Chord Line and Jamalpur, Bhagalpur, and Monghyr, on the East Indian Railway Loop Line.	5-15	5-30	5-15	5-15	5-40	5-10	5-15	5-20	5-40	4-40	5-40	5-40	4-25	5-25	4-50	5-25	5-30	5-40	5-15	5-35	6	5-45	5
Howrah, Dum-Dum, Behala, Baraset, Badu, Deganga, and Itinda.																							
Cuttack, Midnapore, and Pooree.																							

W. MERRETT,
Offg. Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Calcutta General Post Office on 17th November, 1886.

Allen, C. & Co.
Borton, W. H. & Co.
Bull, S. D. A. W.
Callis, T. W.
Dixie, Mrs. G.
Facy, C. W.
Thomson, C. H.

Letters marked "Care of Post Office."

Andrews, Mrs.
Bamber, Mrs.
Baxendale, S.
Biermann, V.
Bole, S. L.
Boorkies, Mrs. L.
Booth, P.
Box, Esq.
Boyd, Sidney.
Braddon, Capt. C. J. S.
Bremmer, Esq.
Brown, S.
Budd, W. H.
Cauty, P. T.
Cawa, Capt. A.
Cowen, J. B.
Clark, R.
Clegg, Fred.
Curry, Miss Annie.
Davenhill, W. B.
Darrs, John.
Dibone, P. A.
Dickerson, Mrs. M.
D'Silva, T. H.
Dundas, P. A. C.
Forrester, William.
Fort, James.
Fraser, Bernard.
Gell, Mrs.
Giles, G. M.
Goyton, E. H.
Green, James.
Greenway, E. C. F.
Greer, R. T.
Grosser & Co.
Gustore, Esq.
Hall, F.
Henderson, J. H.
Cleland.
Hill, Mrs. Amy.
Hoffmann, Miss M.
Hughes, R. J.
Keisler, Dr. F. L.
Kelly, Lieut. F. H.
Knight, Mr.
Mackenzie, Alex.
Magrath, P.
Mincroft, A. L. M.
Ogilvie, W. A.
Oakely, G. C.
Pollock, John.
Prado, E.
Reading, B.
Relphe, Capt. A. W.
Roberts, H. S.
Rochussen, S. E.
Sanders, A.
Selmes, F. W.
Scott, J. D.
Sell, Dr E. H. M.
Seedew, R.
Shuldham, J. E.
Shaldi, E.
St. Aubyn, G. A.
Stevens, H.
Stevens, T.
Sugget, Thomas.
Thibaud, P. T.
Touzel, C. J. C.
Travers, R. S.
Walker, P. C.

Registered Letters.

Chambers & Co., E.
LeMesurier, H.
McKing, J.
Perry, A. N.
Rochussen, E. S.
Shaw, Miss M.
W. M. & Co.

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

Arrakiel, M.
Campbell, Lady.
Chakrabaty, C. C.
Demout, F.
Downey, Miss.
Ewing, C.
Gupta, Kamini Kanta.
Hart, C. H.
Kelly, Mrs. L.
Nicholls, J.
O'Donnell, C. J.
Pasley, Col. G. J.
Prosser, E. C.
Sett, Khetter Mohan.
Smith, D. B.
Stevenson, Mrs.
Stuart, Mrs. E. C.
Sullivan, D. O.
Thieme, R.
Wilson, W. M. A.
Wordsley, Mrs.

E. HUTTON,
Presidency Postmaster, Calcutta.

Calcutta, the 20th November, 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	23rd Nov.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	22nd „	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Phillippine Islands, China and Japan	23rd „	Ditto.
Australia, New Zealand and Tasmania	23rd „	Ditto.
Madras and Colombo	27th „	Per P. & O. Str. *Ballaarat.*
Straits and Hong-Kong	26th „	Per Str. *Tavang.*
Rangoon and Moulmein	24th „	Ditto *Arcot.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	24th „	Ditto *Burheer*
Port Blair *vid* Rangoon	24th „	Ditto *Arcot.*

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., except on Foreign mail day the letter-box will close at 8-30 P.M. and late letters up to 9 P.M.

E. HUTTON,
Presidency Postmaster, Calcutta.

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, 208 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.

Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates. R1-8.

Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates. R1-8.

Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates. R1-8.

Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 7 plates. R3.

Indian Meteorological Memoirs, Vol. II, Part V, 4to, 26 pages, 1 plate, R1.

Indian Meteorological Memoirs, Vol. II, complete, in cloth. R10.

Indian Meteorological Memoirs, Vol. III, Part I, 4to, 116 pages, 7 plates. R2.

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:—

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For the complete Series, *including postage*		R22 8
For the Calcutta Series	R10 0	R12 8
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„ a part of the Madras, Bombay and Allahabad Series purchased separately *inclusive of postage in India*	„	„ 1 0

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" 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	₹ 15	₹10	₹ 6
" three issues	" 40	"25	"14
" six "	" 70	"40	"25
" twelve "	"110	"70	"45

At these rates the advertisers will have the option of changing their advertisements in each issue.

THE BENGAL LAW REPORTS.

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

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. ₹4.
Apply to the Librarian, 17, Elysium Row.

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SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 22nd November, 1886.

No. 32.—Second Grade Hospital Assistant No. 410. Fuzel Allahi attached to the Staff Dispensary, Simla, is granted one month's leave from 1st December, 1886.

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

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1	Nag, Girischandra	Presidency College.
2	Sinha, Jogindrakumar	Ditto.
3	Mukhopadhyay, Pratapnarayan	Ditto.
4	Mitra, Harendranarayan	Ditto.
5	Chaudhuri, Radhagobinda	Metropolitan Institution.
6	Nandkishorelall	Presidency College.
	Mitra, Ambikacharan	General Assembly's Institution.
8	Sarkhel, Haricharan	Ditto.
9	Basu, Hemendranath	Presidency College.
10	Gupta, Sibendranath	Teacher.

CLASS II.

In order of Merit.

1	Ray, Sureschandra	General Assembly's Institution.
2	Majumdar, Ramdayal	Dacca College.
	Mitra, Basambad	City College.
4	Ghosh, Atalbihari	Presidency College.
5	Chaudhuri, Rai Jotindranath	Ditto.
6	,, Ramchandra	Benares College.

CLASS III.

In order of Merit.

1	Chattopadhyay, Nilkanta	Free Church Institution.
2	Das, Bamacharan	General Assembly's Institution.
3	Basu, Sasibhushan	City College.
4	,, Kasinath	Teacher

NATURAL AND PHYSICAL SCIENCE.

CLASS I.

In order of Merit.

1	Datta, Lalitkumar	Dacca College.
2	Ray, Pramadakisor	Ditto.

CLASS II.

In order of Merit.

1	Sinha, Basanticharan	Presidency College.
2	Mukhopadhyay, Asutosh	Ditto.

CLASS III.

In order of Merit.

1	Sen, Pramathanath	Presidency College.
2	Chaudhuri, Jogeschandra	Ditto.

CHARLES H. TAWNEY,
Offg. Registrar.

SENATE HOUSE,
The 2nd December, 1886.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 29th November, 1886.

No. 591.—The following temporary promotions are made :—

Mr. W. J. Cornelius, Assistant Surveyor, 1st grade, to officiate as Surveyor, 4th grade, with effect from 10th November, 1886, *vice* Mr. J. T. U. Coxen, on medical leave.

Mr. G. W. Jarbo, Assistant Surveyor, 1st grade, to officiate as Surveyor, 4th grade, with effect from 18th November, 1886, *vice* Mr. A. Christie, on furlough.

No. 592.—Munshi Yusuf Sharif, Sub-Surveyor, Survey of India Department, is appointed an Assistant Surveyor, 3rd grade, Survey of India, with effect from the 1st December, 1886, to fill an existing vacancy.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 29th November, 1886.

No. 17.—Mr. H. J. A. Hervey, Assistant Superintendent, 1st grade, is allowed furlough on medical certificate for six months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 13th November, 1886.

H. MALLOCK,
Offg. Director General of Telegraphs in India.

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

NOTIFICATIONS.

Quetta, the 19th November, 1886.

No. 112.—Mr. H. Phillips, Assistant Engineer, 4th Division, Frontier Road, is granted three months' privilege leave, with effect from such date as he may have been permitted to avail himself of it.

The 22nd November, 1886.

No. 113.—Major A. C. Bigg-Wither, Superintending Engineer, Frontier Road Circle, and Joint Secretary to the Agent to the Governor-General, Baluchistan, Public Works Department, is granted privilege leave for three months, with effect from the 1st December, 1886, or such subsequent date as he may avail himself of it.

No. 114.—Mr. W. H. King, Executive Engineer, 4th Division, Frontier Road, is appointed to officiate as Superintending Engineer, Frontier Road Circle, and Joint Secretary to the Agent, Governor-General, Baluchistan, Public Works Department, during the absence on privilege leave of Major A. C. Bigg-Wither, or until further orders.

No. 115.—Mr. H. H. Green, Assistant Engineer, 1st grade, is appointed to officiate as Executive Engineer, 4th Division, Frontier Road, during the absence on deputation of Mr. W. H. King, Executive Engineer, or until further orders.

A. C. BIGG-WITHER,
Joint Secy. to Agent to Govr. Genl., Baluchistan, P. W. Dept.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 23rd November, 1886.

No. 2918 *G.*—With reference to Foreign Department Notification No. 2000 G., dated the 21st of October, 1886, Surgeon W. G. P. Alpin, Indian Medical Service, assumed charge of his duties as Officiating Medical Officer of the Meywar Bhil Corps, from 2nd class Hospital Assistant Gopal Dass, on the forenoon of the 9th November, 1886.

No. 2920 *G.*—With reference to this Office Notification No. 2731 G., dated the 30th October, 1886, 3rd Class Hospital Assistant Raghu Nath has been placed on the Reserve List of Hospital Assistants for Native States from the 20th October, 1886, on which date he availed himself of two years' leave, and from the same date 2nd class Hospital Assistant Mahesh Pershad is appointed to the Mayo College Hospital, Ajmere.

The 29th November, 1886

No. 2954 *G.*—With reference to this Office Notification No. 1975 G, dated the 6th of August, 1886, Major H. Wylie, C.S.I., Political Agent, Jhallawar, returned from privilege leave and resumed charge of his duties from Major W. H. C. Wyllie, C.I.E., on the forenoon of the 27th October, 1886.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 26th November, 1886.

No. 1323-328 *V.*—With reference to this Office Notification No. 920-328 V., dated 23rd August, 1886, Captain C. W. Ravenshaw, Assistant Commissioner, Merwara, resumed charge of his duties from Captain C. Herbert, on the afternoon of the 13th November, 1886.

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

COMMISSIONER OF AJMERE-MERWARA.

Catalogue of Books and Periodicals published in Ajmere-Merwara and registered under Act 25 of 1867 during the quarter ending 30th September, 1886.

CLASS I.—BOOKS.

ENGLISH AND URDU (BI-LINGUAL COMBINATION.)

SUBJECT.—LANGUAGE.

Serial No.	Register No.	Date of Registration.	Title of the Book and Contents of the Title-page.	Language in which the Book is written.	Name of the Author, Translator, or Editor of the Book or any part thereof.	Subject of the Book.	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 Publication.	Number of sheets, leaves, or pages.	Size.	First, Second, or other Number of Edition.	Number of Copies of which the Edition consists.	Whether the Book is Printed or Lithographed.	Price at which the Book is sold to the Public.	Name and Residence of the Proprietor of the Copyright or of any portion of such right.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	1	7th September, 1886.	The Practical Grammar for beginners.	English and Urdu.	Pundit Nursing Das Upadhia.	A few practical rules of English Grammar treated of in Urdu, with exercises.	Qaisri Press, B. Bareilly.	Thakur Prasad.	26th July, 1886.	42 pages.	Quarto.	1st Edition.	1,000.	Printed.	Annas 4.	Pundit Nursing Das, Ajmere.	

AJMERE COMMISSIONERSHIP.
The 24th November, 1886.

G. H. TREVOR,
Offg. Commissioner & Director of Public Instruction, Ajmere-Merwara.

CHIEF COMMISSIONER OF AJMERE-MERWARA, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 25th November, 1886.

No. 2713 *S.*—Whereas land is required in the Ajmere District for a public purpose, namely, for the removal of an obstruction to the Conservancy Compound, 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.	Temporarily.			
			Sq. Yds.	*Sq. Yds.*	*Sq. Yds.*		
Ajmere .	Ajmere .	Ajmere .	140	...	140	For the removal of an obstruction to the Conservancy Compound.	The plan can be seen at the Office of the Assistant Commissioner, Ajmere.

By Order,

J. P. STEEL, *Colonel, R.E.,*

Secy. to the Chief Commr. of Ajmere-Merwara, P. W. Dept.

Statement of the Affairs of the Bank of Bengal for the week ending 30th November, 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 87,13,925 0 9			
Public Deposits at Branches 93,11,029 2 6	1,80,24,954	3	3
Other Deposits at Head Office and Branches	3,25,51,424	4	10
Bank Post Bills, &c.	2,94,667	3	11
Sundries	21,48,045	14	8
RUPEES	7,73,75,750	9	8

ASSETS.	₹	a.	p.
Government Securities	88,02,507	9	0
Other authorized Investments	55,94,125	0	0
Loans on Government and other authorized Securities	67,19,970	0	11
Accounts of Credit on Government and other authorized Securities	99,91,620	5	3
Bills discounted and purchased	1,96,19,666	7	0
Balances with other Banks	7,85,710	3	11
Bullion	1,984	0	6
Dead Stock	11,26,031	14	3
Stamps	8,052	15	3
Sundries	6,95,219	4	10
	5,33,44,918	2	11
Cash and Currency Notes at Head Office ₹ 87,84,719 7 0			
Cash and Currency Notes at Branches ₹ 1,52,46,118 15 9	2,40,30,838	6	9
RUPEES	7,73,75,750	9	8

BANK OF BENGAL,
Calcutta, 2nd December, 1886.

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

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

Rate for Demand Loans 5 per cent.
Percentage 45·3.

Statement of Silver Balance in the Calcutta Mint for the week ending 1st December, 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 24th November, 1886	19,66,636	
Value of Government silver in the Mint on the same date	4,27,301	23,93,937
ADD—		
Silver received by the Mint during the week on account of the Currency Department	2,12,201	
Ditto ditto Government	39	2,12,240
		26,06,177
DEDUCT—		
New coin paid to Reserve Treasury during the week	1,51,944	
Petty items issued for miscellaneous purposes	207	1,52,151
Balance on the evening of the 1st December, 1886		24,54,026
The Balance comprises—		
Silver held on account of the Currency Department	19,76,076	
Ditto ditto Government	4,77,950	24,54,026
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	3,43,067	
Ditto ditto Government	...	3,43,067

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

CALCUTTA MINT,
The 2nd December, 1886.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 2nd December, 1886.

Allen, C. & Co.
Callis, T. W.
Dixie, Mrs. G.
Foley, C. W.
Thomson, C. H.

Letters marked "Care of Post Office."

Allen, C. H.
Andrews, Mrs.
Baggs, W. H.
Barclay, J.
Baxendale, S.
Bawn, E. H.
Biermann, V.
Biggs, Mrs. R.
Boorkies, Mrs. L.
Box, Esq.
Boyd, Sidney.
Bradbury, Mrs. E. H.
Bremmer, Esq.
Brindley, J.
Brown, S.
Cauty, P. T.
Cawe, Capt. A.
Clark, R.
Clegg, Fred.
Cowen, J. B.
Curry, Miss Annie.
Davenhill, W. B.
Dickinson, A. E.
D'Silva, T. H.
Dundas, P. A. C.
Dyson, Mrs. A.
Fehlberg, Miss H.
Fisher, Messrs. A. H. & C. E.
Fraser, Bernard.
Gayton, E. Hugh.
Gell, Mrs.
Gow, Mrs. J. F.
Greenway, E. C. F.
Greer, R. T.
Gustore, Esq.
Henderson, J. H.
Hill, Mrs. Amy.
Hughes, R. J.
Ibert, Mrs. A.
Jackson, Lt.-Col. G. D'A.
Jamieson, J. N.
Keisler, Dr. F. L.
Kelly, Lieut. F. H.
Knight, Mr.
Landsent, S.
Lebbery, J. F.
Lodder, Mr.
Mackenzie, Alex.
Magrath, P.
Muirhead, Mrs.
Ogilvie, W. A.
Pollock, John.
Prado, E.
Relphe, Capt. A. W.
Roberts, H. S.
Rochussen, S. E.
Ruddach, J. S M.
Sanders, A.
Scott, J. D.
Seedew, R.
Selmes, F. W.
Shaw, Miss M.
Shuldham, J. E.
St. Aubyn, G. A.
Stevens, T.
Sugget, Mrs. Thomas.
Symons, Col. H.
Thibaud, P. T.
Thomson, R. D.
Touzel, C. J. C.
Travers, R. S.
W. M. & Co.

Registered Letters.

Adie, Mrs.
McKing, J.
Rabin, Mr.
Rochussen, E. S.
Schuhmacher, F.
Shaw, Miss M.

Unclaimed Letters held in the Barrackpore Post Office on the 20th November, 1886.

Arrakiel, M.
Cathherston, C.
Cooper, H. D.
Demout, F.
Ghose, S. C.
Hart, C. H.
Kemhall, Capt. G. V.
Larpent, F. deH.
Lyell, G.
Mendaws, C. J. W.
O'Donnell, C. J.
Smith, Mrs. M. A.
Wray, R.

E. HUTTON,
Presidency Postmaster, Calcutta.

Calcutta, the 4th December, 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	7th Dec.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	6th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	7th ,,	Ditto.
Australia, New Zealand and Tasmania	7th ,,	Ditto.
Madras and Colombo	11th ,,	Per P. & O. Str. *Khedive.*
Straits and Hong-Kong	8th ,,	Per Str. *Japan.*
Rangoon and Moulmein	8th ,,	Ditto *Secundra.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	8th ,,	Ditto *Medina.*

N.B.—On ordinary Mail days 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.

On Foreign Mail day the letter-box will close at 8-30 P.M. and late letters will be received up to 9 P.M.

E. HUTTON,
Presidency Postmaster, Calcutta.

GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

An examination for admission to the Mechanical Apprentice Department will be heldat the College on Monday and Tuesday, the 17th and 18th January, 1887.

Candidates must apply in writing to the Principal of the College, not later than the 10th January, 1887, 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 III.
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.

There will be two vacancies on the Free list for Christian students in February next, and eleven vacancies on the Reduced-fee list

For Natives there will be fifteen vacancies on the Reduced-fee list.

These vacancies will be filled up by the Board of Visitors.

Further particulars will be supplied on application to the Principal of the College.

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

SEEBPORE,
The 22nd November, 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, *₹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 principa European and Native druggists in Calcuttal 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 وٹانکل کارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک سلازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے هر کوئي ايک مشت بيس پونڈ خريد ليڻے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ڻين کا چار روپيه آڻهه آنه ; آڻهه اونس کے ڻين کا آڻهه روپيه آڻهه آنه ; ايک پونڈ کے ڻين کا سوله روپيه آڻهه آنه '

اور عوام الناس بوٹانکل کارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ڻين کا پانچ روپيه آڻهه آنه ; آڻهه اونس کے ڻين کا دس روپيه آڻهه آنه ; ايک پونڈ کے ڻين 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 آڻهه اونس کے ڻين کا آڻهه آنه ; اور ايک پونڈ کے ڻين 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 ے صاف کي هوئي دوائي بخار سے کونين کے لئے يهه بهت خوب قايم مقام هی اور سيب پور متصل کلکته کے بوٹانکل کارڈن 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 بهاؤ سے خريد سکتے هين يعنے چار آونس کے ڻين کا چهه روپيه آڻهه آنه ; آڻهه آونس کے ڻين کا بارہ روپيه آڻهه آنه ; اور ايک پونڈ کے ڻين کا چوبيس روپيه—

اور عام لوگون کو بوٹانکل کارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بهاؤ پر مل سکتا هی يعنے چار آونس ڻين کا آڻهه روپيه آڻهه آنه ; آڻهه آونس کي ڻين کا سوله روپيه آڻهه آنه اور ايک پونڈ ڻين کا بتيس ۳۲ روپيه يهه دوا کلکته کے بڑي بڑي ولايتي اور ديسي دواخانون مين بهي بکتي هی محصول ڈاک چار آونس کي ڻين کے لئے چار آنه ; آڻهه ونس کي ڻين کے لئے آڻهه آنه اور ايک پونڈ کي ڻين کے لئے بارہ آنه علاوہ 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. ₹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.

Report on the Meteorology of India in 1884, 4to, 153 pages text, 305 pages tables, 4 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.

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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.

Indian Meteorological Memoirs, Vol. II, Part V, 4to, 26 pages, 1 plate, ₹1.

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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.

THE INDIAN LAW REPORTS.

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1	Nag, Girischandra	Presidency College.
2	Sinha, Jogindrakumar	Ditto.
3	Mukhopadhyay, Pratapnarayan	Ditto.
4	Mitra, Harendranarayan	Ditto.
5	Chaudhuri, Radhagobinda	Metropolitan Institution.
6	Nandkishorelall	Presidency College.
	Mitra, Ambikacharan	General Assembly's Institution.
8	Sarkhel, Haricharan	Ditto.
9	Basu, Hemendranath	Presidency College.
10	Gupta, Sibendranath	Teacher.

CLASS II.

In order of Merit.

1	Ray, Sureschandra	General Assembly's Institution.
2	Majumdar, Ramdayal	Dacca College.
	Mitra, Basambad	City College.
4	Ghosh, Atalbihari	Presidency College.
5	Chaudhuri, Rai Jotindranath	Ditto.
6	„ Ramchandra	Benares College.

CLASS III.

In order of Merit.

1	Chattopadhyay, Nilkanta	Free Church Institution.
2	Das, Bamacharan	General Assembly's Institution.
3	Basu, Sasibhushan	City College.
4	„ Kasinath	Teacher

NATURAL AND PHYSICAL SCIENCE.

CLASS I.

In order of Merit.

1	Datta, Lalitkumar	Dacca College.
2	Ray, Pramadakisor	Ditto.

CLASS II.

In order of Merit.

1	Sinha, Basanticharan	Presidency College.
2	Mukhopadhyay, Asutosh	Ditto.

CLASS III.

In order of Merit.

1	Sen, Pramathanath	Presidency College.
2	Chaudhuri, Jogeschandra	Ditto.

CHARLES H. TAWNEY,

Offg. Registrar.

SENATE HOUSE,

The 2nd December 1886.

No. 1807.—*Account of Revenue and Expenditure of the Government of India for the first four months of the year 1886-87, as compared with the corresponding period of 1885-86.*

N.B.—Amounts are converted into sterling at Rs 10 to the pound sterling omitting all amounts below hundreds of pounds.

	Revenue.	Estimates, 1886-87.	April 1885 to July 1885.	April 1886 to July 1886.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue*	23,316,000	7,487,900	7,296,000	...	191,900
II	Opium	9,227,600	2,838,200	2,894,900	56,700	...
III	Salt	6,392,500	2,256,800	2,181,200	...	75,600
IV	Stamps	3,694,400	1,330,400	1,324,900	...	5,500
V	Excise	4,134,800	1,396,900	1,459,800	62,900	...
VI	Provincial Rates	2,909,100	1,033,500	1,032,400	...	1,100
VII	Customs	1,173,200	390,300	393,700	3,400	...
VIII	Assessed Taxes	1,458,100	371,900	346,800	...	25,100
IX	Forest	1,153,300	213,400	249,500	36,100	...
X	Registration	309,800	116,600	110,200	...	6,400
XI	Tributes from Native States	712,000	146,600	137,800	...	8,800
XII	Interest	630,900	177,100	198,500	21,400	...
XIII	Post Office	1,157,100	370,700	387,000	16,300	...
XIV	Telegraph	564,200	207,100	190,900	...	16,200
XV	Mint	181,100	98,000	44,000	...	54,000
XVI	Law and Justice	576,000	158,000	163,100	5,100	...
XVII	Police	322,200	95,000	105,500	10,500	...
XVIII	Marine	184,800	50,000	41,700	...	8,300
XIX	Education	203,800	61,900	59,900	...	2,000
XX	Medical	55,200	13,400	17,000	3,600	...
XXI	Scientific and other Minor Departments.	88,500	12,900	19,300	6,400	...
XXII	Receipts in aid of Superannuation, &c.	264,600	52,300	62,500	10,200	...
XXIII	Stationery and Printing	71,500	14,100	20,100	6,000	...
XXIV	Exchange	...	...	...	...	...
XXV	Miscellaneous	294,500	81,600	101,200	19,600	...
		59,075,200	18,974,600	18,837,900	...	136,700
XXVI	State Railways (Gross Earnings)	10,841,200	3,253,500	3,669,100	415,600	...
XXVII	Guaranteed Companies (Net Traffic Receipts).	3,133,500	2,148,300	1,961,500	...	186,800
XXVIII	Subsidized Companies (Repayment of Advances of Interest).	...	...	...	...	...
XXIX	Irrigation Major Works: Direct Receipts.	921,300	272,800	305,800	33,000	...
XXX	Irrigation Minor Works and Navigation.	144,600	35,100	45,800	10,700	...
XXXI	Military Works	188,100	10,800	7,800	...	3,000
XXXII	Civil Works	463,300	142,900	141,600	...	1,300
XXXIII	Army: Effective	744,900	252,200	265,500	13,300	...
	„ Non-effective	48,100				
		75,560,200	25,090,200	25,235,000	144,800	...
	England, including Army, Public Works, &c.	178,900	52,600	66,300	13,700	...
	Exchange added to Revenue	59,600	16,500	24,300	7,800	...
	GRAND TOTAL	75,798,700	25,159,300	25,325,600	166,300	...

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

THE TREASURY,
Calcutta, the 19th December, 1886.

	Expenditure.	Estimates, 1886-87.	April 1885 to July 1885.	April 1886 to July 1886.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Refunds and Drawbacks	207,000	92,200	67,800	...	...
2	Assignments and Compensations	1,301,000	315,600	313,300	...	24,400
3	Land Revenue	3,588,000	1,105,400	1,129,400	24,000	2,300
4	Opium (including Cost of Production)	2,648,400	1,995,700	1,734,400	...	261,300
5	Salt (do. do.)	496,600	138,100	176,300	38,200	...
6	Stamps	84,100	30,100	30,500	400	...
7	Excise	105,800	40,500	28,200	...	12,300
8	Provincial Rates	46,600	18,300	15,600	...	2,700
9	Customs	133,400	43,100	44,000	900	...
10	Assessed Taxes	58,700	3,900	14,500	10,600	...
11	Forest	739,100	193,500	195,100	1,600	...
12	Registration	191,200	62,600	63,200	600	...
13	Interest on Ordinary Debt*	3,822,300	1,229,300	1,100,100	...	129,200
14	Do. on other Obligations	362,900	58,300	35,000	...	23,300
15	Post Office	1,201,900	374,800	377,600	2,800	...
16	Telegraph	587,600	169,600	168,900	...	700
17	Mint	84,500	34,900	24,100	...	10,800
18	General Administration	1,402,000	453,000	428,100	...	24,900
19	Law and Justice	3,467,500	1,097,600	1,115,500	17,900	...
20	Police	3,017,900	927,300	987,500	60,200	...
21	Marine (including River Navigation)	375,600	112,600	132,100	19,500	...
22	Education	1,326,200	369,100	380,800	11,700	...
23	Ecclesiastical	172,400	54,300	51,200	...	3,100
24	Medical	778,500	237,300	240,200	2,900	...
25	Political	645,500	481,100	217,600	...	263,500
26	Scientific and other Minor Departments	467,000	175,500	169,600	...	5,900
27	Territorial and Political Pensions	644,800	214,300	217,800	3,500	...
28	Civil Furlough and Absentee Allowances	6,300	1,100	400	...	700
29	Superannuation Allowances and Pensions	694,800	333,700	227,000	...	106,700
30	Stationery and Printing	427,800	122,300	134,100	11,800	...
31	Exchange	137,700	...	...	...	...
32	Miscellaneous	304,000	99,700	101,300	1,600	...
33	Famine Relief	1,000	3,100	100	...	3,000
34	Construction of Protective Railways	500,000	...	...	...	...
35	Do. do. Irrigation Works	111,300	60,200	30,400	...	29,800
36	Reduction of Debt	749,000	...	...	...	...
		30,888,400	10,648,100	9,951,700	...	696,400
37	Construction of Railways (Charged against Revenue in addition to that under Famine Insurance)	109,200	50,600	110,800	60,200	...
38	State Railways: (Working Expenses)	5,369,100	1,484,600	1,820,000	335,400	...
	Interest on Capital deposited by Companies	400	...	...	...	...
39	Guaranteed Companies: (Surplus Profits, Land and Supervision)	497,500	30,000	57,200	27,200	...
	Interest	3,400	2,300	1,900	...	400
40	Subsidized Companies: Land, &c.	69,500	8,000	15,000	7,000	...
41	Miscellaneous Railway Expenditure	120,000	26,900	38,600	1,700	...
42	Irrigation Major Works: Working Expenses	611,700	191,100	198,500	7,400	...
43	Irrigation Minor Works and Navigation	740,600	218,300	196,100	...	22,200
44	Military Works	1,152,300	219,000	255,800	36,800	...
45	Civil Works	4,190,900	935,800	941,700	5,900	...
46	Army: Effective	12,449,000	4,983,300	4,129,900	...	853,400
	Do. Non-effective	839,400	334,200	342,600	8,400	...
		57,241,400	19,132,200	18,059,800	...	1,072,400
	England, including Army, Public Works, Guaranteed Interest, &c.	14,512,900	5,448,600	5,672,200	223,600	...
	Exchange charged as Expenditure	4,837,600	1,715,000	2,087,300	372,300	...
		76,591,900	26,295,800	25,819,300	...	476,500
	Expenditure not charged to Revenue—					
	Capital Outlay on Railways and Irrigation Works—					
	In India—					
47	State Railways	2,327,100	1,367,800	1,164,300	...	203,500
48	Irrigation Works	700,000	211,200	143,800	...	67,400
49	Special Defence Works	235,000	...	36,500	36,500	...
	In England—					
47	State Railways	1,800,000	464,500	603,500	139,000	...
48	Irrigation Works	...	1,200	600	...	600
49	Special Defence Works	155,000	...	600	600	...
50	Capital charge involved in Redemption of Liabilities	4,844,200	...	2,900	2,900	...
	Exchange on Expenditure not charged to Revenue	651,700	146,600	222,500	75,900	...
		10,713,000	2,191,300	2,174,700	...	16,600
	GRAND TOTAL	87,304,900	28,487,100	27,994,000	...	493,100

* 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 30th November, 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.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.			
Balance of 15th November, 1886	54,100	13,80,587	27,09,200	2,21,81,500	91,34,300	2,55,08,900	44,12,000	74,90,000	10,07,89,500	11,26,86,000	1,33,800	32,200	19,64,89,987
Add—													
Amount enfaced at Madras between 16th and 30th November, 1886 . .	...	...	...	38,000	...	43,100	...	...	8,800	8,800	...	...	89,900
Amount enfaced at Bombay between 16th and 30th November, 1886 . .	...	...	...	...	...	...	...	...	7,000	7,000	...	...	7,000
Amount enfaced at Calcutta between 16th and 30th November, 1886 . .	...	...	2,500	4,34,000	10,000	2,40,500	...	...	23,300	28,800	...	...	7,57,800
	54,100	13,80,587	27,11,700	2,26,33,500	91,44,300	2,57,92,500	44,12,000	74,90,000	10,08,28,600	11,27,30,600	1,33,800	32,200	19,73,44,687
Deduct—													
Amount written off in the London Registers . .	...	...	12,700	1,94,400	37,400	3,69,300	93,400	10,000	4,15,700	5,19,100	...	...	12,81,600
Balance on 30th November, 1886	54,100	13,80,587	26,99,000	2,24,59,100	91,06,900	2,54,23,200	43,18,600	74,80,000	10,04,12,900	11,22,11,500	1,33,800	32,200	19,60,63,087

NOTE.—From 9th June, 1867, to 30th Sept., 1886, enfaced from India 5,351 lakhs, re-transferred from London 4,710 lakhs.

,,	1st Oct. 1886,	to 15th Oct.	...
,,	16th ,,	,, 31st ,,	7 ,,
,,	1st Nov.	,, 15th Nov.	9 ,,
,,	16th ,,	,, 30th ,,	13 ,,
			4,765 lakhs.
Balance against India			5,369 lakhs.
			4,768 ,,
			601 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 1st December, 1886.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 26th November, 1886.

No. 33.—The services of the undermentioned Warrant Medical Officers are placed temporarily at the disposal of the Military Department:—

Second grade Apothecary W. A. Williams.

First grade Assistant Apothecary M. Murphy.

First grade Assistant Apothecary G. Murphy.

First grade Assistant Apothecary P. Toomey.

First grade Assistant Apothecary J. Dolby.

First grade Assistant Apothecary J. T. Weston.

No. 34.—First grade Assistant Apothecary W. Croydon, attached to the Staff Dispensary, Simla, to have charge, in addition to his other duties, of the duties of Uncovenanted Medical Officer Lala Gokul Chand, during his absence on deputation.

Lala Gokul Chand made over, and Mr. Croydon received, charge on the afternoon of the 31st October, 1886.

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

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 8th December, 1886.

No. 18.—With reference to Government of India, Public Works Department Notification, Telegraph, No. 335, dated 3rd December, 1886, Mr. W. K. D. Bignell, Officiating Director, is appointed to the Construction Branch of the Telegraph Department.

H. MALLOCK,
Offg. Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 3rd December, 1886.

No. 4226.—Lieutenant the Hon'ble H. D. Napier, Officiating Squadron Officer, 1st Regiment, Central India Horse, returned to duty on the 12th November, 1886, from the leave to study the Native languages granted to him in Foreign Department Notification No. 1593 G., dated 10th August, 1886.

By Order,
H. DAVIES,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 30th November, 1886.

No. 2959 *G.*—With reference to Foreign Department Notification No. 1984 G., dated 19th October, 1886, Surgeon H. N. V. Harington, in medical charge of the Deoli Irregular Force, and of the Harowtee and Tonk Agency, was on privilege leave from the 24th October, 1886, to the 17th November, 1886, both days inclusive.

The 2nd December, 1886.

No. 2992 *G.*—First Class Hospital Assistant Guru Churn Lusker, on proceeding with the camp of the Agent to the Governor-General, made over medical charge of the Detachment, Erinpura Irregular Force, and of the Jail at Abu, on the afternoon of the 23rd November, 1886, to 1st Class Hospital Assistant Hafeezoollah, attached to the Abu Charitable Dispensary.

First Class Hospital Assistant Guru Churn Lusker received medical charge of the Detachment of the Erinpura Irregular Force forming the escort of the Agent to the Governor-General, on the forenoon of the 24th November, 1886.

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

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 1st December, 1886.

No. 1332-562 *IV.*—With reference to this Office Notification No. 459-562 *IV.*, dated the 7th of May, 1886, Mr. R. S. Whiteway, C.S., Settlement Officer, Ajmere-Merwara, resumed charge of his duties on the forenoon of the 28th of October, 1886.

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

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th November, 1886.

No. 10.—Dwarkanath Mookerjee, *Rai Bahadur*, Sub-Engineer, 1st grade, and Honorary Assistant Engineer, held charge of the current duties of the Office of the Executive Engineer, Fort William Division, Military Works, in addition to his own duties, from the 11th September to 14th October, 1886.

G. E. L. S. SANFORD, *Colonel, R.E.*,
Inspector General of Military Works.

Statement of the Affairs of the Bank of Bengal for the week ending 7th December, 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 77,26,662 4 8			
Public Deposits at Branches 1,12,12,395 5 11	1,89,39,057	10	7
Other Deposits at Head Office and Branches	3,17,52,851	11	11
Bank Post Bills, &c.	2,94,662	5	10
Sundries	21,75,361	12	6
RUPEES	7,75,18,598	7	10

ASSETS.	₹	a.	p.
Government Securities	80,73,160	12	0
Other authorized Investments	57,19,860	0	0
Loans on Government and other authorized Securities	72,65,255	1	11
Accounts of Credit on Government and other authorized Securities	92,30,877	10	4
Bills discounted and purchased	1,87,21,158	6	5
Balances with other Banks	7,29,126	6	9
Bullion	1,984	6	6
Dead Stock	11,26,316	2	9
Stamps	8,627	12	3
Sundries	6,96,566	8	1
	5,15,72,933	3	0
Cash and Currency Notes at Head Office ₹ 87,59,683 13 0			
Cash and Currency Notes at Branches 1,71,85,981 7 10	2,59,45,665	4	10
RUPEES	7,75,18,598	7	10

BANK OF BENGAL,
Calcutta, 9th December, 1886.

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

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

Rate for Demand Loans 5 per cent.
Percentage 48·8

Statement of Silver Balance in the Calcutta Mint for the week ending 8th December, 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 1st December, 1886	19,76,076	
Value of Government silver in the Mint on the same date	4,77,950	24,54,026
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,71,229	
Ditto ditto Government	...	3,71,229
DEDUCT—		28,25,255
New coin paid to Reserve Treasury during the week	2,20,000	
Petty items issued for miscellaneous purposes	1,985	2,21,985
Balance on the evening of the 8th December, 1886		26,03,270
The Balance comprises—		
Silver held on account of the Currency Department	21,09,324	
Ditto ditto Government	4,93,946	
There is in addition awaiting assay—		26,03,270
Bullion belonging to Private Individuals	1,936	
Ditto ditto Government	...	1,936

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

CALCUTTA MINT,
The 9th December, 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.
28	E 25—26190	50	Fazal Din, Contractor, Moti Bazar, Lahore.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

LAHORE,
The 6th December, 1886.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
33	B 94—00866	100	The Treasury Officer, Salem.
	„ —26971	100	

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

FORT ST. GEORGE,
The 29th November, 1886.

Rangoon Circle.

NOTES WHOLLY LOST.

Regr. No. 1886-87.	No. of Notes.	Value. ₹	Name of Claimant.
W5	Q 5—07557	50	The District Superintendent of Police, Rangoon.
	„ —07558	50	

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

RANGOON,
The 29th November, 1886.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 4th December, 1886.

No. 108.—Mr. J. E. P. Lincke, Executive Engineer, 2nd grade, is, on return from the six months' leave granted him in Director General's Notification, No. 40 of the 28th April, 1886, posted to the Bellary-Kistna State Railway.

The 6th December, 1886.

No. 109.—Mr. H. L. Butcher, Assistant Engineer, 1st grade, is, on return from three months' privilege leave, transferred from the Bolan Railway to the Cuddapah-Nellore State Railway.

The 7th December, 1886.

No. 110.—Mr. J. H. M. Smith, Assistant Engineer, 2nd grade, passed the Professional Examination and Colloquial Examination in Hindustani, as prescribed in Public Works Department Code, Volume I, Chapter II, paragraphs 9 to 13, on the 22nd and 23rd November, 1886, respectively.

The 8th December, 1886.

No. 111.—Mr. H. F. Storey, Superintending Engineer, class II, temporary rank, has been granted by Her Majesty's Secretary of State for India an extension of ten months' furlough in continuation of the nine months' furlough previously granted to him.

No. 112.—Mr. F. G. Brook-Fox, Executive Engineer, 3rd grade, has been granted by Her Majesty's Secretary of State for India an extension of three months' leave on medical certificate in continuation of the twelve months' leave on medical certificate previously granted to him.

The 9th December, 1886.

No. 113.—Mr. A. Bewley, Assistant Engineer, 1st grade, passed the Lower and Departmental Standard Examinations in Hindustani, as prescribed in Public Works Department Code, Volume I, Chapter II, paragraph 14, on the 5th July and 27th August, 1886, respectively.

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

NORTH-WESTERN RAILWAY.

NOTIFICATION.

Lahore, the 26th November, 1886.

No. 8.—Mr. D. Morris, Executive Engineer, 3rd grade, is granted furlough to Europe for one year on medical certificate, with the usual subsidiary leave. Mr. Morris availed himself of the subsidiary leave on the afternoon of the 12th October, 1886, and of the furlough on the 14th idem.

L. CONWAY-GORDON, *Major, R.E.,*
Manager, North-Western Railway.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 9th December, 1886.

Allen, C. & Co.
Callis, T. W.
Eiselli, E. G.
Foley, C. W.
Watson, James.

Letters marked "Care of Post Office."

Allen, C. H.
Andrews, Mrs.
Barclay, J.
Baxendale, S.
Bawn, E. H.
Biermann, V.
Biggs, Mrs. R.
Bissett, Charles.
Blaine, Mrs. R. P.
Boorkies, Mrs. L.
Box, Esq.
Boyd, Sidney.
Bradbury, Mrs. E. H.
Bremmer, Esq.
Brindley, J.
Cauty, P. T.
Caws, Capt. A.
Chesney, K.
Clark, R.
Clegg, Fred.
Curry, Miss Annie.
Davenhill, W. B.
Dickinson, A. E.
D'Silva, T. H.
Dundas, P. A. C.
Dyson, Mrs. A.
Earl, T. S.
Fehlberg, Miss H.
Fraser, Bernard.
Gayton, E. Hugh.
Gell, Mrs.
Gow, Mrs. J. E.
Greenbank, J. C.
Greenway, E. C. F.
Greer, R. T.
Gustore, Esq.
Henderson, J. H. Cleland.
Hill, Mrs. Amy.
Hughes, R. J.
Ilbert, Mrs. A.
Jamieson, J. N.
Keisler, Dr. F. L.
Knight, Mr.
Landsent, S.
Lebbery, J. F.
Lees, J. D.
Lodder, Mr.
Mackenzie, Alex.
Magrath, P.
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S. F. DOWNING,
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SEEBPORE,
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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 16th October 1886.

From the 13th November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 6th 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 16th December, 1886.

Notice is hereby given that the Transfer Books of the Bank will be closed from Monday, the 3rd, to Monday, the 17th proximo, both days inclusive.

By order of the Directors,

R. HARDIE,
Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 14th December, 1886.

No. 593.—Munshi Yusuf Sharif, Assistant Surveyor, 3rd grade, Survey of India, is granted privilege for three months, under Section 138, Chapter X of the Civil Leave Code, with effect from the 13th instant.

The 16th December, 1886.

No. 594.—Lieut.-Colonel E. H. Steel, S.C., Officiating Deputy Superintendent, 3rd grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 25th October, 1886, preparatory to availing himself of the furlough granted by Military Department Notification, No. 742, dated 12th November, 1886, the following temporary promotions are made with effect from the same date :—

Captain St. G. C. Gore, R.E., Deputy Superintendent, 4th grade *attached to the Afghan Boundary Commission*, to officiate as Deputy Superintendent, 3rd grade.

Captain J. R. Hobday, S.C., Assistant Superintendent, 1st grade (Officiating Deputy Superintendent, 4th grade), to officiate as Deputy Superintendent, 3rd grade.

Mr. G. B. Scott, Assistant Superintendent, 2nd grade (Officiating 1st grade), to officiate as Deputy Superintendent, 4th grade.

No. 595.—Mr. E. J. Jackson, Deputy Superintendent, 4th grade, Survey of India, having returned from furlough, is appointed to officiate as Deputy Superintendent, 3rd grade, with effect from the forenoon of the 29th October, 1886, and the following reversions will take effect from the same date :—

Captain St. G. C. Gore, R.E., Officiating Deputy Superintendent, 3rd grade, *attached to the Afghan Boundary Commission*, to revert to his substantive appointment of Deputy Superintendent, 4th grade.

Captain J. R. Hobday, S.C., Officiating Deputy Superintendent, 3rd grade, to revert to his officiating appointment of Deputy Superintendent, 4th grade.

Mr. G. B. Scott, Officiating Deputy Superintendent, 4th grade, to revert to his officiating appointment of Assistant Superintendent, 1st grade.

No. 596.—With reference to Notification No. 1728 F, dated 12th October, 1886 of the Government of India in the Foreign Department, Major T. H. Holdich, R.E., officiating Deputy Superintendent, 2nd grade, and Captain the Hon'ble M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th grade, Survey of India, having arrived in India from the frontier on the forenoon of the 1st November, 1886, the following reversions are made with effect from the same date :—

Major J. Hill, R.E., Officiating Deputy Superintendent, 2nd grade, to revert to his substantive appointment of Deputy Superintendent, 3rd grade.

Mr. E. J. Jackson, Officiating Deputy Superintendent, 3rd grade, to revert to his substantive appointment of Deputy Superintendent, 4th grade.

Lieutentant S. G. Burrard, R.E., Officiating Deputy Superintendent, 4th grade, to revert to his substantive appointment of Assistant Superintendent, 1st grade.

Mr. A. D'Souza, Officiating Deputy Superintendent, 4th grade, to revert to his officiating appointment of Assistant Superintendent, 1st grade.

No. 597.—Lieutenant-Colonel J. R. Wilmer, S.C., Officiating Deputy Superintendent, 3rd grade, Survey of India, having proceeded on subsidiary leave on the forenoon of the 1st November 1886, preparatory to his availing himself of the furlough granted by Military Department Notification No. 732, dated 1sth November, 1886, the following temporary promotions are made with effect from the same date :—

Mr. E. J. Jackson, 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. 598.—Mr. F. W. Kelly, Officiating Deputy Superintendent, 4th grade, Survey of India, having proceeded on subsidiary leave on the forenoon of the 1st November, 1886. preparatory to his availing himself of the furlough granted by Revenue and Agricultural Department Notification No. 963-32-41S., dated 15th December, 1886, the following temporary promotion is made with effect from the same date :—

Mr. A. D'Souza, Assistant Superintendent, 2nd grade (Officiating 1st grade), to officiate as Deputy Superintendent, 4th grade.

No. 599.—Captain the Hon'ble M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 17th November, 1886, preparatory to his availing himself of the furlough granted by Military Department Notification No. 590, dated 3rd September, 1886, the following temporary promotion is made with effect from the same date :—

Mr. G. B. Scott, Assistant Superintendent, 2nd grade (Officiating 1st grade), to officiate as Deputy Superintendent, 4th grade.

No. 600.—Major T. H. Holdich, R.E., Officiating Deputy Superintendent, 2nd grade, Survey of India, having made over charge of his duties on the afternoon of the 19th November, 1886, preparatory to his resuming the furlough as sanctioned by Revenue and Agricultural Department Notification, No. 904—115-7 S, dated 17th November, 1886, the following temporary promotions are made with effect from the same date :—

Major J. Hill, R.E., Deputy Superintendent, 3rd grade, to officiate as Deputy Superintendent, 2nd grade.

Captain St. G. C. Gore, R.E., Deputy Superintendent, 4th grade, *attached to the Afghan Boundary Commission*, to officiate as Deputy Superintendent, 3rd grade.

Captain J. R. Hobday, S.C., Assistant Superintendent, 1st grade (Officiating Deputy Superintendent, 4th grade), to officiate as Deputy Superintendent, 3rd grade.

Mr. J. Eccles, M A., Assistant Superintendent, 2nd grade (Officiating 1st grade), to officiate as Deputy Superintendent, 4th grade.

No. 601.—With reference to Notification No. 1728F., dated 12th October 1886, of the Government of India in the Foreign Department, Captain St. G. C. Gore, R. E., Officiating Deputy Superintendent, 3rd grade, Survey of India, having arrived in India from the frontier on the afternoon of the 22nd November, 1886, the following reversions are made with effect from the same date :—

Captain J. R. Hobday, Officiating Deputy Superintendent, 3rd grade, to revert to his officiating appointment of Deputy Superintendent, 4th grade.

Mr. J. Eccles, M.A., Officiating Deputy Superintendent, 4th grade, to revert to his officiating appointment of Assistant Superintendent, 1st grade.

No. 602.—Major T. T. Carter, R.E., Deputy Superintendent, 1st grade, Survey of India, having returned from furlough on the afternoon of the 8th December, 1886, 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.

Major J. Hill, R.E., Officiating Deputy Superintendent, 2nd grade, to revert to his substantive appointment of Deputy Superintendent, 3rd grade.

Captain St. G. C. Gore, R. E., Officiating Deputy Superintendent, 3rd grade, to revert to his substantive appointment of Deputy Superintendent, 4th grade.

Mr. G. B. Scott, Officiating Deputy Superintendent, 4th grade, to revert to his officiating appointment of Assistant Superintendent, 1st grade.

No. 603.—Lieutenant-Colonel J. Waterhouse, S.C., Deputy Superintendent, 3rd grade, Survey of India, having returned from furlough on the forenoon of the 17th December, 1886, the following reversions will take effect from the same date :—

Mr. E. J. Jackson, Officiating Deputy Superintendent, 3rd grade, to revert to his substantive appointment of Deputy Superintendent, 4th grade.

Mr. A. D'Souza, Officiating Deputy Superintendent, 4th grade, to revert to his officiating appointment of Assistant Superintendent, 1st grade.

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

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

NOTIFICATIONS.

Quetta, the 6th December, 1886.

No. 116.—With reference to this Office Notification No. 114, dated 22nd November, 1886, Mr. W. H. King relieved Major A. C. Bigg-Wither of his duties as Superintending Engineer, Frontier Road Circle, and Joint Secretary to Agent, Governor-General, Beluchistan, Public Works Department, on the afternoon of 4th December, 1886.

No. 117.—With reference to this Office Notification No. 115, dated 22nd November, 1886, Mr. H. H. Green received charge of the 4th Division, Frontier Road, from Mr. W. H. King on the afternoon of the 30th November, 1886.

W. H. KING,
Offg. Joint Secy. to Agent to Govr. Genl, Baluchistan, P. W. Dept.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Abu, the 7th December, 1886.

No. 3029 G.—Third Class Hospital Assistant Ewaz Ally returned from the leave granted him in this Office Notification No. 2720 G., dated the 30th October, 1886, and resumed charge of his duties on the forenoon of the 18th November, 1886, from 3rd Class Hospital Assistant Dost Mahomed Khan, who reverted to the Reserve List of Hospital Assistants for Native States.

No. 3030 G.—Third Class Hospital Assistant A. D. Burnis Sewaie, of the Reserve List of Hospital Assistants for Government employment, passed his English qualification examination on the 15th October, 1886, and is entitled to draw the higher rate of pay of his class for the English qualification.

The 9th December, 1886.

No. 3041 G.—With reference to this Office Notifications No. 629 G., dated 17th March, 1885, and No. 758 G., dated 4th April, 1885, it is hereby notified that Lieutenant-Colonel C. A. Baylay on return from furlough resumed charge of the Kotah Agency from Major W. H. C. Wyllie, C.I.E., on the forenoon of the 24th November, 1886.

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

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 8th December, 1886.

No. 3243-876.—Major E. A. Fraser made over, and Major Donald Robertson assumed, charge 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 the 5th December, 1886.

By Order,
DONALD ROBERTSON, *Major,*
Assistant to the Resident.

ACCOUNTANT GENERAL'S OFFICE, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th December, 1886.

Order of Receipt.	Public Works (Buildings and Roads and Military Works Branch) and Telegraph.	Last month for which received.	Date of Receipt.
1	Central India	Sept., 1886	Nov. 8, 1886
2	Central Provinces	Do. "	Do. 19, "
3	Rajputana	Do. "	Do. 23, "
4	Hyderabad (Imperial)	Do.	Do. 24, "
5	Punjab	Do. "	Do. 25, "
6	Military Works Branch	Do.	Do. 26, "
7	Bombay	Do. "	
	Bengal		
	Coorg		
8	Hyderabad (Assigned Districts.)		
	Madras	Do. "	Do. 29, "
	North-Western Provinces and Oudh.	Do. "	Dec. 2, "
13	Port Blair	Do. "	Do. 3, "
14	Burma	Do. "	Nov. 16, "
15	Assam	Do. "	

Order of Receipt.	Irrigation.	Last month for which received.	Date of Receipt.
1	Rajputana Military Works Branch	Sept., 1886	Nov. 17, 1886
2	North-Western Provinces and Oudh.	Do. "	Do. 23, "
4	Punjab	Do. "	Do. 26, "
5	Bombay	Do. "	Do. 29, "
6	Bengal	Do. "	Dec. 3, "
7	Madras		
8	Burma		
	Telegraph Department.		
1	Indo-European	Aug., 1886	Nov. 23, 1886
2	Indian	July "	Do. 9, "
3	General Telegraph	Do. "	Do. 13, "
	State Outlay on Guaranteed Railways.		
1	State Railway Stores Branch.	Sept., 1886	Nov. 18, 1886
2	Bombay	Do. "	Do. 24, "
3	Madras		
4	North-Western Provinces and Oudh.	Do. "	Do. 29, "
7	Indian Midland	Do. "	Do. 15, "
	Bengal	Aug. "	

Order of Receipt.	State Railways (Capital).	Last month for which received.	Date of Receipt.
1	Bhopal	Sept., 1886	Nov., 10, 1886
2	Jodhpur	Do. "	Do. 13, "
3	Amritsar-Pathankot	Do. "	Do. 15, "
4	Bengal & North-Western	Do. "	Do. 18, "
5	Punjab Railway Surveys	Do. "	Do. 22, "
7	Bhawalpur-Ajmir Survey	Do. "	Do. 25, "
9	Kaunia-Dhuria	Do. "	Do. 26, "
	Northern Bengal		
	Burma		
	Dacca-Mymensing		
	Dhond and Manmad		
11	Madras Railway Surveys	Do. "	Do. 29, "
	Nagpur-Chhattisgarh		
	Nagpur-Bengal		
	Bilaspur-Etawah		
	Satlej Bridge Division		
	Sindh-Sagar		
20	Wardah Coal	Do. "	Do 30, "
21	Assam Railway Surveys	Do. "	Dec. 1, "
	Umaria Collieries		
	Bengal Administrative Charges.	Do. "	Do. 2, "
33	Holkar		
26	Rewari-Ferozepur	Do. "	Do. 3, "
27	Tirhoot	Do. "	Do. 5, "
28	Rajputana-Malwa	Do. Aug.	Do. 8, "
29	Cawnpore-Achneyra	Do. "	Do. 11, "
30	Ranaghat-Bhagwangola	Do. "	Do. 12, "
31	Nalhatti	Do. "	Do. 13, "
33	Bengal Provincial Surveys	Do. "	Do. 22, "
	North Western		
	Bengal Central		
34	Assam Subsidized	Do. "	Do. 19, "
36	Caddapah-Nellore		
	Eastern Bengal Company-gunj	Do. "	Do. 20, "
37	Indian Midland (Cawnpore-Jhansi Section)	Do. "	Do. 22, "
38	N.-W. P. & Oudh Provl.	Do. "	Do. 23, "
40	Bolan	Do. "	Do. 26, "
	Didarnagar-Ghazipur		
41	East Indian	Do. "	Do. 29, "
	Patna-Gya		
	Sindia		
	Indian Midland	Do. "	Do. 29, "
45	Sind-Pishin (N. S.)	Do. "	Dec. 2, "
47	Bellary-Kistna		
	Foreign States. Railways—Capital.		
1	Bhavnagar-Gondal	Sept., 1886	Nov. 18, 1886
2	Joonagadh	Do "	Do. 22, "
	Railways—Revenue.		
1	Bhavnagar-Gondal	Sept., 1886	Nov. 22, 1886

Order of Receipt.	State Railways (Revenue).	Last month for which received.	Date of Receipt.
1	Bhopal	Sept., 1886	Nov. 10, 1886
2	Jodhpur	Do. "	Do. 13, "
3	Kaunia-Dhuria		
	Northern Bengal	Do. "	Do. 24, "
	Umaria-Colliery		
6	Eastern Bengal	Do. "	Do. 25, "
7	Wardah Coal	Do. "	Do. 26, "
	Burma		
	Dacca-Mymensing		
8	Nagpur-Chhattisgarh	Do. "	Do. 29, "
	Nilhatti		
	Tirhoot		
11	Rajputana-Malwa	Do. "	Dec. 3, "
13	Cawnpore-Achneyra	Aug. "	Nov. 9, "
15	South-Mahratta	Do. "	Do. 12, "
16	North-Western	Do. "	Do. 13, "
17	East Indian	Do. "	Do. 25, "
18	Chitra-Companygunj	Do. "	Do. 26, "
		Do. "	Dec. 2, "

A. G. BEGBIE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

The 10th December, 1886.

Statement of the Affairs of the Bank of Bengal for the week ending 14th December, 1886.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	43,56,664	15	0
Public Deposits at Head Office ₹ 65,60,773 a. 14 p. 9	1,88,02,060	6	6
Public Deposits at Branches 1,22,41,286 7 9			
Other Deposits at Head Office and Branches	3,39,47,762	2	6
Bank Post Bills, &c.	2,45,362	14	1
Sundries	21,39,317	0	10
RUPEES	7,94,91,167	6	11

ASSETS.	₹	a.	p.
Government Securities	88,10,401	10	0
Other authorized Investments	56,25,735	12	0
Loans on Government and other authorized Securities	66,66,884	5	2
Accounts of Credit on Government and other authorized Securities	94,78,712	5	4
Bills discounted and purchased	1,96,74,376	7	5
Balances with other Banks	7,12,819	0	8
Bullion	2,710	1	6
Dead Stock	11,24,543	7	9
Stamps	8,124	5	3
Sundries	6,96,436	8	1
	5,28,00,743	15	2
Cash and Currency Notes at Head Office ₹ 91,98,811 a. 2 p. 8	2,66,90,423	7	9
Cash and Currency Notes at Branches 1,74,91,612 5 1			
RUPEES	7,94,91,167	6	11

BANK OF BENGAL,
Calcutta, 16th December, 1886.

By Order of the Directors,
J. GORDON, *Chief Acctt. & Dy. Secy.*
R. HARDIE, *Secretary & Treasurer.*

Rate for Demand Loans 5 per cent.
Percentage 48·4.

Statement of Silver Balance in the Calcutta Mint for the week ending 15th December, 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 8th December, 1886	21,99,324	
Value of Government silver in the Mint on the same date	*4,03,946	26,03,270
ADD—		
Silver received by the Mint during the week on account of the Currency Department	3,319	
Ditto ditto Government	974	4,293
		26,07,563
DEDUCT—		
New coin paid to Reserve Treasury during the week	2,30,000	
Petty items issued for miscellaneous purposes	1,012	2,31,012
Balance on the evening of the 15th December, 1886		23,76,551
The Balance comprises—		
Silver held on account of the Currency Department	18,27,406	
Ditto ditto Government	5,49,145	23,76,551
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	40	
Ditto ditto Government	...	40

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

CALCUTTA MINT,
The 16th December, 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.
25	D 17—87564	50	Muhandar Lal, Gorakhpur.

C. G. VANSITTART,
Asst. Accountant Genl.,
In charge of Paper Currency Office.

ALLAHABAD,
The 15th December, 1886.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
30	E 2—82006*	500	Kundun Lall, Contractor, Public Works Department, Cantonment Amballa.
	„ —82018*	500	
	„ —82019*	500	
	„ —82020*	500	
	„ —82021*	500	
	„ —82022*	500	
	„ —82023*	500	
	„ —82024*	500	
	„ —82025*	500	
	„ —82193†	500	
	„ —87300	500	
	„ —84262	500	
	O 71—35861	500	
	E. 2—86318‡	500	

* Belonging to Agency No. 3, Umballa.
† Belonging to Agency No. 2, Simla.
‡ Belonging to Agency No. 6, Peshawar.

W. H. EGERTON,
for *Deputy Commissioner of Currency.*

LAHORE,
The 11th December, 1886.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
34	B 93—39388	100	Postmaster General, Madras.
35	B 83—79942	50	D. Sathu Rao, Salem.

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

FORT ST. GEORGE,
The 6th December, 1886.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 8th December, 1886.

No. 11.—Under the provisions of Section 41 of the Pay and Acting Allowance Code, Lieutenant J. M. Wade, R.E., Assistant Engineer, 2nd grade, is appointed to the charge of the current duties of the Office of the Executive Engineer, Darjeeling Division, Military Works, in addition to his own duties, with effect from the 21st September, 1886.

G. E. L. S. SANFORD, *Colonel, R.E.,*
Inspector General of Military Works.

DIRECTOR-GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 16th December, 1886.

No. 114.—Mr. J. A. A. Wallace, Assistant Engineer, 2nd grade, is granted by Her Majesty's Secretary of State for India an extension of leave on medical certificate for six months, in continuation of the leave granted him in Director General's Notification No. 39, dated 27th April, 1886.

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

TREASURE TROVE.

NOTICE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, about the 6th of June, 1886, the treasure described below, and valued at ₹82-6, was found from a piece of the village site land of Moje Nanodra, Taluku Dholka, District Ahmedabad, and now in the occupation of Nathu Lala :—

	Value. ₹ a. p.
20 Sicca Rupees transformed into a necklace	16 0 0
69½ Sicca Rupees in cash	66 6 0
TOTAL	82 6 0

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Dholka, Zilla Ahmedabad, on the 12th April, 1887, when the matter will be enquired into and determined according to the provisions of the said Act.

G. REID,
Collector.

AHMEDABAD DISTRICT,
CAMP BAOLA,
The 11th December, 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that on the 31st May, 1886, treasure consisting of the undermentioned copper idols with pedestals, valued at ₹16, was found under ground in a wet field known as "Garikulum" situated close to the "Nattam" or village site in the Inam village of Samudrum, Kulitalai Taluq, Trichinopoly District :—

	Weight in Seers of 80 Tolas.	Approximate Value. ₹ a. p.
1. One idol	25¾ seers	16 0 0
2. Another idol	16⅞ seers	

All persons claiming the said treasure are hereby required to appear personally or by agent before the Collector of Trichinopoly, at his office, on the 25th April, 1887, in view to the matter being enquired into and determined according to law.

W. AUSTIN,
Collector.

TRICHINOPOLY COLLECTOR'S OFFICE,
The 30th November, 1886.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 10th December, 1886.

POSTAL CIRCLE, BOMBAY.

No. 11729.—Mr. V. M. Cabral is appointed to officiate as Deputy Postmaster, Bombay.

Mr. J. C. Gardiner is appointed to officiate as Assistant Postmaster, Bombay.

Mr. C. A. Watts is appointed to officiate as Mail Officer of the 1st class.

P. SHERIDAN,
for *Depy. Dir. Genl. of the Post Office of India.*

The 12th December, 1886.

Revised Rules relating to Remittances by Telegraphic Money Orders.

1. With effect from 1st January 1887, the commission for the issue of inland telegraphic money orders will be charged at the following reduced rates :—

	₹ a.
On sums not exceeding ₹10	1 0
,, exceeding ₹ 10, but not exceeding ₹ 25	1 4
,, ,, ,, 25, ,, ,, 50	1 8
,, ,, ,, 50, ,, ,, 75	1 12
,, ,, ,, 75, ,, ,, 100	2 0
,, ,, ,, 100, ,, ,, 125	2 4
,, ,, ,, 125, ,, ,, 150	2 8
,, ,, ,, 150, ,, ,, 200	3 0
,, ,, ,, 200, ,, ,, 250	3 8
,, ,, ,, 250, ,, ,, 300	4 0
,, ,, ,, 300, ,, ,, 350	4 8
,, ,, ,, 350, ,, ,, 400	5 0
,, ,, ,, 400, ,, ,, 450	5 8
,, ,, ,, 450, ,, ,, 500	6 0
,, ,, ,, 500, ,, ,, 550	6 8
,, ,, ,, 550, ,, ,, 600	7 0

No additional charge will be levied for the telegram advising the remittance. The above rates will cover both postal and telegraph charges.

2. The maximum amount for which a single inland telegraphic money order can be issued, will be raised to ₹600 : the minimum amount will be ₹1.

3. No telegraphic money order can include the fraction of a Rupee. Up to ₹150 these orders will be available for sums in even Rupees : beyond that limit the order must be for sums which are multiples of ₹10.

4. Under existing rules a private message can be added by the remitter to the telegram advising the remittance on payment of the prescribed separate charges. This will not be permissible under these revised rules.

5. The remitter will not be able in future to prepay a reply from the payee acknowledging the remittance ; but he will obtain the ordinary money order acknowledgment by post.

Telegraphing amounts of foreign sterling money orders.

6. The amount of a foreign money order expressed in sterling can be telegraphed, as at present, to Bombay, whence the order will be communicated by post to the foreign country of payment. The limit of value for a single foreign money order expressed in sterling and telegraphed as above will be raised to £40, and no such money order may be for less than £1 or contain a fraction of £1. The rates of commission (including telegraph charges) will be as follows :—

	₹ a.
On sums not exceeding £ 5,	1 8
,, exceeding £ 5, but not exceeding £ 10	2 0
,, ,, ,, 10, ,, ,, 15	2 8
,, ,, ,, 15, ,, ,, 20	3 0
,, ,, ,, 20, ,, ,, 25	3 8
,, ,, ,, 25, ,, ,, 30	4 0
,, ,, ,, 30, ,, ,, 35	4 8
,, ,, ,, 35, ,, ,, 40	5 0

P. SHERIDAN,
Offg. Depy. Dir. Genl. of the Post Office of India.

The 16th December, 1886.

No. 12042.—Mr. E. Hutton, Presidency Postmaster, Calcutta, resumed charge of his office on the 16th November, 1886, afternoon.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 15th December, 1886.

Allen, C. & Co.
Bailey, G. L.
Benjamin, A. D.
Carpenter, Miss A.
Chadbourne, B. W.
Eiselli, E. G.
Foley, C. M.
Grimault & Co.
Ingram, T. D.
Watson, James.
Williams & Co.

Letters marked "Care of Post Office."

Andrews, Mrs.
Annesley, Earl Rt. Hon.
Bartow, E. H.
Barclay, J.
Baxendale, S.
Biermann, V.
Bigge, Mrs. R.
Blisett, Charles.
Blaine, Mrs. R. S.
Boorkies, Mrs. L.
Box, Esq.
Boyd, Sidney.
Bradbury, Mrs. E. H.
Braddon, Capt. C. J. S.
Bremmer, Esq.
Briscombe, Miss A. E.
Brittain, J.
Budd, W. H.
Caws, Capt. A.
Chesney, K.
Christian, Philip.
Clark, R.
Clegg, Fred.
Collins, G. ⅓.
Cowie, C. H.
Curry, Miss Annie.
D'Silva, T. H.
Deane, Miss Julia.
Dundas, P. A. C.
Fraser, Bernard.
Fraser, C. A.
Frederick, H.
Gayton, E. Hugh.
Gell, Mrs.
Greenway, E. C. F.
Greer, R. T.
Gustore, Esq.
Hammond, Mrs. E.
Henderson, J. H. Cleland.
Hill, Mrs. Amy.
Hocking, S.
Hudson, E.
Ilbert, Mrs. A.
Isenberg, A.
Johnson, W.
Keisler, Dr. F. L.
Kennedy, W. S.
Kearney, R. S.
Knight, Mr.
Landsent, S.
Leaf, W.
Lebbery, J. F.
Lees, J. D.
Leyland, H. N.
Lodder, Mr.
Mackenzie, Alex.
Magrath, P.
Muirhead, Mrs.
Muller, F.
Newdegate, F. A.
Nicholson, Miss.
Ogilvie, W. A.
Pollock, John.
Prado, E.
Rochussen, S. E.
Rode, Capt. J.
Ruddach, J. S. M.
Scott, J. D.
Selmes, F. W.
Shaw, Miss M.
Shuldham, J. E.
St. Aubyn, G. A.
Stevens, T.
Sugget, Mrs. Thomas.
Sykes, J. H.
Thibaud, P. T.
Thompson, R. D.
Touzel, C. J. C.
Travers, R. S.
Underwood, C. A.
Vyner, Mrs R.
Westwood, W. G.
W. M. & Co.

Registered Letters.

Fraser, C. A.
Gayton, E. H.
McKing, J.
Rabin, Mr.
Rochussen, E. S.
Schuhmacher, F.
Shaw, Miss M.

Unclaimed Letters held in the Barrackpore Post Office on the 6th December, 1886.

Arrakiel, M.
Bryant, Sub-Condr. J.
Cathherston, C.
Connersbe, R.
Cooper, H. D.
Dumout, F.
Ghose, S. C.
Ghose, U. N.
Hart, C. H.
John, P. S.
Kemball, Capt. G. V.
Kundu, K. N.
Larpent, F. deH.
Lyell, G.
Mendaws, C. J. W.
O'Donnell, C. J.
Owen, M. S.
Secy., Lodge Sandeman.
Smith, Mrs. M. A.
Thomas, J.
Wray, R.

E. HUTTON,
Presidency Postmaster, Calcutta.

The 18th December, 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	21st Dec.	Per P. & O. Str. from Bombay.
Ditto (Book Post and Pattern Packets)	20th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	21st ,,	Ditto.
Australia, New Zealand and Tasmania	21st ,,	Ditto.
Madras and Colombo	25th ,,	Per P. & O. Str. *Mirzapore.*
Straits and Hong-Kong	21st ,,	Per Str. *Wingsang.*
Rangoon and Moulmein	22nd ,,	Per Str. *Patna.*
Akyab, Kyouk Phyoo, Sandoway and Rangoon	22nd ,,	Ditto *Coconada.*
Port Blair *vid* Rangoon	22nd ,,	Ditto *Patna.*

N.B.—On ordinary Mail days 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.

On Foreign Mail day the letter-box will close at 8-30 P.M. and late letters will be received up to 9 P.M.

E. HUTTON,
Presidency Postmaster, Calcutta.

GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

An examination for admission to the Mechanical Apprentice Department will be held at the College on Monday and Tuesday, the 17th and 18th January, 1887.

Candidates must apply in writing to the Principal of the College, not later than the 10th January, 1887, 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 III.
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.

There will be two vacancies on the Free list for Christian students in February next, and eleven vacancies on the Reduced-fee list.

For Natives there will be fifteen vacancies on the Reduced-fee list.

These vacancies will be filled up by the Board of Visitors.

Further particulars will be supplied on application to the Principal of the College.

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

SEEBPORE,
The 22nd November, 1886.

NOTICE.

TO ENGINEERS AND OTHERS.

The Principal of the Seebpur Engineering College has a list of unemployed men qualified as Assistant Engineers, Foreman Mechanics, Overseers, Sub-Overseers, and Draftsmen. Persons requiring the services of any of the above should apply to the Principal.

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 کوئینائیں کا خوب قائم مقام ھی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ھرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سوائے اونکے جو کوئي ایک مشت بیس پونڈ خرید لیوے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ھیں یعنے نرخ چار اونس کے ٹھیں کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹھیں کا آٹھہ روپیہ آٹھہ آنہ ; یک پونڈ کے ٹھیں کا سولہ روپیہ آٹھہ آنہ '

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

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 ٹھیں کا آٹھہ آنہ ; اور ایک پونڈ کے ٹھیں کا بارہ آنہ '

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, 130 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, 80 pages, 2 plates. R1-8.
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 60 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.
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates. R1-8.
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 62 pages, 9 plates. R1-8.
Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates. R1-8.
Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 7 plates. R3.
Indian Meteorological Memoirs, Vol. II, Part V, 4to, 26 pages, 1 plate. R1.
Indian Meteorological Memoirs, Vol. II, complete, in cloth. R10.
Indian Meteorological Memoirs, Vol. III, Part I, 4to, 116 pages, 7 plates. R2.
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.
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Vol. VIII. Rajshahi and Bogra.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 3, 1886.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

In the goods of the late Andrew Skeen, Esq., M.B., Surgeon-Major, Indian Medical Service (Bengal), formerly of Kasauli and Patiala, deceased.

Pursuant to Section 42 of Act XXVIII of 1866, the Trustee and Mortgagees Act, Section 319, Act X of 1865, and the provisions of the Indian Trusts Act, II of 1882—

Notice is hereby given to all persons having any claim against the estate of the late Andrew Skeen, late of Kasauli and Patiala, deceased, who died at Kasauli, in the Simla District of the Punjab, on or about the 10th day of June 1885, that they are required, within one month from this date, to send in their claims, with vouchers and other proofs attached, to the undersigned at Simla, to whom, as executors (by the last will and testament of the said deceased appointed), probate was granted by the Chief Court of the Punjab, on the 16th day of April 1886. Also, that at the expiration of that time they the said executors will proceed to distribute the assets belonging to the said estate in discharge of such lawful claims as they shall then know of, and they will not be liable for the assets so distributed to any person or persons of whose claim, or claims they shall not have received notice at or before the time of such distribution. ALL persons indebted to, or holding any valuable securities or property belonging to, the said estate are also hereby requested to pay without delay the amount owing by them, or deliver the said securities, or property, to the undersigned, who are alone entitled to give valid receipts for the same.

C. R. MATTHEWS, *Colonel*,
Bengal Staff Corps.

GEO. THOMSON, *Surgeon-Major*,
Indian Medical Service, Bengal,
Executors to the Estate.

NOTICE.

The interest and responsibility of Mr. John Johnstone Jardine Keswick in our firm ceased on 30th April last.

JARDINE, SKINNER & CO.

CALCUTTA,
The 24th June 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 10, 1886.

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JARDINE, SKINNER & CO.

CALCUTTA,
The 24th June 1886.

NOTICE.

In the matter of the Indian Companies Act of 1882 and in the matter of the Imperial Ice Company Limited.

By an order made by the High Court of Judicature at Fort William in Bengal, in the above matter dated the 29th day of June 1886 on the petition of the Bengal Coal Company one of the creditors of the abovenamed Company. It was *inter alia* ordered that the abovenamed Company be wound up by the said Court under the provisons of the above Act and by the said order David Cowie of No. 4 Hastings Street in the Town of Calcutta was appointed the Official Liquidator of the said Company on his giving security as in the said order mentioned. Dated this 9th day of July 1886.

R. BELCHAMBERS,
Registrar.

GREGORY MOSES,
Petitioner's Attorneys.

NOTICE.

In the matter of the Indian Companies Act of 1882 and in the matter of the Imperial Ice Company Limited.

By an order made in the High Court of Judicature at Fort William in Bengal in the above matter dated the 29th day of June 1886 on the Petition of Baboo Ramkissen and Michael Raphael Shircore Trustees for the Debenture

Holders of the abovenamed Company It was *inter alia* ordered that the said Ramkissen be appointed the Official Liquidator of the abovenamed Company in the place of David Cowie without security and without remuneration and it was also ordered that the said Ramkissen do on the 29th day of December next and on the 29th day of June 1887 and on the same days in each succeeding years file his accounts in the said High Court and it was further ordered that all monies to be received by the said Baboo Ramkissen be paid by him into the Bank of Bengal to the credit of the account of the Official Liquidator of the abovenamed Company within seven days after the receipt thereof and that the Registrar of this Court do countersign all cheques drawn by the said Official Liquidator and it was further ordered that the said Baboo Ramkissen be at liberty to carry out the Contract made with the Bengal Ice Manufacturing Company Limited and the Crystal Ice Supply Company Limited for the sale to them of the good will of the abovenamed Company upon the terms and in the manner mentioned and set forth in a petition of the said Baboo Ramkissen and Michael Raphael Shircore and in the Exhibit F thereunto annexed and marked with the letter F and it was further ordered that in case of difference of opinion in the preparation of Conveyances and other Deeds required for the completion of such sale as aforesaid the Registrar do settle the same. Dated this 9th day of July 1886.

B. BELCHAMBERS,
Registrar.

GREGORY MOSES,
Petitioner's Attorneys.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 22:03, of the 4 per cent. of 1854-55, for ₹500, originally standing in the name of Parbutty Churn Mookerjee, deceased, and last endorsed to Hurimutty Mookerjee, 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.

PORESH NATH MOOKERJEE,
Oola, Zilla Nuddea.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 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.

NOTICE.

On the 2nd of April last the lodging-house of Bykunt Nath Mookerjee, Pleader at Saifgunge, in the District of Purneah, together with all his properties, deeds and documents, including 4 per cent. Government Promissory Notes mentioned below, have been completely burnt and destroyed by fire :—

1. The Government Promissory Note No. 036975, of the 4 per cent. of 1854-55, dated 30th June 1854, for ₹3,000, originally standing in the name of Bykunt Nath Mookerjee, the proprietor, by whom it was never endorsed to any other person.

2. The Government Promissory Note No. 018438, of the 4 per cent. of 1854-55, dated 30th June 1854, for ₹1,000, originally standing in the name of Collector of 24-Pergunnahs, and last endorsed to Bykunt Nath Mookerjee, the proprietor, by whom it was never endorsed to any other person.

3. The Government Promissory Note No. 002134, of the 4 per cent. of 1832-33, dated 1st May 1832, for ₹500 sicca, originally standing in the name of Bykunt Nath Mookerjee and Kylash Chunder Mookerjee, the proprietors, by whom it was never endorsed to any other person.

4. The Government Promissory Note No. 017045, of the 4 per cent. of 1835-36, dated 31st March 1836, for ₹500, originally standing in the name of Bykunt Nath Mookerjee and Kylash Chunder Mookerjee, the proprietors, by whom it was 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 applications are about to be made for the issue of duplicates in favour of the proprietors.

BYKUNT NATH MOOKERJEE,
Baree, District Jessore, Sub-Division Bangong, at present residing at Saifgunge, District Purneah.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 22:03, of the 4 per cent. of 1854-55, for ₹500, originally standing in the name of Parbutty Churn Mookerjee, deceased, and last endorsed to Hurimutty Mookerjee, 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.

PORESH NATH MOOKERJEE,
Oola, Zilla Nuddea.

Lost

The lower halves of Government Promissory Notes Nos. 205064 and 135234, of the 4 per cent. of 1865 and 1842-43, for ₹2,000 and ₹1,000, respectively, originally standing in the name of Essur Dass Benarsee Dass and Paras Dass, respectively, and last endorsed to Bhajan Lal, 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.

BHAJAN LAL,
Anarki Gallee, Delhi.

Destroyed

The Government Promissory Notes, Nos. 7612 and 7615, of the 4 per cent. of 1854-55, for ₹1,000 each, originally standing in the name of Prasanna Kumar Sen, and No. 16034 of the 4 per cent. of 1835-36, for ₹500, originally standing in the name of Chandra Kumar Sen, and last endorsed to Jahnoba Gupta, 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, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

JAHNOBA GUPTA,
Senhati, District Khoolna.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 7, 1886.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

On the 2nd of April last the lodging-house of Bykunt Nath Mookerjee, Pleader at Saifgunge, in the District of Purneah, together with all his properties, deeds and documents, including 4 per cent. Government Promissory Notes mentioned below, have been completely burnt and destroyed by fire :—

1. The Government Promissory Note No. 036975, of the 4 per cent. of 1854-55, dated 30th June 1854, for ₹3,000, originally standing in the name of Bykunt Nath Mookerjee, the proprietor, by whom it was never endorsed to any other person.

2. The Government Promissory Note No. 018438, of the 4 per cent. of 1854-55, dated 30th June 1854, for ₹1,000, originally standing in the name of Collector of 24-Pergunnahs, and last endorsed to Bykunt Nath Mookerjee, the proprietor, by whom it was never endorsed to any other person.

3. The Government Promissory Note No. 002134, of the 4 per cent. of 1832-33, dated 1st May 1832, for ₹500 sicca, originally standing in the name of Bykunt Nath Mookerjee and Kylash Chunder Mookerjee, the proprietors, by whom it was never endorsed to any other person.

4. The Government Promissory Note No. 017045, of the 4 per cent. of 1835-36, dated 31st March 1836, for ₹500, originally standing in the name of Bykunt Nath Mookerjee and Kylash Chunder Mookerjee, the proprietors, by whom it was 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 applications are about to be made for the issue of duplicates in favour of the proprietors.

BYKUNT NATH MOOKERJEE,
Baree, District Jessore, Sub-Division Bangong, at present residing at Saifgunge, District Purneah.

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 proprietress thereof, by whom they were never endorsed to any other person ; also the Government Promissory Note No. 128853, of the 4 per cent. loan of 1865, for ₹500, originally standing in the name of Omer Chand Paul, and last endorsed to the said Miss F. M. Templeton, the proprietress, by whom it was never endorsed to any other person. Transfer and payment of the above Shares and Note and the dividends and interest thereon have been stopped at the Bank of Bengal and at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

C. T. DAVIS,
Attorney and Agent for the said F. M. Templeton, 5, Hastings Street, Calcutta.

Stolen.

Two Government Promissory Notes, Nos. 163941 and 205192, of the 4 per cent. of 1st May 1865, for ₹500 each, originally standing in the name of Tariny Churn Ghose, and last endorsed to Sreemutty Kadumbinee Dossee, 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, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

BUNKO BEHARY PAUL,
Pleader, S. C. Court, Calcutta,
for *Sreemutty Kadumbinee Dossee,*
Punchanuntola, Chinsurah, Hooghly.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 21, 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 the Uncovenanted Service Family Pension Fund for the Second Quarter ending 31st October 1885, compared with the corresponding Quarter of the Year 1884.

PARTICULARS.	For the 2nd quarter ending 31st October 1885.	For the 2nd quarter ending 31st October 1884.	Increase.	Decrease.
	₹ a. p.	₹ a. p.	₹ a. p.	₹ a. p.
Balance at credit of the Fund on the Government books at the end of the previous quarter	91,61,054 0 11	87,15,938 3 8	4,45,115 13 3	.....
ADD RECEIPTS—				
Subscriptions from August to October in the Widows' Fund	1,22,210 6 6	1,19,816 8 7	2,393 13 11	.....
Ditto ditto Children's Fund	83,173 15 9	80,629 3 9	2,544 12 0	.....
Entrance fees, &c., ditto Charges General	362 4 6	379 6 0	.....	17 1 6
Amount of fines imposed under Rule 40A	.....	18 8 0	.....	18 8 0
Amount of interest received from subscribers	6 3 3	6 8 0	.....	0 4 9
Amount transferred to divisible surplus by debit to subscribers	72 12 0	139 8 0	.....	66 12 0
Total Receipts	2,05,825 10 0	2,00,989 10 4	(a)4,938 9 11	102 10 3
Grand Total	93,66,879 10 11	89,16,927 14 0	4,50,054 7 2	102 10 3
DEDUCT PAYMENTS—				
Pensions to incumbents in the Widows' Fund	90,145 11 3	84,391 1 0	5,754 10 3	.....
Ditto ditto Children's Fund	61,108 8 2	56,740 8 6	4,367 15 8	.....
Establishment, including office-rent and contingencies	7,741 15 7	6,622 7 1	1,119 8 6	.....
Loss in exchange on remittances to England	14,059 0 9	8,270 6 1	5,788 10 8	.....
Amount debited to divisible surplus	.....	69 0 0	.....	69 0 0
Amount of fines written back	.....	183 7 0	.....	183 7 0
Total Payments	1,73,055 3 9	1,56,276 13 8	(b)17,030 1	252 7 0
Balance in favour of the Fund, exclusive of interest upon capital	91,93,824 7 2	87,60,651 0 4	(c)4,33,023 10 1	149 12 9
Proportion of divisible surplus payable to subscribers	57,529 0 0	49,403 0 0	8,126 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	1,529	1,018	1,536	1,016	.....	2	7	.....
Ditto of incumbents	417	628	397	575	20	53	.....	.....
Ditto of subscribers sharing divisible surplus	1,116	756	1,096	732	20	24	.....	.....

	₹ a. p.
(a) Net increase in Total Receipts	4,835 15 8
(b) Ditto in Total Payments	16,778 6 1
(c) Ditto in Balance	4,33,173 6 10

G. W. MACLEOD,
Accountant.

R. A. FINK,
H. RONALDSON, } *Auditors.*

Published by order of the Directors.
W. H. RYLAND,
Secretary, U. S. Family Pension Fund.

FUND OFFICE,
The 29th July 1886.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 075300, of the 4 per cent. of 1842-43, for ₹100, originally standing in the name of Kartick Chandra Burral, and last endorsed to Monohur Sen, 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.

MONOHUR SEN,
Barahanagar.

Lost, Stolen, or Destroyed.

The Government Promissory Notes Nos. 221373 and 209883, of the 4 per cent. of 1865, for ₹500 each, originally standing in the name of Surendranath and the Bank of Bengal, respectively, and last endorsed to Surendranath Banerjee, 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.

SURENDRANATH BANERJEE,
60, Mirzapur Street,
Calcutta.

Stolen.

Two Government Promissory Notes, Nos. 163941 and 205192, of the 4 per cent. of 1st May 1865, for ₹500 each, originally standing in the name of Tariny Churn Ghose, and last endorsed to Sreemutty Kadumbinee Dossee, 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, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

BUNKO BEHARY PAUL,
Pleader, S. C. Court, Calcutta,
for Sreemutty Kadumbinee Dossee,
Punchanuntola, Chinsurah, Hooghly.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 28, 1886.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

RESULT OF VOTES

On the proposals submitted in Circular No. 1, dated 15th April 1886.

Subject.	Yes.	No.
Whether the proposed verbal alteration in rules 5 and 24 may be carried out.	Both rules, 1,069 Rule 5, 3 Do. 24, 3	Both rules 3 Rule 5, 3 Do. 24, 3

By order of the Directors,
W. H. RYLAND,
Secretary.

U. S. F. P. FUND OFFICE,
15, KYD STREET,
The 16th August 1886.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 075300, of the 4 per cent. of 1842-43, for ₹100, originally standing in the name of Kartick Chandra Burral, and last endorsed to Monohur Sen, 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.

MONOHUR SEN,
Barahanagar.

Lost, Stolen, or Destroyed.

The Government Promissory Notes Nos. 221373 and 209883, of the 4 per cent. of 1865, for ₹500 each, originally standing in the name of Surendranath and the Bank of Bengal, respectively, and last endorsed to Surendranath Banerjee, 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.

SURENDRANATH BANERJEE,
60, Mirzapur Street,
Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 25, 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 the Uncovenanted Service Family Pension Fund for the Third Quarter ending 31*st January* 1886, *compared with the corresponding quarter of the year* 1885.

Particulars.	For the 3rd quarter ending 31st January 1886.	For the 3rd quarter ending 31st January 1885.	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	91,98,894 7 2	87,60,651 0 4	4,38,173 6 10	.....
Add Receipts—				
Subscriptions from November to January to the Widows' Fund	1,21,591 0 2	1,20,261 5 0	1,329 11 2	.....
Ditto ditto Children's Fund	81,944 0 9	80,699 12 9	1,244 3 0	.....
Entrance fees, &c., ditto Charges General	439 6 0	302 13 9	.....	163 7 9
Amount of fines imposed under Rule 40A	929 7 6	389 12 9	539 10 9	.....
Amount credited to divisible surplus	837 12 0	1 13 0	835 15 0	.....
Total Receipts ...	2,05,741 10 5	2,01,955 10 8	(a) 3,949 7 11	163 7 9
Grand Total ...	93,99,566 1 7	89,62,606 10 7	4,37,122 14 9	163 7 9
Deduct Payments—				
Pensions payable to incumbents in the Widows' Fund ...	89,243 4 10	85,945 12 6	3,297 8 4	.....
Ditto ditto Children's Fund...	61,051 13 7	58,108 6 1	2,943 7 6	.....
Establishment, including house rent and contingencies... ...	9,349 10 6	9,814 15 5	.....	465 4 11
Loss in exchange on remittances to England	15,025 10 11	11,793 5 3	3,232 5 8	.....
Amount of fines written back	9 14 4	40 4 8	.....	30 6 4
Total payments ...	1,74,680 6 2	1,65,702 11 11	(b) 9,473 5 6	495 11 3
Net balance in favour of the Fund, exclusive of interest upon capital	92,24,885 11 5	87,96,903 14 8	(c)4,27,981 12 9	... ...
Proportion of divisible surplus payable to subscribers	57,529 0 0	49,403 0 0	8,126 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	1,532	1,026	1,536	1,012	.....	14	4	.....
Ditto of incumbents	419	629	404	592	15	37	.....	.....
Ditto of subscribers sharing abatements	1,176	756	1,096	732	80	24	.....	.....

		Rs. A. P.
(a) Net increase in Total Receipts	...	3,786 0 2
(b) Ditto in Total Payments	...	3,977 10 3
(c) Ditto in Balance	...	4,27,961 12 9

G. W. Macleod, *Accountant.*

R. A. Fink,
H. Ronaldson, } *Auditors.*

Published by order of the Directors,
W. H. Ryland, *Secretary,*
Uncovenanted Service Family Pension Fund.

Fund Office, the 11th September 1886.

NOTICE

Is hereby given that the share and interest of Munshi Tobarukollah in our Firm of Kola, Bhuli and Co., Hide Merchants, of No. 8, Amratollah Street, ceased on the 20th Asar 1293, the date of the death of the said Munshi Tobarukollah and that since then, we Shaik Kola and Shaik Hajee Bhuli are carrying on business on our own account under the same name and style of Kola, Bhuli and Co., and we alone are authorized to act for and on behalf of the said New Firm. All debts due by and to the Old Firm of Kola, Bhuli and Co., will be paid and recovered by the said Shaik Kola and Shaik Hajee Bhuli.

SHAIK KOLA.
SHAIK HAJEE BHULI.
By BUDDYNATH MULLICK,
Agent and Pleader.

CALCUTTA,
The 21st September 1886.

PROMISSORY NOTES.

Stolen.

The Government Promissory Note No. 188802, of the 4 per cent. of 1865, for ₹500, originally standing in the name of the Bank of Bengal, and last endorsed to Baboo Jogendro Chunder Sen, 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.

SURES CHUNDER SEN,
15, Seetaram Ghose's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 2, 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.

NOTICE

Is hereby given that the share and interest of Munshi Tobarukollah in our Firm of Kola, Bhuli and Co., Hide Merchants, of No. 8, Amratollah Street, ceased on the 20th Asar 1293, the date of the death of the said Munshi Tobarukollah and that since then, we Shaik Kola and Shaik Hajee Bhuli are carrying on business on our own account under the same name and style of Kola, Bhuli and Co., and we alone are authorized to act for and on behalf of the said New Firm. All debts due by and to the Old Firm of Kola, Bhuli and Co., will be paid and recovered by the said Shaik Kola and Shaik Hajee Bhuli.

SHAIK KOLA.
SHAIK HAJEE BHULI.
By BUDDYNATH MULLICK,
Agent and Pleader.

CALCUTTA,
The 21st September 1886.

PROMISSORY NOTES.

Lost.

The Government Promissory Notes, No. 144388, dated 1st May 1865, for ₹1,000, and No. 137303, dated 1st February 1842-43, for ₹1,000, standing in the name of Jadub Lal Shaw, of Doajanee, in the District of Mymensingh, by whom the papers were blank endorsed. 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 to him.

JADUB LAL SHAW,
Doajanee, in the District of Mymensingh, and also No. 1, Brojogobinda Shaw's Lane, Calcutta.

Stolen.

The Government Promissory Note No. 188802, of the 4 per cent. of 1865, for ₹500, originally standing in the name of the Bank of Bengal, and last endorsed to Baboo Jogendro Chunder Sen, 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.

SURES CHUNDER SEN,
15, Seetaram Ghose's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 9, 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.

NOTICE

Is hereby given that the share and interest of Munshi Tobarukollah in our Firm of Kola, Bhuli and Co., Hide Merchants, of No. 8, Amratollah Street, ceased on the 20th Asar 1293, the date of the death of the said Munshi Tobarukollah and that since then, we Shaik Kola and Shaik Hajee Bhuli are carrying on business on our own account under the same name and style of Kola, Bhuli and Co., and we alone are authorized to act for and on behalf of the said New Firm. All debts due by and to the Old Firm of Kola, Bhuli and Co., will be paid and recovered by the said Shaik Kola and Shaik Hajee Bhuli.

SHAIK KOLA.
SHAIK HAJEE BHULI.
By BUDDYNATH MULLICK,
Agent and Pleader.

CALCUTTA,
The 21st September 1886.

PROMISSORY NOTES.

Lost.

The Government Promissory Notes, No. 144388, dated 1st May 1865, for ₹1,000, and No. 137303, dated 1st February 1842-43, for ₹1,000, standing in the name of Jadub Lal Shaw, of Doajanee, in the District of Mymensingh, by whom the papers were blank endorsed. 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 to him.

JADUB LAL SHAW,

Doajanee, in the District of Mymensingh, and also No. 1, Brojogobinda Shaw's Lane, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 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.

PROMISSORY NOTES.

Lost.

The Government Promissory Notes, No. 144388, dated 1st May 1865, for ₹1,000, and No. 137303, dated 1st February 1842-43, for ₹1,000, standing in the name of Jadub Lal Shaw, of Doajanee, in the District of Mymensingh, by whom the papers were blank endorsed. 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 to him.

JADUB LAL SHAW,

Doajanee, in the District of Mymensingh, and also No. 1, Brojogobinda Shaw's Lane, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 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.

Stolen.

From my residence at Oojein, the Government Promissory Note No. 142745, of the 4 per cent. of 1842-43, for ₹5,000, originally standing in the name of Luxmebai, Administratrix of Narain Rao Gobind Dhoby, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Offices, Bank of Bengal and Bank of Bombay, and application is about to be made for the issue of a duplicate in favour of the proprietor. The note is enfaced for payment of interest from the Indore Treasury.

LUXMEBAI DHOBY,
Oojein, Central India.

NOTICE.

Government Securities Nos. 229017 and 229018 of 1865, of the 4 per cent. loan, for ₹100 each, belong to me. They were lost or stolen on the 1st instant.

GOKUL CHANDRA DHAR,
Attorney-at-Law.

7, OLD POST OFFICE STREET,
The 3rd November 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 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.

HINDU FAMILY ANNUITY FUND.

Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarters ending 30th September and 31st December 1885.

Receipts.	Quarter ending 30th September, 1885.	Quarter ending 31st December, 1885.	Disbursements.	Quarter ending 30th September, 1885.	Quarter ending 31st December, 1885.
	R a. p.	R a. p.		R a. p.	R a. p.
Subscriptions . .	7,026 14 9	7,178 9 9	Annuity . . .	938 0 0	1,120 5 3
Entrance Fees . .	27 0 0	29 0 0	Establishment . .	331 8 0	331 8 0
Interest . . .	...	3,580 0 0	Miscellaneous . .	218 7 9	200 9 5
Miscellaneous . .	0 4 3	1 9 0	Government of India for Deposit . .	7,112 2 9	11,882 8 10
Deposits . . .	67 7 0	1,074 4 0	Deposits . . .	48 2 0	58 2 3
Government of India— Amount withdrawn .	1,876 0 0	1,593 0 0	Valuation of Assets and Liabilities . .	333 5 6	...
Opening Cash Balance .	359 8 6	375 8 6	Closing Cash Balance .	375 8 6	238 13 6
TOTAL R .	9,357 2 6	13,831 15 3	TOTAL R .	9,357 2 6	13,831 15 3

Published by order of the Directors agreeably to Rule 75.

GOBIND CHUNDER SEAL,
DOORGA DOSS BOSE,
Auditors.

RAMAPRASANNA GHOSH,
Secretary.

THE HINDU FAMILY ANNUITY FUND OFFICE,
CALCUTTA,
The 15th November, 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 4, 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.

Destroyed.

Notes Nos. 173493 and 173492 for ₹1,000 each, and No. 173255 for ₹500, of the 4 per cent. of 1865, originally standing in the name of the Chartered Bank of India, Australia, and China, and last endorsed to Doyal Chunder Chuckerbutty,

Note No. 208422 for ₹1,000 of the 4 per cent. of 1865, originally standing in the name of the National Bank of India, Limited, and last endorsed to Doyal Chundra Seromoni,

Notes Nos. 212692 and 212693 for ₹1,000 each of the 4 per cent. of 1865, originally standing in the name of the Bank of Bengal, and last endorsed to Doyal Chundra Seromoni,

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.

DOYAL CHUNDER CHUCKERBUTTY SEROMONI.

Konnagar.

The 29th November, 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 11, 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.

Destroyed.

Notes Nos. 173493 and 173492 for ₹1,000 each, and No. 173255 for ₹500, of the 4 per cent. of 1865, originally standing in the name of the Chartered Bank of India, Australia, and China, and last endorsed to Doyal Chunder Chuckerbutty,

Note No. 208422 for ₹1,000 of the 4 per cent. of 1865, originally standing in the name of the National Bank of India, Limited, and last endorsed to Doyal Chundra Seromoni,

Notes Nos. 212692 and 212693 for ₹1,000 each of the 4 per cent. of 1865, originally standing in the name of the Bank of Bengal, and last endorsed to Doyal Chundra Seromoni,

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.

DOYAL CHUNDER CHUCKERBUTTY SEROMONI.

Konnagar.

The 29th November, 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 18, 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.

Destroyed.

Notes Nos. 173493 and 173492 for ₹1,000 each, and No. 173255 for ₹500, of the 4 per cent. of 1865, originally standing in the name of the Chartered Bank of India, Australia, and China, and last endorsed to Doyal Chunder Chuckerbutty,

Note No. 208422 for ₹1,000 of the 4 per cent. of 1865, originally standing in the name of the National Bank of India, Limited, and last endorsed to Doyal Chundra Seromoni,

Notes Nos. 212692 and 212693 for ₹1,000 each of the 4 per cent. of 1865, originally standing in the name of the Bank of Bengal, and last endorsed to Doyal Chundra Seromoni,

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.

DOYAL CHUNDER CHUCKERBUTTY SEROMONI.

Konnagar.

The 29th November, 1886.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 17, 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 16th July, 1886, and is hereby promulgated for general information :—

ACT NO. XVI OF 1886.

An Act to make provision for the more speedy trial of certain accused persons in custody in Lower Burma.

WHEREAS it is expedient to make provision for the more speedy trial of certain accused persons in custody in Lower Burma; It is hereby enacted as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Lower Burma Gaols Delivery Act, 1886.

(2) It extends to such districts of Lower Burma as the Local Government may by notification in the official Gazette declare to be disturbed; and

(3) It shall come into force at once.

Construction.

2. *(1)* This Act shall, so far as is consistent with the terms thereof, be construed as one with the Code of Criminal Procedure, 1882. X of 1882.

(2) "Lower Burma" in this Act means the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885: and

(3) "Scheduled offence" means an offence mentioned in the schedule to this Act.

Conferment of powers of Court of Session on Magistrates.

3. *(1)* The Local Government may by notification in the official Gazette confer on any Magistrate of the first class the powers of a Court of Session as a Court of original jurisdiction for the trial of persons accused of scheduled offences.

(2) A Magistrate on whom those powers of a Court of Session have been so conferred may take cognizance of—

(a) any scheduled offence without the accused person being committed to him by a Magistrate, and

(b) such cases in which persons accused of any scheduled offence have been committed to the Court of Session by Magistrates as the Local Government by general or special order directs him to try or as the Sessions Judge of the Division makes over to him for trial.

(3) When a Magistrate in exercise of those powers of a Court of Session takes cognizance of any scheduled offence without the accused person being committed to him by a Magistrate, he shall follow the procedure prescribed by the Code of Criminal Procedure for the trial of warrant-cases by Magistrates, and the provisions of that Code relating to trial before a Court of Session shall not apply. X of 1882.

(4) Proceedings pending before a Magistrate under Chapter XVIII of the Code of Criminal Procedure at the time of the conferment on him of those powers of a Court of Session may be continued by him under Chapter XXI of that Code as if they had been commenced under the latter Chapter:

Provided that the accused person may demand that any witness who has given evidence before the conferment of the powers be re-summoned and re-heard.

(5) Sentences, judgments and orders passed by a Magistrate in exercise of those powers of a Court of Session shall be subject to confirmation, appeal and revision as if they had been passed by a Court of Session.

4. *(1)* The Local Government, with the previous sanction of the Governor General in Council, may by notification in the official Gazette appoint such person or persons as it thinks fit to be an Additional Judicial Commissioner or Additional Judicial Commissioners, and to sit as such in any districts mentioned in the notification.

Appointment of Additional Judicial Commissioner.

(2) An Additional Judicial Commissioner shall, with respect to scheduled offences, exercise within any districts in which he is appointed to sit such jurisdiction and powers of the Judicial Commissioner as the Local Government may prescribe.

(3) Every enactment for the time being applicable to the Judicial Commissioner shall apply to an Additional Judicial Commissioner when exercising any jurisdiction or powers under sub-section *(2)*.

5. The Local Government may withdraw any powers, and cancel any appointment, conferred or made under this Act.

Withdrawal of powers and cancelment of appointment under this Act.

6. Notwithstanding anything in Act VI of 1864 *(an Act to authorise the punishment of whipping in certain cases)*, but subject to the provisions of sections 390 to 395 (both inclusive) of the Code of Criminal Procedure, a person convicted of a scheduled offence may be sentenced to whipping either in lieu of or in addition to any other punishment to which he may be liable under the Indian Penal Code.

Modification of Whipping Act.

X of 1882.

XLV of 1860.

7. Notwithstanding anything in the Indian Limitation Act, 1877, the period of limitation for an appeal to the Judicial Commissioner or an Additional Judicial Commissioner from a conviction of a scheduled offence shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

Limitation for appeal from conviction of scheduled offence.

XV of 1877.

8. This Act shall expire on the thirtieth day of June, 1887, or on such earlier date 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.

Expiration of Act.

THE SCHEDULE.

Section of Indian Penal Code.	Offence.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.
121A	Conspiring to commit certain offences against the State.
122	Collecting arms, &c., with the intention of waging war against the Queen.
124A	Exciting, or attempting to excite, disaffection.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire, or explosive substance, with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire, or explosive substance, with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.

Section of Indian Penal Code.	Offence.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c. Abetment of any of the foregoing offences. Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 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 16th July, 1886, and is hereby promulgated for general information :—

ACT NO. XVI OF 1886.

An Act to make provision for the more speedy trial of certain accused persons in custody in Lower Burma.

WHEREAS it is expedient to make provision for the more speedy trial of certain accused persons in custody in Lower Burma; It is hereby enacted as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Lower Burma Gaols Delivery Act, 1886.

(2) It extends to such districts of Lower Burma as the Local Government may by notification in the official Gazette declare to be disturbed; and

(3) It shall come into force at once.

Construction.

2. *(1)* This Act shall, so far as is consistent with the terms thereof, be construed as one with the Code of Criminal Procedure, 1882.

(2) "Lower Burma" in this Act means the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885 : and

(3) "Scheduled offence" means an offence mentioned in the schedule to this Act.

Conferment of powers of Court of Session on Magistrates.

3. *(1)* The Local Government may by notification in the official Gazette confer on any Magistrate of the first class the powers of a Court of Session as a Court of original jurisdiction for the trial of persons accused of scheduled offences.

(2) A Magistrate on whom those powers of a Court of Session have been so conferred may take cognizance of—

(a) any scheduled offence without the accused person being committed to him by a Magistrate, and

(b) such cases in which persons accused of any scheduled offence have been committed to the Court of Session by Magistrates as the Local Government by general or special order directs him to try or as the Sessions Judge of the Division makes over to him for trial.

(3) When a Magistrate in exercise of those powers of a Court of Session takes cognizance of any scheduled offence without the accused person being committed to him by a Magistrate, he shall follow the procedure prescribed by the Code of Criminal Procedure for the trial of warrant-cases by Magistrates, and the provisions of that Code relating to trial before a Court of Session shall not apply. X of 1882.

(4) Proceedings pending before a Magistrate under Chapter XVIII of the Code of Criminal Procedure at the time of the conferment on him of those powers of a Court of Session may be continued by him under Chapter XXI of that Code as if they had been commenced under the latter Chapter :

Provided that the accused person may demand that any witness who has given evidence before the conferment of the powers be re-summoned and re-heard.

(5) Sentences, judgments and orders passed by a Magistrate in exercise of those powers of a Court of Session shall be subject to confirmation, appeal and revision as if they had been passed by a Court of Session.

4. *(1)* The Local Government, with the previous sanction of the Governor General in Council, may by notification in the official Gazette appoint such person or persons as it thinks fit to be an Additional Judicial Commissioner or Additional Judicial Commissioners, and to sit as such in any districts mentioned in the notification.

Appointment of Additional Judicial Commissioner.

(2) An Additional Judicial Commissioner shall, with respect to scheduled offences, exercise within any districts in which he is appointed to sit such jurisdiction and powers of the Judicial Commissioner as the Local Government may prescribe.

(3) Every enactment for the time being applicable to the Judicial Commissioner shall apply to an Additional Judicial Commissioner when exercising any jurisdiction or powers under sub-section *(2)*.

5. The Local Government may withdraw any powers, and cancel any appointment, conferred or made under this Act.

Withdrawal of powers and cancelment of appointment under this Act.

6. Notwithstanding anything in Act VI of 1864 *(an Act to authorise the punishment of whipping in certain cases)*, but subject to the provisions of sections 390 to 395 (both inclusive) of the Code of Criminal Procedure, a person convicted of a scheduled offence may be sentenced to whipping either in lieu of or in addition to any other punishment to which he may be liable under the Indian Penal Code.

Modification of Whipping Act.

X of 1882.

XLV of 1860.

7. Notwithstanding anything in the Indian Limitation Act, 1877, the period of limitation for an appeal to the Judicial Commissioner or an Additional Judicial Commissioner from a conviction of a scheduled offence shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

Limitation for appeal from conviction of scheduled offence.

XV of 1877.

8. This Act shall expire on the thirtieth day of June, 1887, or on such earlier date 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.

Expiration of Act.

THE SCHEDULE.

Section of Indian Penal Code.	Offence.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.
121A	Conspiring to commit certain offences against the State.
122	Collecting arms, &c., with the intention of waging war against the Queen.
124A	Exciting, or attempting to excite, disaffection.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire, or explosive substance, with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire, or explosive substance, with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c. Abetment of any of the foregoing offences. Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 31, 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 16th July, 1886, and is hereby promulgated for general information :—

ACT NO. XVI OF 1886.

An Act to make provision for the more speedy trial of certain accused persons in custody in Lower Burma.

WHEREAS it is expedient to make provision for the more speedy trial of certain accused persons in custody in Lower Burma; It is hereby enacted as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Lower Burma Gaols Delivery Act, 1886.

(2) It extends to such districts of Lower Burma as the Local Government may by notification in the official Gazette declare to be disturbed; and

(3) It shall come into force at once.

Construction.

2. *(1)* This Act shall, so far as is consistent with the terms thereof, be construed as one with the Code of Criminal Procedure, 1882.

(2) "Lower Burma" in this Act means the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885: and

(3) "Scheduled offence" means an offence mentioned in the schedule to this Act.

Conferment of powers of Court of Session on Magistrates.

3. *(1)* The Local Government may by notification in the official Gazette confer on any Magistrate of the first class the powers of a Court of Session as a Court of original jurisdiction for the trial of persons accused of scheduled offences.

(2) A Magistrate on whom those powers of a Court of Session have been so conferred may take cognizance of—

(a) any scheduled offence without the accused person being committed to him by a Magistrate, and

(b) such cases in which persons accused of any scheduled offence have been committed to the Court of Session by Magistrates as the Local Government by general or special order directs him to try or as the Sessions Judge of the Division makes over to him for trial.

(3) When a Magistrate in exercise of those powers of a Court of Session takes cognizance of any scheduled offence without the accused person being committed to him by a Magistrate, he shall follow the procedure prescribed by the Code of Criminal Procedure for the trial of warrant-cases by Magistrates, and the provisions of that Code relating to trial before a Court of Session shall not apply. X of 1882.

(4) Proceedings pending before a Magistrate under Chapter XVIII of the Code of Criminal Procedure at the time of the conferment on him of those powers of a Court of Session may be continued by him under Chapter XXI of that Code as if they had been commenced under the latter Chapter:

Provided that the accused person may demand that any witness who has given evidence before the conferment of the powers be re-summoned and re-heard.

(5) Sentences, judgments and orders passed by a Magistrate in exercise of those powers of a Court of Session shall be subject to confirmation, appeal and revision as if they had been passed by a Court of Session.

4. *(1)* The Local Government, with the previous sanction of the Governor General in Council, may by notification in the official Gazette appoint such person or persons as it thinks fit to be an Additional Judicial Commissioner or Additional Judicial Commissioners, and to sit as such in any districts mentioned in the notification.

Appointment of Additional Judicial Commissioner.

(2) An Additional Judicial Commissioner shall, with respect to scheduled offences, exercise within any districts in which he is appointed to sit such jurisdiction and powers of the Judicial Commissioner as the Local Government may prescribe.

(3) Every enactment for the time being applicable to the Judicial Commissioner shall apply to an Additional Judicial Commissioner when exercising any jurisdiction or powers under sub-section *(2)*.

5. The Local Government may withdraw any powers, and cancel any appointment, conferred or made under this Act.

Withdrawal of powers and cancelment of appointment under this Act.

6. Notwithstanding anything in Act VI of 1864 *(an Act to authorise the punishment of whipping in certain cases)*, but subject to the provisions of sections 390 to 395 (both inclusive) of the Code of Criminal Procedure, a person convicted of a scheduled offence may be sentenced to whipping either in lieu of or in addition to any other punishment to which he may be liable under the Indian Penal Code.

Modification of Whipping Act.

X of 1882.

XLV of 1860.

7. Notwithstanding anything in the Indian Limitation Act, 1877, the period of limitation for an appeal to the Judicial Commissioner or an Additional Judicial Commissioner from a conviction of a scheduled offence shall, except in the cases provided for by No. 150 and No. 157 of the second schedule to that Act, be thirty days from the date of the conviction.

Limitation for appeal from conviction of scheduled offence.

XV of 1877.

8. This Act shall expire on the thirtieth day of June, 1887, or on such earlier date 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.

Expiration of Act.

THE SCHEDULE.

Section of Indian Penal Code.	Offence.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.
121A	Conspiring to commit certain offences against the State.
122	Collecting arms, &c., with the intention of waging war against the Queen.
124A	Exciting, or attempting to excite, disaffection.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire, or explosive substance, with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire, or explosive substance, with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.

Section of Indian Penal Code.	Offence.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c. Abetment of any of the foregoing offences. Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 18, 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 15th September, 1886, and is hereby promulgated for general information :—

ACT NO. XVII OF 1886.

An Act to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. (*1*) This Act may be called the Jhánsí and Morár Act, 1886; and

(*2*) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

[illegible] the beginning of March, 1886, the town and fort of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Maháráját Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands adjacent to the Jhánsí district should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the said fort, and the lands which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district;

It is hereby enacted as follows :—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Application of law in force in ceded lands to have effect in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of those lands, as the case may be, in the foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or in those lands, shall then come into force in the town and fort or in those lands, as the case may be.

Ceded lands to become part of the scheduled districts of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874.

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of acts done since the beginning of March, 1886.

PART II.

And whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district;

XIV of 1882. XVIII of 1867. XII of 1881.

And whereas the period of limitation prescribed for suits in the territories of His Highness is twelve years, and it is expedient that persons having just claims which, but for the cession of territory, they might have enforced in the Courts of His Highness, should not be debarred from enforcing those claims by reason of a shorter period of limitation being prescribed for any class of suits by the law in force in the Jhánsí district;

And whereas it is expedient that suits pending in the Courts of His Highness and left undetermined by those Courts by reason of cession of territory should be continued in the Courts of the Jhánsí district;

And whereas it is expedient to remove doubts as to the effect of the law in force in the Jhánsí district, with respect to registration and stamps, on documents and instruments to which at the time of their execution the law of His Highness applied and the law of British India did not apply;

It is hereby further enacted as follows:—

6. (*1*) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the first clause of the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

Execution of decrees of Gwalior Courts.

(*2*) If in any case the Deputy Commissioner is of opinion that for special reasons the sanction ought to be withheld or ought to be granted subject to conditions, he may either withhold his sanction or permit the application to be made on any conditions which in the circumstances he deems it proper to impose; but in either of those cases he shall record the reasons in writing.

(*3*) The fact that an application is barred by the Indian Limitation Act, 1877, may be sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act. XV of 1877.

(*4*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

7. (*1*) Notwithstanding anything in the Indian Limitation Act, 1877, or in any other enactment, the Deputy Commissioner may, within such term, not exceeding two years from the commencement of this Act, as the Local Government may prescribe in this behalf, admit any suit of a nature cognizable by the Courts of British India, which, if there had not been a cession of territory and the suit had been instituted in a Court of His Highness having jurisdiction with respect thereto, would not be liable to be dismissed by that Court by reason of its being barred by any law of limitation. XV of 1877.

Extension of period of limitation for certain suits.

(*2*) In the computation of the period of limitation for a suit referred to in sub-section (*1*) which the plaintiff has been debarred from instituting by reason of the cession of the town and fort of Jhánsí to the British Government, there shall be excluded from the period the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(*3*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner admitting or refusing to admit a suit under sub-section (*1*) shall be final.

8. An original suit pending in a Court of His Highness and left undetermined by that Court by reason of cession of territory may, be continued, under the law of limitation applicable to that Court but otherwise in accordance with the law and procedure of British Indian Courts, in any Court in the Jhánsí district subordinate to the Court of the Commissioner which the Deputy Commissioner may appoint in that behalf.

Continuance of pending suits.

9. The provisions of the law of British India with respect to the consequences of documents being unregistered or instruments being unstamped shall not apply to any document or instrument which may have been executed before a date to be prescribed in this behalf by the Local Government, and to which the law of His Highness applied, and the law of British India did not apply, at the time of its execution.

Saving in favour of unregistered documents and unstamped instruments.

PART III.

And whereas it is expedient that traders and others who were entitled immediately before the cession of the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor-General in Council, and that the period of limitation in these cases should be extended;

It is hereby further enacted as follows:—

10. (*1*) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 66 to 75 (both inclusive) of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor-General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction.

XV of 1877

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

(*2*) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (*1*) is instituted or made shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(*3*) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The Gazette of India.

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SIMLA, SATURDAY, SEPTEMBER 25, 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 17th September, 1886, and is hereby promulgated for general information:—

ACT NO. XVII OF 1886.

An Act to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. (*1*) This Act may be called the Jhánsí and Morar Act, 1886; and

(*2*) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the town and fort of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands adjacent to the Jhánsí district should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district; XIV of 1874.

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or in those lands, shall then come into force in the town and fort or in those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. *On and from the commencement of this Act*, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874. XIV of 1874.

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of acts done since the beginning of March, 1886.

PART II.

And whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district;

XIV of 1882. XVIII of 1887. XII of 1881.

And whereas the period of limitation prescribed for suits in the territories of His Highness is twelve years, and it is expedient that persons having just claims which, but for the cession of territory, they might have enforced in the Courts of His Highness, should not be debarred from enforcing those claims by reason of a shorter period of limitation being prescribed for any class of suits by the law in force in the Jhánsí district;

And whereas it is expedient that suits pending in the Courts of His Highness and left undetermined by those Courts by reason of cession of territory should be continued in the Courts of the Jhánsí district;

And whereas it is expedient to remove doubts as to the effect of the law in force in the Jhánsí district, with respect to registration and stamps, on documents and instruments to which at the time of their execution the law of His Highness applied and the law of British India did not apply;

It is hereby further enacted as follows:—

6. (*1*) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the first clause of the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

Execution of decrees of Gwalior Courts.

(*2*) If in any case the Deputy Commissioner is of opinion that for special reasons the sanction ought to be withheld or ought to be granted subject to conditions, he may either withhold his sanction or permit the application to be made on any conditions which in the circumstances he deems it proper to impose; but in either of those cases he shall record the reasons in writing.

(*3*) The fact that an application is barred by the Indian Limitation Act, 1877, may be sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act. XV of 1877.

(*4*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

7. (*1*) Notwithstanding anything in the Indian Limitation Act, 1877, or in any other enactment, the Deputy Commissioner may, within such term, not exceeding two years from the commencement of this Act, as the Local Government may prescribe in this behalf, admit any suit of a nature cognizable by the Courts of British India, which, if there had not been a cession of territory and the suit had been instituted in a Court of His Highness having jurisdiction with respect thereto, would not be liable to be dismissed by that Court by reason of its being barred by any law of limitation. XV of 1877.

Extension of period of limitation for certain suits.

(*2*) In the computation of the period of limitation for a suit referred to in sub-section (*1*) which the plaintiff has been debarred from instituting by reason of the cession of the town and fort of Jhánsí to the British Government, there shall be excluded from the period the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(*3*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner admitting or refusing to admit a suit under sub-section (*1*) shall be final.

8. An original suit pending in a Court of His Highness and left undetermined by that Court by reason of cession of territory may, be continued, under the law of limitation applicable to that Court but otherwise in accordance with the law and procedure of British Indian Courts, in any Court in the Jhánsí district subordinate to the Court of the Commissioner which the Deputy Commissioner may appoint in that behalf.

Continuance of pending suits.

9. The provisions of the law of British India with respect to the consequences of documents being unregistered or instruments being unstamped shall not apply to any document or instrument which may have been executed before a date to be prescribed in this behalf by the Local Government, and to which the law of His Highness applied, and the law of British India did not apply, at the time of its execution.

Saving in favour of unregistered documents and unstamped instruments.

PART III.

And whereas it is expedient that traders and others who were entitled immediately before the cession of the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor-General in Council, and that the period of limitation in these cases should be extended;

It is hereby further enacted as follows:—

10. (*1*) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 66 to 75 (both inclusive) of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor-General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction.

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

XV of 1877.

(*2*) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (*1*) is instituted or made shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(*3*) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

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 24th September, 1886, and is hereby promulgated for general information :—

ACT No. XVIII OF 1886.

An Act 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 :—

New section inserted after section 6.

1. After section 6 the following shall be inserted, namely :—

Detention of supposed lunatics under observation.

"6 A. (*1*) Where a person found wandering at large who is deemed to be a lunatic, or where a person believed to be dangerous by reason of lunacy, is apprehended and sent to the Magistrate or the Commissioner of Police, or where, on report or information that a person deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected, the Magistrate or the Commissioner of Police sends for him and then determines to proceed as prescribed in section 4 of this Act, the Magistrate or the Commissioner of Police, on the request of the medical officer, may, by order in writing, authorise the detention of the supposed lunatic for such time, not exceeding ten days, as, in the opinion of the Magistrate or the Commissioner of Police, may be necessary to enable the medical officer to form an opinion on the question whether or not the supposed lunatic is a person with respect to whom a certificate in the form A in the schedule to this Act ought to be signed.

"(*2*) If the medical officer certifies further detention than has been authorised under sub-section (*1*) to be necessary to enable him to form his opinion on that question, the Magistrate or the Commissioner of Police may from time to time, by order in writing, authorise such further detention as he deems to be necessary :

"Provided that a supposed lunatic shall not be detained for the purpose of this section for a longer time than fourteen days from the date on which the first order authorising his detention for that purpose is made.

"(*3*) The Executive Government may from time to time make rules as to the place of detention, and the care and treatment, of supposed lunatics detained under this section."

Amendment of section 9.

2. To section 9 the words "Subject to the provisions of any enactment for the time being in force," shall be prefixed.

New sections to follow section 17.

3. After section 17 the following shall be inserted, namely :—

Provision for provinces not having asylums.

"17A. 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.

Use of provincial asylums as presidency asylums for purposes of the Act.

"17B. The Governor-General in Council may from time to time, by order, direct, with respect to any part of British India which is not annexed to a presidency or, being annexed to the presidency of Fort William, Fort Saint George or Bombay, is situated at a greater distance than three hundred miles from Calcutta, Madras or Bombay, respectively, that any lunatic asylum in British India named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of this Act."

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend Act XXXVI of 1858 was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend Act XXXVI of 1858 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 Assistant Secretary to Chief Commissioner, Central Provinces, No. 182—9, dated 21st January, 1886 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 14G., dated 19th January, 1886 [Paper No. 2].
From Secretary to Chief Commissioner, Assam, No 224, dated 27th January, 1886 [Paper No. 3].
From Officiating Secretary to Chief Commissioner, British Burma, No. 534—4L., dated 29th January, 1886 [Paper No. 4].
From Chief Commissioner, Ajmer-Merwára, No. 294C., dated 3rd February, 1886 [Paper No. 5].
From Under-Secretary to Government, Bombay, No. 522, dated 9th February, 1886, and enclosures [Papers No. 6].
From Acting Chief Secretary to Government, Madras, No. 355, dated 9th February, 1886, and enclosures [Papers No. 7].
From Secretary to Government, North-Western Provinces and Oudh, No. 334—VI-590-6, dated 19th February, 1886, and enclosure [Papers No. 8].
From Registrar, High Court, Calcutta, No. 502, dated 23rd February, 1886 [Paper No. 9].
From Secretary to Chief Commissioner, Coorg, No. 288—12, dated 1st March, 1886 [Paper No. 10].
From Officiating Secretary to Government, Bengal, No. 1604, dated 1st April, 1886 [Paper No 11].
From Secretary to Government, Punjab, No. 319, dated 19th March, 1886, and enclosures [Papers No. 12].

2. The Bill as introduced was approved by the authorities to whom it was referred, but further amendments of the Act were proposed by the Governments of Bengal and the Punjab.

3. The former Government drew attention to the absence of any provision authorising the detention of supposed lunatics for observation, and the latter to the inconvenience ensuing from the provision which requires lunatics who are not natives of the country to be sent in all cases to an asylum at the presidency.

4. It appeared to us that express provision ought to be made for the detention of supposed lunatics. As a matter of practice they are detained, for in many cases the medical officer is not in a position to form an opinion on the question whether or not a person is a lunatic until he has had the person under observation for some days. The detention is probably legal where it is authorised by the Magistrate (I. L. R. 9 Cal. 341), but it is desirable that there should be no room for doubt as to the legality of a practice which is in fact absolutely necessary. We considered it desirable, however, before submitting our Report, to consult Local Governments, and we therefore circulated a draft clause proposing, in accordance with the advice of the Surgeon-General, a period of ten days as the maximum term of detention for purposes of observation. We have now, after considering the replies to our circular, proposed to extend the term to fourteen days, and to authorise Local Governments to make rules as to the place of detention, and the care and treatment, of supposed lunatics.

5. The proposal of the Punjab Government with respect to the establishment of asylums at other places than the presidency-towns for lunatics who are not natives of the country was referred by us to other Local Governments, and has been approved by them. We have provided, therefore, that the Governor-General in Council may, with respect to any part of British India which is not annexed to a presidency, or is more than three hundred miles from a presidency-town, direct that any lunatic asylum named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of the Act.

6. Section 9 of the Act empowers the visitors of a lunatic asylum to order the discharge of any person detained in the asylum. As the Code of Criminal Procedure, 1882, and the Prisoners Act, 1871, reserve that power in certain cases to other authorities, we have proposed to prefix to that section an express saving of the provisions of other enactments.

7. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	26th December, 1885, and 2nd and 9th January, 1886.
Fort Saint George Gazette	13th January, 1886.
Bombay Government Gazette	7th, 14th and 21st January, 1886.
Calcutta Gazette	6th January, 1886.
North-Western Provinces and Oudh Government Gazette.	2nd, 9th and 16th January, 1886.
Punjab Government Gazette	7th, 14th and 21st January, 1886.
Central Provinces Gazette	2nd, 9th and 16th January, 1886.
British Burma Gazette	16th, 23rd and 30th January, 1886.
Assam Gazette	16th, 23rd and 30th January, 1886.
Coorg District Gazette	1st February, 1886.
Sindh Official Gazette	4th February, 1886.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bombay	Maráthi ...	25th January, 1886.
	Gujaráthi ...	26th January, 1886.
	Kanarese ...	27th January, 1886.
	Sindhi ...	11th February, 1886.
Bengal	Bengali ...	26th January, 1886.
	Hindi ...	26th January, 1886.
	Uriya ...	4th February, 1886.

8. 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 10th September, 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 24th September, 1886, and is hereby promulgated for general information :—

ACT NO. XIX OF 1886.

An Act to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council.

WHEREAS certain functions which are by enactments in force in the North-Western Provinces assigned to the Governor-General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized;

And whereas the functions assigned to the Governor-General in Council by Regulation LII of 1803 (*for establishing a Court of Wards in the Provinces ceded by the Nawab Vazir to the Honourable the English East India Company*), which Regulation was extended to the Conquered Provinces by section 29, Regulation VIII, 1805, and to the Province of Benares by section 2, Regulation VI, 1822, were up to the twenty-second day of December, 1873, discharged by the Lieutenant-Governor of the North-Western Provinces, and it is expedient that their discharge by the said Lieutenant-Governor up to that date should be validated;

It is hereby enacted as follows :—

Transfer to Lieutenant-Governor of certain functions of Governor-General in Council.

1. The sections of the enactments in the schedule to this Act which are specified in the third column of that schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor-General in Council.

Validation of exercise by Lieutenant-Governor of functions of Governor-General in Council under Regulation LII of 1803.

2. Sections 3, 7, 9 and 17 of Regulation LII of 1803 shall be deemed to have had effect in the North-Western Provinces as if the words "or the Lieutenant-Governor of the North-Western Provinces" had been inserted in those sections after the words "Governor-General in Council" wherever the latter words occur.

THE SCHEDULE.

(See section 1.)

(a) Bengal Regulations.

Number and year.	Subject.	Sections.
1	2	3
V of 1799	To limit the interference of the Zilá and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
IX of 1833.	For (*among other matters*) the more extensive employment by Native agency in the Revenue Department.	16, 17 & 25.

(b) Act of the Governor-General in Council.

Number and year.	Subject.	Section.
XII of 1856.	To amend the law respecting the employment of amíns by the Civil Courts in the Presidency of Fort William.	2

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to regalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 574—17L., dated 19th September, 1884, and enclosure [Papers No. 1].
From Officiating Secretary to Chief Commissioner, Assam, No. 1520, dated 20th September, 1884 [Paper No. 2].
From Officiating Secretary to Government, Punjab, No. 5728., dated 29th September, 1884, and enclosures [Papers No 3].
From Chief Commissioner, Ajmer-Merwára, No. 841, dated 3rd October, 1884 [Paper No. 4].
From Secretary to Chief Commissioner, Central Provinces, No. 360., dated 26th October, 1884, and enclosure [Papers No. 5].
From Secretary to Government, North-Western Provinces and Oudh, No. 121—XIII-10-5, dated 8th August, 1884, and enclosures [Papers No. 6].

2. We have removed Regulation LII of 1800 from the schedule to the Bill, because the Mirzapur Stone Mahál Act, 1886, seems to us to render its retention unnecessary.

3. We have proposed in an additional section to validate the exercise by the Lieutenant-Governor of the North-Western Provinces of the powers of the Governor-General in Council under Regulation LII of 1803 which the Lieutenant-Governor seems to have exercised without question throughout the forty years which elapsed between the constitution of his office and the repeal of the Regulation. When the Bill was under consideration some two years ago, the interests of the parties to a suit then pending might have been affected by the validation of the exercise of these powers, and it was therefore decided that our Report should be delayed till the suit had been disposed of. There is now, so far as we are aware, no litigation before any Court which can be influenced in any way by the enactment of the section which we propose to add to the Bill.

4. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	23rd and 30th August, and 6th September, 1884.
North-Western Provinces and Oudh Government Gazette	30th August, and 6th and 13th September, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh ...	Urdu ...	20th and 27th September, and 4th October, 1884.

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.
J. W. QUINTON.

The 14th September, 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 24th September, 1886, and is hereby promulgated for general information :—

ACT NO. XX OF 1886.

An Act to declare the law in force in Upper Burma.

WHEREAS the territories which were formerly governed by King Thebaw have become part of British India;

And whereas it is expedient to declare the law in force in those territories, and for this purpose to distinguish between those territories and the territories which were under the administration of the Chief Commissioner of British Burma on the thirty-first day of December, 1885;

It is hereby enacted as follows :—

1. (*1*) This Act may be called the Upper Burma Laws Act, 1886.

Short title and commencement.

(*2*) This section and sections 2, 3, 4 and 5 shall come into force at once, and the rest of the Act shall come into force on such date (hereinafter called the commencement of this Act), within four months from the passing of the Act, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Constitution of Provinces of Burma.

2. (*1*) The following territories shall constitute a province to be known as Burma, namely :—

(*a*) the territories formerly governed by King Thebaw, which shall be known as "Upper Burma"; and

(*b*) the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885, which shall be known as "Lower Burma."

(*2*) The Local Government, with the previous sanction of the Governor-General in Council, may from time to time, by notification in the official Gazette, transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and from that date the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(*3*) When any portion of Upper Burma is transferred to Lower Burma, the Scheduled Districts Act, 1874, shall, unless the Governor-General in Council otherwise directs, continue to be in force therein. XIV of 1874.

(*4*) When any portion of Lower Burma is transferred to Upper Burma, the Governor-General in Council may direct that that Act shall come into force therein.

Division of Upper Burma into divisions, districts, sub-divisions, townships and circles.

3. The Local Government may, for administrative purposes,—

(*a*) with the previous sanction of the Governor-General in Council, divide Upper Burma into divisions, and each of those divisions into districts, and from time to time vary the limits of those divisions and districts; and

(*b*) of its own authority, divide each of those districts into sub-divisions, each of those sub-divisions into townships, each of those townships into circles, and from time to time vary the limits of those sub-divisions, townships and circles.

Construction of expressions "British Burma Gazette" "British Burma" and "Burma" in existing enactments.

4. Where in any enactment in force at the passing of this Act in the territories referred to in section 2, sub-section (*1*), clause (*b*), there occurs the expression "British Burma Gazette", or the expression "British Burma" or "Burma" (except where the expression "Burma" occurs in the Petroleum Act, 1886, section 3), it shall be construed as referring to the Burma Gazette or to Lower Burma, as the case may be. XII of 1886.

Repeal of enactments.

5. The enactments specified in the first schedule to this Act, having been rendered unnecessary by the incorporation of Upper Burma in British India, are repealed to the extent mentioned in the third column of the schedule.

Law in force in Upper Burma exclusive of the Shan States.

6. (*1*) Subject to the provisions of any Regulation under the Statute 33 Victoria, chapter 3, so much of each of the enactments specified in the second schedule to this Act as is at the commencement of this Act in force in any part of Lower Burma which is not included in a scheduled district as defined in the Scheduled Districts Act, 1874, shall be deemed to be in force in Upper Burma generally, or in the Town of Mandalay only, according as the enactment is specified in the First or Second Part of the schedule. XIV of 1874.

(2) An enactment not specified in that schedule shall not be deemed to be or to have been in force in Upper Burma or in any part of Upper Burma unless it is expressed, by special mention of Upper Burma or a part of Upper Burma, to extend thereto, or after the commencement of this Act is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

(3) The Local Government may, from time to time, with the previous sanction of the Governor-General in Council, by notification in the official Gazette, declare that any enactment which is specified in that schedule or which may hereafter be extended in exercise of any such powers as aforesaid, shall no longer be in force in Upper Burma or in any part of Upper Burma specified in the notification.

(4) The limits of the Town of Mandalay for the purposes of this Act shall be the limits for the time being of the local area subject to the ordinary original jurisdiction of the Civil Court of Mandalay.

(5) This section does not extend to the Shan States.

Modification of certain enactments in force in Upper Burma exclusive of the Shan States.

7. (1) The following enactments specified in the First Part of the second schedule to this Act shall, in Upper Burma, be read subject to the following modifications, namely :—

(a) in Act VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*), for the last sixteen words of section 4, the words "or of any person or property exempted by order of the Local Government from payment of tolls" shall be substituted;

(b) in Act V of 1861 (*an Act for the Regulation of Police*), to section 2 the words "All Thugyis and Myothugyis for the time being holding office shall be police-officers, and shall be deemed to have been formally enrolled under this Act" shall be added;

(c) in Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*), after section 5 the section and schedule in the third schedule to this Act shall be added;

(d) in the Indian Evidence Act, 1872, after the words "police officer" in section 25 the words "who is not a Magistrate" shall be inserted;

(e) in the Dramatic Performances Act, 1876, the words "within such area" shall be omitted from the third paragraph of section 10, and for the first two paragraphs of that section the following shall be substituted, namely :—

"No dramatic performance shall take place except under a license granted by the District Magistrate or such officer as the District Magistrate may appoint in this behalf.

"Any person who promotes or takes part in any dramatic performance in contravention of the foregoing portion of this section shall be punishable, on conviction before a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

(2) This section does not extend to the Shan States.

Law in the Shan States.

8. (1) The Local Government, with the previous sanction of the Governor-General in Council, may, by notification in the official Gazette, from time to time extend to all or any of the Shan States any enactment which is in force in any part of Upper Burma at the date of the extension, and at any time withdraw all or any of those States from the operation of any enactment so extended.

(2) Unless and until extended under sub-section (1), an Act of the Governor-General in Council shall not be in force in any Shan State.

(3) 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 what territories constitute the Shan States for the purposes of this and the two last foregoing sections.

Power for Courts to construe enactments with necessary alterations.

9. For the purpose of facilitating the application of any enactment for the time being in force in Upper Burma, any Court in Upper Burma may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

Validation of acts done after 17th November, 1885.

10. All acts of executive authority, proceedings, decrees and sentences, which have been done, taken or passed in Upper Burma since the seventeenth day of November, 1885, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Local Government, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before commencement of this Act.

11. All rules, orders or instructions made or issued after the seventeenth day of November, 1885, and before the commencement of this Act, for the guidance of officers engaged in the administration of Upper Burma shall be deemed to have had the force of law, and shall, so far as they are consistent with this Act, continue to have the force of law until they are withdrawn, or are superseded by any Act of the Governor-General in Council, or by any Regulation under the Statute 33 Victoria, chapter 3, or by any enactment extended to Upper Burma, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

THE FIRST SCHEDULE.

(*See section 5.*)

ENACTMENTS REPEALED.

Number and year.	Subject.	Extent of repeal.
1	2	3
Act XXX of 1854.	An Act to provide for the levy of Duties of Customs in the Arakan, Pegu, Martaban and Tenasserim Provinces.	So much as has not been repealed.
Act IV of 1863.	An Act to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burma.	So much as has not been repealed.
Act XII of 1864.	An Act to give further effect to the provisions of Act IV of 1863.	So much as has not been repealed.
Act XXIII of 1872.	An Act for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava.	The whole.

THE SECOND SCHEDULE.

(*See section 6.*)

FIRST PART.

Enactments declared in force in Upper Burma generally.

Number and year.	Subject.
BENGAL REGULATIONS.	
XI of 1812 ...	Removal of Foreign Emigrants.
III of 1818 ...	State Prisoners.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.	
V of 1843 ...	Slavery.
XVIII of 1850 ...	Protection of Judicial Officers.
XIX of 1850 ...	Apprentices.
XXXIV of 1850 ...	State Prisoners.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*contd.*

Enactments declared in force in Upper Burma generally—contd.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*contd.*	
XXXVII of 1850 ...	Inquiries into behaviour of Public Servants.
VIII of 1851 ...	Tolls on Roads and Bridges.
XXX of 1852 ...	Naturalization of Aliens.
II of 1853 ...	Burdens on Land.
XII of 1855 ...	Executors and Administrators.
XIII of 1855 ...	Compensation for death caused by actionable wrong.
XXIV of 1855 ...	Penal Servitude.
XI of 1857 ...	State Offences.
III of 1858 (s. 5) ...	State Prisoners.
XXXV of 1858 ...	Lunatics.
XXXVI of 1858 ...	Lunatic Asylums.
IX of 1859 (except s. 18, last para.).	Forfeited Property.
XV of 1859 ...	Inventions.
IX of 1860 ...	Disputes between Workmen and Employers.
XXVII of 1860 ...	Collection of Debts on Successions.
XLV of 1860 ...	Penal Code.
V of 1861 ...	Police.
III of 1864 ...	Foreigners.
VI of 1864 (except s. 6).	Whipping.
III of 1865 ...	Carriers.
X of 1865 ...	Succession.
XIV of 1866 ...	Post Office.
III of 1867 ...	Public Gambling.
XXV of 1867 ...	Printing-Presses and Newspapers.
XXXII of 1867 ...	Chief Commissioners' Powers.
I of 1868 ...	General Clauses.
IV of 1869 ...	Divorce.
V of 1869 ...	Indian Articles of War.
XV of 1869 ...	Prisoners' Testimony.
XX of 1869 ...	Volunteers.
VII of 1870 ...	Court-fees.
XX of 1870 ...	Court-fees Act Amendment.
XXIII of 1870 ...	Coinage.
XXVI of 1870 ...	Prisons.
XXVII of 1870 ...	Penal Code Amendment.
I of 1871 ...	Cattle-trespass.
V of 1871 ...	Prisoners.
XXIII of 1871 ...	Pensions.
I of 1872 ...	Evidence.
XIII of 1872 ...	Patterns and Designs.
XV of 1872 ...	Christian Marriage.
XVIII of 1872 ...	Evidence Act Amendment.
XIX of 1872 ...	Penal Code Amendment.
II of 1873 ...	Burma Ferries.

THE SECOND SCHEDULE—*concld.*

FIRST PART—*concld.*

Enactments declared in force in Upper Burma generally—concld.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*concld.*	
X of 1873 ...	Oaths.
XIV of 1873 ...	Lunatic Soldiers.
IV of 1874 ...	Foreign Recruiting.
IX of 1874 ...	European Vagrancy.
XIV of 1874 ...	Scheduled Districts.
V of 1875 ...	Native Soldiers.
IX of 1875 ...	Majority.
XIII of 1875 ...	Probates.
XI of 1876 ...	Presidency Banks.
XIX of 1876 (except s. 12).	Dramatic Performances.
I of 1877 (s. 9) ...	Specific Relief.
II of 1877 ...	Probates.
XI of 1877 ...	Military Lunatics.
XV of 1877 ...	Limitation.
VI of 1878 ...	Treasure Trove.
XI of 1878 ...	Arms.
I of 1879 ...	Stamps.
III of 1879 (ss. 2, 4 and 8). ...	Destruction of Records.
IV of 1879 ...	Railways.
V of 1879 ...	Presidency Banks Act Amendment.
XXI of 1879 ...	Extradition.
III of 1880 ...	Cantonments.
V of 1881 (s. 153)	Probate and Administration.
III of 1882 (s. 3) ...	Seditious Publications.
VI of 1882 ...	Companies.
VIII of 1882 ...	Penal Code Amendment.
IX of 1882 ...	Prisoners Act Amendment.
XX of 1882 ...	Paper Currency.
IV of 1883 ...	Railways.
XIX of 1883 ...	Land Improvement Loans.
XVI of 1884 ...	Burma Gaming.
XIII of 1885 ...	Telegraphs.
X of 1886 (ss. 21-25, both inclusive).	Penal Code and Prisoners' Act Amendment.
XIII of 1886 ...	Securities.

SECOND PART.

Enactments declared in force in the Town of Mandalay only.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.	
XI of 1865 ...	Mufassal Small Cause Courts.
IX of 1872 ...	Contracts.
I of 1877 ...	Specific Relief.
V of 1881 ...	Probate and Administration.
XXVI of 1881 ...	Negotiable Instruments.
XIV of 1882 ...	Code of Civil Procedure.
II of 1883 ...	Negotiable Instruments Act Amendment.
IV of 1886 ...	Contract Act Amendment.

THE THIRD SCHEDULE.

(*See section 7, sub-section (1), cl. (c).*)

ADDITION TO ACT VI OF 1864.

"6. (*1*) Notwithstanding anything in the foregoing sections of this Act, a person convicted of an offence specified in the schedule to this Act, or of any offence which the Local Government, with the previous sanction of the Governor-General in Council, may add to that schedule, may be punished with whipping, either in lieu of, or in addition to, any other punishment to which he may be liable.

"(*2*) The Local Government may at any time suspend the operation of this section in whole or in part in any district or part of a district, and, with the previous sanction of the Governor-General in Council, remove the suspension of its operation."

"THE SCHEDULE.

(*See section 6, sub-section (1).*)

Section of Indian Penal Code.	Offence.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.

THE THIRD SCHEDULE—*contd.*

Section of Indian Penal Code.	Offence.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences."

THE THIRD SCHEDULE—*concld.*

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to declare the law in force in Upper Burma was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare the law in force in Upper Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Chief Commissioner, Burma, No. 83—130, dated 4th September, 1886, and enclosures.
From Secretary to Chief Commissioner, Burma, No. 84—130, dated 4th September, 1886, and enclosures.

2. We have, in accordance with the advice of the Chief Commissioner, provided in section 1 that certain portions of the Bill shall not come into force at once. It is desirable that sections 6 to 14 of the Bill, as amended by us, should not have effect until the Civil and Criminal Justice Regulations, which have been drawn, and for the most part settled, have been finally proposed by the Chief Commissioner and have received the assent of the Governor-General under the Statute 33 Victoria, chapter 3.

3. Section 3, regarding the division of Upper Burma into divisions, districts, sub-divisions, townships and circles, will serve the purposes of the Regulations which the Chief Commissioner is about to propose.

4. Section 4 has been so modified as to cover, it is believed, the language of all enactments in force in Lower Burma.

5. Section 6 has been so amended as to define more precisely the local area to which the Second Part of the Second Schedule is to apply. The Shan States are excluded from the operation of this and the next following section.

6. *Section 7.*—(1) The section (7) which it was proposed to add to Act VI of 1864 will be rendered unnecessary by the application to Upper Burma of sections 390 to 395 of the Code of Criminal Procedure by the proposed Criminal Justice Regulation.

(2) It is proposed to amend section 25 of the Indian Evidence Act, 1872, in its application to Upper Burma, because Thugyis and Myothugyis will, besides being police-officers, be local Magistrates and Judges.

(3) The modification of section 10, Act XIX of 1876, will substantially continue the law as it was found in Upper Burma with respect to *pwés* or dramatic entertainments, and as it seems desirable to maintain that law for the present.

7. Section 8 provides that British Indian law shall not extend *proprio vigore* to any of the Shan States.

8. Sections 9, 10 and 11 remain, with slight modifications, as they were in the Bill as introduced.

9. We have added some Acts to the First Part of the Second Schedule. Among them are the Court-fees and Stamp Acts, the Presidency Banks Acts, the Indian Companies Act and the Land Improvement Loans Act. The operation of the Court-fees and Stamp Acts will be limited by notifications to be issued when those Acts come into force. The fact that the Bank of Bengal contemplates the establishment of a branch at Mandalay necessitates the extension of the Presidency Banks Acts. The Indian Companies Act may be required at any time; and the local authorities advise the extension of the Land Improvement Loans Act for the purposes of loans to be made for irrigation-works.

10. The jurisdiction to be conferred on, and the rules to be prescribed for, the Civil Court of Mandalay will render necessary the extension of the Provincial Small Cause Courts Act, XI of 1865, and the Code of Civil Procedure to the Town of Mandalay.

11. Other amendments of the Bill do not call for remark.

12. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	... 14th, 21st and 28th August, 1886.
British Burma Gazette	... 4th, 11th and 18th September, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
Burma	Burmese ...	... 11th and 18th September, 1886.

13. 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.
A. COLVIN.

The 20th September, 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 24th September, 1886, and is hereby promulgated for general information:—

ACT NO. XXI OF 1886.

An Act 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 and 1838, loans, known respectively as the 1st, 3rd and 6th Oudh loans, were made by the Rulers of Oudh to the Honourable 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 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;

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.

Application of Act XXIII of 1871 to Wasikas. 2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are pensions within the meaning of the Pensions Act, 1871, and that Act shall apply to them as if they were pensions of the classes referred to in sections 4 and 11 of that Act. XXIII of 1871.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions 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 Chief Secretary to Government, North-Western Provinces and Oudh, No. 4281A.—X.-F.-42, dated 30th August, 1886, and enclosure [Papers No. 1].

From Messrs. Harriss and Simmons, Solicitors, Calcutta, dated 8th September, 1886.

2. The Government of the North-Western Provinces and Oudh having reported that the pensions payable under the Treaty of the year 1829, under which the 5th Oudh loan was made to the Honourable the East India Company, have all been commuted, we have removed section 3 of the Bill as introduced and so much of the preamble as had reference to that section.

3. Exception having been taken to some of the pensions being described as "conferred by a former Government and continued by the British Government on political considerations," we have re-drawn section 2 of the Bill so as to make it clear that the allowances are dealt with as pensions of that nature only for the purpose of barring the Civil Courts from

entertaining suits relating to them and of protecting them from attachment at the instance of creditors.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	12th, 19th and 26th June, 1886.
North-Western Provinces and Oudh Government Gazette ...	19th and 26th June, and 3rd July, 1886.

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.

J. W. QUINTON.
C. P. ILBERT.
A. COLVIN.

The 14th September, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 2, 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 17th September, 1886, and is hereby promulgated for general information:—

ACT NO. XVII OF 1886.

An Act to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. (1) This Act may be called the Jhánsí and Morar Act, 1886; and

(2) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the town and fort of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands adjacent to the Jhánsí district should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands which may be ceded to [illegible] of the Jhánsí district;

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, [illegible] shall be in force in the Jhánsí district and [illegible] the town and fort of Jhánsí, in force [illegible] then come into force in the town and fort or in those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874. XIV of 1874.

entertaining suits relating to them and of protecting them from attachment at the instance of creditors.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	12th, 19th and 26th June, 1886.
North-Western Provinces and Oudh Government Gazette ...	19th and 26th June, and 3rd July, 1886.

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.

J. W. QUINTON.
C. P. ILBERT.
A. COLVIN.

The 14th September, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 2, 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 17th September, 1886, and is hereby promulgated for general information:—

ACT NO. XVII OF 1886.

An Act to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. (*1*) This Act may be called the Jhánsí and Morar Act, 1886; and

(*2*) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the town and fort of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands adjacent to the Jhánsí district should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district;

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or in those lands, shall then come into force in the town and fort or in those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of these lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874. XIV of 1874.

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of acts done since the beginning of March, 1886.

PART II.

And whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district;

XIV of 1882. XVIII of 1867. XII of 1881.

And whereas the period of limitation prescribed for suits in the territories of His Highness is twelve years, and it is expedient that persons having just claims which, but for the cession of territory, they might have enforced in the Courts of His Highness, should not be debarred from enforcing those claims by reason of a shorter period of limitation being prescribed for any class of suits by the law in force in the Jhánsí district;

And whereas it is expedient that suits pending in the Courts of His Highness and left undetermined by those Courts by reason of cession of territory should be continued in the Courts of the Jhánsí district;

And whereas it is expedient to remove doubts as to the effect of the law in force in the Jhánsí district, with respect to registration and stamps, on documents and instruments to which at the time of their execution the law of His Highness applied and the law of British India did not apply;

It is hereby further enacted as follows:—

6. (1) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the first clause of the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

Execution of decrees of Gwalior Courts.

(2) If in any case the Deputy Commissioner is of opinion that for special reasons the sanction ought to be withheld or ought to be granted subject to conditions, he may either withhold his sanction or permit the application to be made on any conditions which in the circumstances he deems it proper to impose; but in either of those cases he shall record the reasons in writing.

(3) The fact that an application is barred by the Indian Limitation Act, 1877, may be sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act. XV of 1877.

(4) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

7. (1) Notwithstanding anything in the Indian Limitation Act, 1877, or in any other enactment, the Deputy Commissioner may, within such term, not exceeding two years from the commencement of this Act, as the Local Government may prescribe in this behalf, admit any suit of a nature cognizable by the Courts of British India, which, if there had not been a cession of territory and the suit had been instituted in a Court of His Highness having jurisdiction with respect thereto, would not be liable to be dismissed by that Court by reason of its being barred by any law of limitation. XV of 1877.

Extension of period of limitation for certain suits.

(2) In the computation of the period of limitation for a suit referred to in sub-section (1) which the plaintiff has been debarred from instituting by reason of the cession of the town and fort of Jhánsí to the British Government, there shall be excluded from the period the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(3) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner admitting or refusing to admit a suit under sub-section (1) shall be final.

8. An original suit pending in a Court of His Highness and left undetermined by that Court by reason of cession of territory may, be continued, under the law of limitation applicable to that Court but otherwise in accordance with the law and procedure of British Indian Courts, in any Court in the Jhánsí district subordinate to the Court of the Commissioner which the Deputy Commissioner may appoint in that behalf.

Continuance of pending suits.

9. The provisions of the law of British India with respect to the consequences of documents being unregistered or instruments being unstamped shall not apply to any document or instrument which may have been executed before a date to be prescribed in this behalf by the Local Government, and to which the law of His Highness applied, and the law of British India did not apply, at the time of its execution.

Saving in favour of unregistered documents and unstamped instruments.

PART III.

And whereas it is expedient that traders and others who were entitled immediately before the cession of the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor-General in Council, and that the period of limitation in these cases should be extended;

It is hereby further enacted as follows:—

10. (1) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 66 to 75 (both inclusive) of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor-General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction.

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

XV of 1877.

(2) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (1) is instituted or made shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(3) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

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 24th September, 1886, and is hereby promulgated for general information :—

ACT NO. XVIII OF 1886.

An Act 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 :—

New section inserted after section 6.

1. After section 6 the following shall be inserted, namely :—

Detention of supposed lunatics under observation.

"6 A. (*1*) Where a person found wandering at large who is deemed to be a lunatic, or where a person believed to be dangerous by reason of lunacy, is apprehended and sent to the Magistrate or the Commissioner of Police, or where, on report or information that a person deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected, the Magistrate or the Commissioner of Police sends for him and then determines to proceed as prescribed in section 4 of this Act, the Magistrate or the Commissioner of Police, on the request of the medical officer, may, by order in writing, authorise the detention of the supposed lunatic for such time, not exceeding ten days, as, in the opinion of the Magistrate or the Commissioner of Police, may be necessary to enable the medical officer to form an opinion on the question whether or not the supposed lunatic is a person with respect to whom a certificate in the form A in the schedule to this Act ought to be signed.

"(*2*) If the medical officer certifies further detention than has been authorised under sub-section (*1*) to be necessary to enable him to form his opinion on that question, the Magistrate or the Commissioner of Police may from time to time, by order in writing, authorise such further detention as he deems to be necessary :

"Provided that a supposed lunatic shall not be detained for the purpose of this section for a longer time than fourteen days from the date on which the first order authorising his detention for that purpose is made.

"(*3*) The Executive Government may from time to time make rules as to the place of detention, and the care and treatment, of supposed lunatics detained under this section."

Amendment of section 9.

2. To section 9 the words "Subject to the provisions of any enactment for the time being in force," shall be prefixed.

New sections to follow section 17.

3. After section 17 the following shall be inserted, namely :—

Provision for provinces not having asylums.

"17A. 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.

Use of provincial asylums as presidency asylums for purposes of the Act.

"17B. The Governor-General in Council may from time to time, by order, direct, with respect to any part of British India which is not annexed to a presidency or, being annexed to the presidency of Fort William, Fort Saint George or Bombay, is situated at a greater distance than three hundred miles from Calcutta, Madras or Bombay, respectively, that any lunatic asylum in British India named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of this Act."

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend Act XXXVI of 1858 was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend Act XXXVI of 1858 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 Assistant Secretary to Chief Commissioner, Central Provinces, No. 182—9, dated 21st January, 1886 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 146., dated 19th January, 1886 [Paper No. 2].
From Secretary to Chief Commissioner, Assam, No 224, dated 27th January, 1886 [Paper No. 3].
From Officiating Secretary to Chief Commissioner, British Burma, No. 534—4L., dated 29th January, 1886 [Paper No. 4].
From Chief Commissioner, Ajmer-Merwára, No. 291C., dated 3rd February, 1886 [Paper No. 5].
From Under-Secretary to Government, Bombay, No. 522, dated 9th February, 1886, and enclosures [Papers No. 6].
From Acting Chief Secretary to Government, Madras, No. 355, dated 9th February, 1886, and enclosures [Papers No. 7].
From Secretary to Government, North-Western Provinces and Oudh, No. 334—VI-590-6, dated 19th February, 1886, and enclosure [Papers No. 8].
From Registrar, High Court, Calcutta, No. 502, dated 23rd February, 1886 [Paper No. 9].
From Secretary to Chief Commissioner, Coorg, No. 288—12, dated 1st March, 1886 [Paper No. 10].
From Officiating Secretary to Government, Bengal, No. 1604, dated 1st April, 1886 [Paper No. 11].
From Secretary to Government, Punjab, No. 319, dated 19th March, 1886, and enclosures [Papers No. 12].

2. The Bill as introduced was approved by the authorities to whom it was referred, but further amendments of the Act were proposed by the Governments of Bengal and the Punjab.

3. The former Government drew attention to the absence of any provision authorising the detention of supposed lunatics for observation, and the latter to the inconvenience ensuing from the provision which requires lunatics who are not natives of the country to be sent in all cases to an asylum at the presidency.

4. It appeared to us that express provision ought to be made for the detention of supposed lunatics. As a matter of practice they are detained, for in many cases the medical officer is not in a position to form an opinion on the question whether or not a person is a lunatic until he has had the person under observation for some days. The detention is probably legal where it is authorised by the Magistrate (I. L. R. 9 Cal. 341), but it is desirable that there should be no room for doubt as to the legality of a practice which is in fact absolutely necessary. We considered it desirable, however, before submitting our Report, to consult Local Governments, and we therefore circulated a draft clause proposing, in accordance with the advice of the Surgeon-General, a period of ten days as the maximum term of detention for purposes of observation. We have now, after considering the replies to our circular, proposed to extend the term to fourteen days, and to authorise Local Governments to make rules as to the place of detention, and the care and treatment, of supposed lunatics.

5. The proposal of the Punjab Government with respect to the establishment of asylums at other places than the presidency-towns for lunatics who are not natives of the country was referred by us to other Local Governments, and has been approved by them. We have provided, therefore, that the Governor-General in Council may, with respect to any part of British India which is not annexed to a presidency, or is more than three hundred miles from a presidency-town, direct that any lunatic asylum named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of the Act.

6. Section 9 of the Act empowers the visitors of a lunatic asylum to order the discharge of any person detained in the asylum. As the Code of Criminal Procedure, 1882, and the Prisoners Act, 1871, reserve that power in certain cases to other authorities, we have proposed to prefix to that section an express saving of the provisions of other enactments.

7. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	26th December, 1885, and 2nd and 9th January, 1886.
Fort Saint George Gazette	13th January, 1886.
Bombay Government Gazette	7th, 14th and 21st January, 1886.
Calcutta Gazette	6th January, 1886.
North-Western Provinces and Oudh Government Gazette.	2nd, 9th and 16th January, 1886.
Punjab Government Gazette	7th, 14th and 21st January, 1886.
Central Provinces Gazette	2nd, 9th and 16th January, 1886.
British Burmá Gazette	16th, 23rd and 30th January, 1886.
Assam Gazette	16th, 23rd and 30th January, 1886.
Coorg District Gazette	1st February, 1886.
Sindh Official Gazette	4th February, 1886.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bombay	Maráthi ...	25th January, 1886.
	Gujaráthi ...	26th January, 1886.
	Kanarese ...	27th January, 1886.
	Sindhi ...	11th February, 1886.
Bengal	Bengali ...	26th January, 1886.
	Hindi ...	26th January, 1886.
	Uriya ...	4th February, 1886.

8. 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 10th September, 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 24th September, 1886, and is hereby promulgated for general information:—

ACT NO. XIX OF 1886.

An Act to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council.

WHEREAS certain functions which are by enactments in force in [illegible] assigned to the Governor-General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized;

And whereas the functions assigned to the Governor-General in Council by Regulation LII of 1803 (*for establishing a Court of Wards in the Provinces ceded by the Nawab Vazir to the Honourable the English East India Company*), which Regulation was extended to the Conquered Provinces by section 29, Regulation VIII, 1805, and to the Province of Benares by section 2, Regulation VI, 1822, were up to the twenty-second day of December, 1873, discharged by the Lieutenant-Governor of the North-Western Provinces, and it is expedient that their discharge by the said Lieutenant-Governor up to that date should be validated;

It is hereby enacted as follows:—

Transfer to Lieutenant-Governor of certain functions of Governor-General in Council.

1. The sections of the enactments in the schedule to this Act which are specified in the third column of that schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor-General in Council.

Validation of exercise by Lieutenant-Governor of functions of Governor-General in Council under Regulation LII of 1803.

2. Sections 3, 7, 9 and 17 of Regulation LII of 1803 shall be deemed to have had effect in the North-Western Provinces as if the words "or the Lieutenant-Governor of the North-Western Provinces" had been inserted in those sections after the words "Governor-General in Council" wherever the latter words occur.

THE SCHEDULE.

(See section 1.)

(*a*) *Bengal Regulations.*

Number and year.	Subject.	Sections.
1	2	3
V of 1799	To limit the interference of the Zilá and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
IX of 1833.	For (*among other matters*) the more extensive employment by Native agency in the Revenue Department.	16, 17 & 25.

(*b*) *Act of the Governor-General in Council.*

Number and year.	Subject.	Section.
XII of 1856.	To amend the law respecting the employment of amins by the Civil Courts in the Presidency of Fort William.	2

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to regalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 574—17L., dated 19th September, 1884, and enclosure [Papers No. 1].
From Officiating Secretary to Chief Commissioner, Assam, No. 1520, dated 20th September, 1884 [Paper No. 2].
From Officiating Secretary to Government, Punjab, No. 572S., dated 29th September, 1884, and enclosures [Papers No 3].
From Chief Commissioner, Ajmer-Merwára, No. 841, dated 3rd October, 1884 [Paper No. 4].
From Secretary to Chief Commissioner, Central Provinces, No. 36C., dated 26th October, 1884, and enclosure [Papers No. 5].
From Secretary to Government, North-Western Provinces and Oudh, No. 121—XIII-10-5, dated 8th August, 1884, and enclosures [Papers No. 6].

2. We have removed Regulation LII of 1800 from the schedule to the Bill, because the Mirzapur Stone Mahál Act, 1886, seems to us to render its retention unnecessary.

3. We have proposed in an additional section to validate the exercise by the Lieutenant-Governor of the North-Western Provinces of the powers of the Governor-General in Council under Regulation LII of 1803 which the Lieutenant-Governor seems to have exercised without question throughout the forty years which elapsed between the constitution of his office and the repeal of the Regulation. When the Bill was under consideration some two years ago, the interests of the parties to a suit then pending might have been affected by the validation of the exercise of these powers, and it was therefore decided that our Report should be delayed till the suit had been disposed of. There is now, so far as we are aware, no litigation before any Court which can be influenced in any way by the enactment of the section which we propose to add to the Bill.

4. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	23rd and 30th August, and 6th September, 1884.
North-Western Provinces and Oudh Government Gazette	30th August, and 6th and 13th September, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh ...	Urdu ...	20th and 27th September, and 4th October, 1884.

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.
J. W. QUINTON.

The 14th September, 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 24th September, 1886, and is hereby promulgated for general information :—

ACT NO. XX OF 1886.

An Act to declare the law in force in Upper Burma.

WHEREAS the territories which were formerly governed by King Thebaw have become part of British India;

And whereas it is expedient to declare the law in force in those territories, and for this purpose to distinguish between those territories and the territories which were under the administration of the Chief Commissioner of British Burma on the thirty-first day of December, 1885;

It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Upper Burma Laws Act, 1886.

(*2*) This section and sections 2, 3, 4 and 5 shall come into force at once, and the rest of the Act shall come into force on such date (hereinafter called the commencement of this Act), within four months from the passing of the Act, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Constitution of Provinces of Burma.

2. (*1*) The following territories shall constitute a province to be known as Burma, namely :—

(*a*) the territories formerly governed by King Thebaw, which shall be known as "Upper Burma"; and

(*b*) the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885, which shall be known as "Lower Burma."

(*2*) The Local Government, with the previous sanction of the Governor-General in Council, may from time to time, by notification in the official Gazette, transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and from that date the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(*3*) When any portion of Upper Burma is transferred to Lower Burma, the Scheduled Districts Act, 1874, shall, unless the Governor-General in Council otherwise directs, continue to be in force therein. XIV of 1874.

(*4*) When any portion of Lower Burma is transferred to Upper Burma, the Governor-General in Council may direct that that Act shall come into force therein.

Division of Upper Burma into divisions, districts, sub-divisions, townships and circles.

3. The Local Government may, for administrative purposes,—

(*a*) with the previous sanction of the Governor-General in Council, divide Upper Burma into divisions, and each of those divisions into districts, and from time to time vary the limits of those divisions and districts; and

(*b*) of its own authority, divide each of those districts into sub-divisions, each of those sub-divisions into townships, and each of those townships into circles, and from time to time vary the limits of these sub-divisions, townships and circles.

Construction of expressions "British Burma Gazette" "British Burma" and "Burma" in existing enactments.

4. Where in any enactment in force at the passing of this Act in the territories referred to in section 2, sub-section (*1*), clause (*b*), there occurs the expression "British Burma Gazette", or the expression "British Burma" or "Burma" (except where the expression "Burma" occurs in the Petroleum Act, 1886, section 3), it shall be construed as referring to the Burma Gazette or to Lower Burma, as the case may be. XII of 1886.

Repeal of enactments.

5. The enactments specified in the first schedule to this Act, having been rendered unnecessary by the incorporation of Upper Burma in British India, are repealed to the extent mentioned in the third column of the schedule.

Law in force in Upper Burma exclusive of the Shan States.

6. (*1*) Subject to the provisions of any Regulation under the Statute 33 Victoria, chapter 3, so much of each of the enactments specified in the second schedule to this Act as is at the commencement of this Act in force in any part of Lower Burma which is not included in a scheduled district as defined in the Scheduled Districts Act, 1874, shall be deemed to be in force in Upper Burma generally, or in the Town of Mandalay only, according as the enactment is specified in the First or Second Part of the schedule. XIV of 1874.

(2) An enactment not specified in that schedule shall not be deemed to be or to have been in force in Upper Burma or in any part of Upper Burma unless it is expressed, by special mention of Upper Burma or a part of Upper Burma, to extend thereto, or after the commencement of this Act is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

(3) The Local Government may, from time to time, with the previous sanction of the Governor-General in Council, by notification in the official Gazette, declare that any enactment which is specified in that schedule or which may hereafter be extended in exercise of any such powers as aforesaid, shall no longer be in force in Upper Burma or in any part of Upper Burma specified in the notification.

(4) The limits of the Town of Mandalay for the purposes of this Act shall be the limits for the time being of the local area subject to the ordinary original jurisdiction of the Civil Court of Mandalay.

(5) This section does not extend to the Shan States.

Modification of certain enactments in force in Upper Burma exclusive of the Shan States.

7. (1) The following enactments specified in the First Part of the second schedule to this Act shall, in Upper Burma, be read subject to the following modifications, namely :—

(a) in Act VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*), for the last sixteen words of section 4, the words "or of any person or property exempted by order of the Local Government from payment of tolls" shall be substituted ;

(b) in Act V of 1861 (*an Act for the Regulation of Police*), to section 2 the words "All Thugyis and Myothugyis for the time being holding office shall be police-officers, and shall be deemed to have been formally enrolled under this Act" shall be added ;

(c) in Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*), after section 5 the section and schedule in the third schedule to this Act shall be added ;

(d) in the Indian Evidence Act, 1872, after the words "police officer" in section 25 the words "who is not a Magistrate" shall be inserted ;

(e) in the Dramatic Performances Act, 1876, the words "within such area" shall be omitted from the third paragraph of section 10, and for the first two paragraphs of that section the following shall be substituted, namely :—

"No dramatic performance shall take place except under a license granted by the District Magistrate or such officer as the District Magistrate may appoint in this behalf.

"Any person who promotes or takes part in any dramatic performance in contravention of the foregoing portion of this section shall be punishable, on conviction before a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

(2) This section does not extend to the Shan States.

Law in the Shan States.

8. (1) The Local Government, with the previous sanction of the Governor-General in Council, may, by notification in the official Gazette, from time to time extend to all or any of the Shan States any enactment which is in force in any part of Upper Burma at the date of the extension, and at any time withdraw all or any of those States from the operation of any enactment so extended.

(2) Unless and until extended under sub-section (1), an Act of the Governor-General in Council shall not be in force in any Shan State.

(3) 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 what territories constitute the Shan States for the purposes of this and the two last foregoing sections.

Power for Courts to construe enactments with necessary alterations.

9. For the purpose of facilitating the application of any enactment for the time being in force in Upper Burma, any Court in Upper Burma may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

Validation of acts done after 17th November, 1885.

10. All acts of executive authority, proceedings, decrees and sentences, which have been done, taken or passed in Upper Burma since the seventeenth day of November, 1885, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Local Government, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before commencement of this Act.

11. All rules, orders or instructions made or issued after the seventeenth day of November, 1885, and before the commencement of this Act, for the guidance of officers engaged in the administration of Upper Burma shall be deemed to have had the force of law, and shall, so far as they are consistent with this Act, continue to have the force of law until they are withdrawn, or are superseded by any Act of the Governor-General in Council, or by any Regulation under the Statute 33 Victoria, chapter 3, or by any enactment extended to Upper Burma, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

THE FIRST SCHEDULE.

(*See section 5.*)

ENACTMENTS REPEALED.

Number and year.	Subject.	Extent of repeal.
1	2	3
Act XXX of 1854.	An Act to provide for the levy of Duties of Customs in the Arakan, Pegu, Martaban and Tenasserim Provinces.	So much as has not been repealed.
Act IV of 1863.	An Act to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burma.	So much as has not been repealed.
Act XII of 1864.	An Act to give further effect to the provisions of Act IV of 1863.	So much as has not been repealed.
Act XXIII of 1872.	An Act for regulating the re-importation into British territory of goods cleared at Ran[illegible]	The whole.

THE SECOND SCHEDULE.

(*See section 6.*)

FIRST PART.

Enactments declared in force in Upper Burma generally.

Number and year.	Subject.
BENGAL REGULATIONS.	
XI of 1812 ...	Removal of Foreign Emigrants.
III of 1818 ...	State Prisoners.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.	
V of 1843 ...	Slavery.
XVIII of 1850 ...	Protection of Judicial Officers.
XIX of 1850 ...	Apprentices.
XXXIV of 1850 ...	State Prisoners.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*contd.*

Enactments declared in force in Upper Burma generally—contd.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*contd.*	
XXXVII of 1850 ...	Inquiries into behaviour of Public Servants.
VIII of 1851 ...	Tolls on Roads and Bridges.
XXX of 1852 ...	Naturalization of Aliens.
II of 1853 ...	Burdens on Land.
XII of 1855 ...	Executors and Administrators.
XIII of 1855 ...	Compensation for death caused by actionable wrong.
XXIV of 1855 ...	Penal Servitude.
XI of 1857 ...	State Offences.
III of 1858 (s. 5) ...	State Prisoners.
XXXV of 1858 ...	Lunatics.
XXXVI of 1858 ...	Lunatic Asylums.
IX of 1859 (except s. 18, last para.).	Forfeited Property.
XV of 1859 ...	Inventions.
IX of 1860 ...	Disputes between Workmen and Employers.
XXVII of 1860 ...	Collection of Debts on Successions.
XLV of 1860 ...	Penal Code.
V of 1861 ...	Police.
III of 1864 ...	Foreigners.
VI of 1864 (except s. 6).	Whipping.
[illegible]	Carriers.
[illegible]	Succession.
XIV of 1866 ...	Post Office.
III of 1867 ...	Public Gambling.
XXV of 1867 ...	Printing-Presses and Newspapers.
XXXII of 1867 ...	Chief Commissioners' Powers.
I of 1868 ...	General Clauses.
IV of 1869 ...	Divorce.
V of 1869 ...	Indian Articles of War.
XV of 1869 ...	Prisoners' Testimony.
XX of 1869 ...	Volunteers.
VII of 1870 ...	Court-fees.
XX of 1870 ...	Court-fees Act Amendment.
XXIII of 1870 ...	Coinage.
XXVI of 1870 ...	Prisons.
XXVII of 1870 ...	Penal Code Amendment.
I of 1871 ...	Cattle-trespass.
V of 1871 ...	Prisoners.
XXIII of 1871 ...	Pensions.
I of 1872 ...	Evidence.
XIII of 1872 ...	Patterns and Designs.
XV of 1872 ...	Christian Marriage.
XVIII of 1872 ...	Evidence Act Amendment.
XIX of 1872 ...	Penal Code Amendment.
II of 1873 ...	Burma Ferries.

THE SECOND SCHEDULE—*concld.*

FIRST PART—*concld.*

Enactments declared in force in Upper Burma generally—concld.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*concld.*	
X of 1873 ...	Oaths.
XIV of 1873 ...	Lunatic Soldiers.
IV of 1874 ...	Foreign Recruiting.
IX of 1874 ...	European Vagrancy.
XIV of 1874 ...	Scheduled Districts.
V of 1875 ...	Native Soldiers.
IX of 1875 ...	Majority.
XIII of 1875 ...	Probates.
XI of 1876 ...	Presidency Banks.
XIX of 1876 (except s. 12).	Dramatic Performances.
I of 1877 (s. 9) ...	Specific Relief.
II of 1877 ...	Probates.
XI of 1877 ...	Military Lunatics.
XV of 1877 ...	Limitation.
VI of 1878 ...	Treasure Trove.
XI of 1878 ...	Arms.
I of 1879 ...	Stamps.
III of 1879 (ss. 2, 4 and 8), ...	Destruction of Records.
IV of 1879 ...	Railways.
V of 1879 ...	Presidency Banks Act Amendment.
XXI of 1879 ...	Extradition.
III of 1880 ...	Cantonments.
V of 1881 (s. 153) ...	Probate and Administration.
III of 1882 (s. 3) ...	Seditious Publications.
VI of 1882 ...	Companies.
VIII of 1882 ...	Penal Code Amendment.
IX of 1882 ...	Prisoners Act Amendment.
XX of 1882 ...	Paper Currency.
IV of 1883 ...	Railways.
XIX of 1883 ...	Land Improvement Loans.
XVI of 1884 ...	Burma Gaming.
XIII of 1885 ...	Telegraphs.
X of 1886 (ss. 21-25, both inclusive).	Penal Code and Prisoners' Act Amendment.
XIII of 1886 ...	Securities.

SECOND PART.

Enactments declared in force in the Town of Mandalay only.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.	
XI of 1865 ...	Mufassal Small Cause Courts.
IX of 1872 ...	Contracts.
I of 1877 ...	Specific Relief.
V of 1881 ...	Probate and Administration.
XXVI of 1881 ...	Negotiable Instruments.
XIV of 1882 ...	Code of Civil Procedure.
II of 1885 ...	Negotiable Instruments Act Amendment.
IV of 1886 ...	Contract Act Amendment.

THE THIRD SCHEDULE.

(*See section 7, sub-section (1), cl. (c).*)

ADDITION TO ACT VI OF 1864.

"6. (*1*) Notwithstanding anything in the foregoing sections of this Act, a person convicted of an offence specified in the schedule to this Act, or of any offence which the Local Government, with the previous sanction of the Governor-General in Council, may add to that schedule, may be punished with whipping, either in lieu of, or in addition to, any other punishment to which he may be liable.

"(*2*) The Local Government may at any time suspend the operation of this section in whole or in part in any district or part of a district, and, with the previous sanction of the Governor-General in Council, remove the suspension of its operation."

"THE SCHEDULE.

(*See section 6, sub-section (1).*)

Section of Indian Penal Code.	Offence.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retaining after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.

THE THIRD SCHEDULE—*contd.*

Section of Indian Penal Code.	Offence.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire or explosive substance with intent to cause damage to the amount of one hundred rupees

THE THIRD SCHEDULE—*concld.*

Section of Indian Penal Code.	Offence.
	or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences."

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to declare the law in force in Upper Burma was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare the law in force in Upper Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Chief Commissioner, Burma, No. 83—130, dated 4th September, 1886, and enclosures.
From Secretary to Chief Commissioner, Burma, No. 84—130, dated 4th September, 1886, and enclosures.

2. We have, in accordance with the advice of the Chief Commissioner, provided in section 1 that certain portions of the Bill shall not come into force at once. It is desirable that sections 6 to 11 of the Bill, as amended by us, should not have effect until the Civil and Criminal Justice Regulations, which have been drawn, and for the most part settled, have been finally proposed by the Chief Commissioner and have received the assent of the Governor-General under the Statute 33 Victoria, chapter 3.

3. Section 3, regarding the division of Upper Burma into divisions, districts, sub-divisions, townships and circles, will serve the purposes of the Regulations which the Chief Commissioner is about to propose.

4. Section 4 has been so modified as to cover, it is believed, the language of all enactments in force in Lower Burma.

5. Section 6 has been so amended as to define more precisely the local area to which the Second Part of the Second Schedule is to apply. The Shan States are excluded from the operation of this and the next following section.

6. *Section 7.*—(1) The section (7) which it was proposed to add to Act VI of 1864 will be rendered unnecessary by the application to Upper Burma of sections 390 to 395 of the Code of Criminal Procedure by the proposed Criminal Justice Regulation.

(2) It is proposed to amend section 25 of the Indian Evidence Act, 1872, in its application to Upper Burma, because Thugyis and Myothugyis will, besides being police-officers, be local Magistrates and Judges.

(3) The modification of section 10, Act XIX of 1876, will substantially continue the law as it was found in Upper Burma with respect to *pwés* or dramatic entertainments, and as it seems desirable to maintain that law for the present.

7. Section 8 provides that British Indian law shall not extend *proprio vigore* to any of the Shan States.

8. Sections 9, 10 and 11 remain, with slight modifications, as they were in the Bill as introduced.

9. We have added some Acts to the First Part of the Second Schedule. Among them are the Court-fees and Stamp Acts, the Presidency Banks Acts, the Indian Companies Act and the Land Improvement Loans Act. The operation of the Court-fees and Stamp Acts will be limited by notifications to be issued when those Acts come into force. The fact that the Bank of Bengal contemplates the establishment of a branch at Mandalay necessitates the extension of the Presidency Banks Acts. The Indian Companies Act may be required at any time; and the local authorities advise the extension of the Land Improvement Loans Act for the purposes of loans to be made for irrigation-works.

10. The jurisdiction to be conferred on, and the rules to be prescribed for, the Civil Court of Mandalay will render necessary the extension of the Provincial Small Cause Courts Act, XI of 1865, and the Code of Civil Procedure to the Town of Mandalay.

11. Other amendments of the Bill do not call for remark.

12. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	14th, 21st and 28th August, 1886.
British Burma Gazette	4th, 11th and 18th September, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
Burma	Burmese ...	... 11th and 18th September, 1886.

13. 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.
A. COLVIN.

The 20th September, 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 24th September, 1886, and is hereby promulgated for general information:—

ACT NO. XXI OF 1886.

An Act 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 and 1838, loans, known respectively as the 1st, 3rd and 6th Oudh loans, were made by the Rulers of Oudh to the Honourable 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 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;

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.

Application of Act XXIII of 1871 to Wasikas. 2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are pensions within the meaning of the Pensions Act, 1871, and that Act shall apply to them as if they were pensions of the classes referred to in sections 4 and 11 of that Act. XXIII of 1871.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions 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 Chief Secretary to Government, North-Western Provinces and Oudh, No. 4281A.—X.-F.-42, dated 30th August, 1886, and enclosure [Papers No. 1]
From Messrs. Harriss and Simmons, Solicitors, Calcutta, dated 8th September, 1886

2. The Government of the North-Western Provinces and Oudh having reported that the pensions payable under the Treaty of the year 1829, under which the 5th Oudh loan was made to the Honourable the East India Company, have all been commuted, we have removed section 3 of the Bill as introduced and so much of the preamble as had reference to that section.

3. Exception having been taken to some of the pensions being described as "conferred by a former Government and continued by the British Government on political considerations," we have re-drawn section 2 of the Bill so as to make it clear that the allowances are dealt with as pensions of that nature only for the purpose of barring the Civil Courts from

entertaining suits relating to them and of protecting them from attachment at the instance of creditors.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	12th, 19th and 26th June, 1886.
North-Western Provinces and Oudh Government Gazette ...	19th and 26th June, and 3rd July, 1886.

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.

J. W. QUINTON.
C. P. ILBERT.
A. COLVIN.

The 14th September, 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 1st October, 1886, and is hereby promulgated for general information:—

ACT No. XXII OF 1886.

THE OUDH RENT ACT, 1886.

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An Act to consolidate and amend the law relating to Rent in Oudh.

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:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. *(1)* This Act may be called the Oudh Rent Act, 1886.

(2) Save as provided thereby, it shall extend to the territories for the time being comprised in the Province of Oudh; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Act on the Chief Commissioner 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.

The Oudh Rent Act, 1886.

(Chapter I.—Preliminary.—Sections 2-4.—Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Section 5.)

2. *(1)* The Oudh Rent Act, XIX of 1868, is hereby repealed, but all notifications published and rules made under that Act shall, so far as may be, be deemed to have been published and made under this Act.

Repeal.

(2) The following enactments also are hereby repealed, namely:—

(a) section 40 of the Oudh Civil Courts Act, XXXII of 1871;

(b) sections 23 and 24 of the Oudh Laws Act, XVIII of 1876; and

(c) section 1 of Act XIV of 1878.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

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

Definitions.

(1) "Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

(2) "suit" means a suit under this Act:

(3) "land" includes the ungathered produce of land, whether spontaneous or not, and whether growing in earth or in water, but shall not include land for the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as that land is not let to agricultural tenants:

(4) "revenue" means money payable to the Government on account of land: in sections 34 and 35 it means land-revenue only:

(5) "rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or on account of any right in land, or on account of the use of water for irrigation:

(6) "proprietor" does not include an under-proprietor; and 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:

(7) "proprietary right" means a proprietor's right in land:

(8) "under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

(9) "under-proprietary right" means an under-proprietor's right in land:

(10) "tenant" means any person, not being an under-proprietor, who is liable to pay rent; and in the following portions of this Act, namely, sections 13, 14, 15, 17, 18, 29, 53, 54, 55, sub-sections (1) and (2), 56, 59, 60, 61, 62, 108, 126 and 138, but in no others, the expression "tenant" shall be held to include a thekadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:

(11) "landlord" means any person to whom an under-proprietor or a tenant is liable to pay rent:

(12) "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, and includes the guardian of a minor and the legal curator of a lunatic or idiot:

(13) "prescribed" means prescribed from time to time by the Chief Commissioner by rules under this Act:

(14) "registered" means registered under any Act for the time being in force for the registration of documents:

(15) "signed" includes marked, when the person making the mark is unable to write his name: and

(16) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

4. *(1)* 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.

(2) 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.

(3) Where land not previously cultivated has been or is hereafter let by a landlord to a tenant, either after being reclaimed by or at the expense of the landlord or for the purpose of being reclaimed by the tenant, nothing in this section shall be construed to affect the conditions of any contract relating to that land until fourteen years have elapsed from the date on which the land was first brought under cultivation.

(4) Where land has remained uncultivated during a period of seven years, it shall for the purposes of the last foregoing sub-section be deemed to have not been previously cultivated.

(5) This section does not apply to tenants having a right of occupancy or to sub-tenants.

CHAPTER 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 those lands 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 entered into between a landlord and tenant after the twenty-second day of July, 1886.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 6-15.)

6. Nothing in the last foregoing section shall be construed to restrict the power of a landlord to confer by registered document on any persons other than those mentioned in that section a right of occupancy in the lands which they hold or cultivate.

Saving of power to confer right of occupancy.

7. If a tenant having a right of occupancy is ejected, in accordance with the provisions of section 52, from the land in which he possesses the right, he shall thereupon lose his right of occupancy in that land.

Loss of right of occupancy.

Tenants' Right to Pattas.

8. Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the tenancy, signed by the landlord or his authorized agent, and containing the following particulars, namely:—

Tenant's right to patta.

(a) the quantity of land and, where the fields comprised in the patta have been numbered in a Government survey, the number of each field;

(b) the term for which the tenancy is to run;

(c) the amount of rent payable;

(d) the instalments in which and the times at which that amount is to be paid;

(e) any special conditions not inconsistent with the provisions of this Act; and

(f) if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

9. Tenants having a right of occupancy are entitled to receive pattas at rates of rent determined in accordance with the provisions of Chapter IV, Part A, of this Act.

Patta to which tenant having right of occupancy is entitled.

10. Tenants not having a right of occupancy are entitled to pattas for the terms and at the rates prescribed in Chapter IV, Part B, of this Act.

Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

11. Every landlord who grants a patta is entitled to receive from the tenant a counterpart signed by or on behalf of the tenant.

Landlord's right to counterpart.

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when it 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 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 the rent is payable is situate, and to be payable in the same number of instalments as the revenue; and the amount of each instalment of the rent shall bear the same proportion to the whole of the rent payable for the year as the amount of each instalment of the revenue bears to the whole of the revenue payable for the year.

Receipts.

13. *(1)* Every receipt for rent shall specify the year or years on account of which the rent has been paid; and any refusal to make that specification shall be held to be a withholding of a receipt.

Receipts for rent.

(2) If a receipt for rent paid by an under-proprietor or tenant is withheld from him without sufficient cause, he may recover compensation from the landlord up to an amount not exceeding that of the rent paid.

Deposit of Revenue or Rent in Court without Suit.

14. *(1)* If a co-sharer, under-proprietor or tenant from whom any revenue or rent is due in respect of the land held or cultivated by him, tenders the full amount of that revenue or rent at the usual place of payment to the person authorized to receive it, and that person does not accept the amount and forthwith give a receipt in full therefor, the co-sharer, under-proprietor or tenant may, without any suit having been instituted against him, deposit the amount in Court to the credit of the person authorized to receive it.

Power to pay into Court amount of revenue or rent due.

(2) The 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 lumbardar or landlord of the amount so deposited.

15. *(1)* The Court shall receive the deposit on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; and on the applicant making a declaration in the form set forth in Schedule A to this Act, 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.

(2) The declaration shall be verified in the manner prescribed for the verification of plaints by section 52 of the Code of Civil Procedure, and shall be signed by the person making it. XIV of 1882.

(3) Upon receiving the deposit, the Court shall issue to the person to whose credit it has been paid a notice in the form set forth in Schedule B to this Act.

(4) The notice shall be served by the proper officer without the payment of any fee.

(5) If the person to whose credit the deposit has been paid, or his recognized agent, appears and applies for it, the Court shall cause it to be paid to him.

(6) The application under sub-section *(5)* may be on plain paper.

16. Where a deposit has been made under the provisions of the two last foregoing sections, a suit shall not 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 the suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Limitation for suits for balance of revenue or rent.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 17-24.)

Illegal Enforcement of Payment of Rent.

17. *(1)* 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 the illegal enforcement of the payment, the Court may award to him compensation, not exceeding the sum of two hundred rupees, in addition to any amount for which it makes a decree in respect of the payment itself.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

(2) An award of compensation under sub-section *(1)* shall not bar any prosecution to which the person illegally enforcing the payment may be liable under any law for the time being in force.

Abatement of Rent.

18. Save as provided by section 29, sub-section *(4)*, a suit for an abatement of the rent of a holding shall not be brought by an under-proprietor or tenant except on the ground that the area of the holding has diminished, or on some ground specified in a lease, agreement or decree under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor holds a sub-settlement in a revenue-paying estate, an abatement shall not 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.

Remission of Rent.

19. *(1)* Notwithstanding anything in the last foregoing section, a Court, when it makes a decree for an arrear of rent, may, with the previous sanction of the Deputy Commissioner, 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 that land has been diminished by drought, 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 paid.

Remission of rent by order of Court.

(2) Where a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given, the revenue-authorities shall take into consideration any claim made by the landlord for a remission of revenue.

(3) A remission shall not be allowed under this section to an under-proprietor holding a sub-settlement, or to a tenant having a right of occupancy, unless a remission of revenue has been allowed on the same ground and by competent authority in the same village.

Relinquishment of Land.

20. *(1)* A tenant shall continue liable for the rent of the land in his holding unless on or before the fifteenth day of March in any year he gives to the landlord or to the recognized agent of the landlord notice in writing of his desire to relinquish that land, and relinquishes it accordingly.

Relinquishment of land by tenant.

(2) If the landlord or his recognized agent refuses to receive the notice or to sign and deliver a receipt therefor, the tenant may, before the latest date prescribed for giving the notice, apply on plain paper to the tahsíldár or proper officer, and written notice of the desire of the tenant to relinquish the land shall then be served on the landlord at the expense of the tenant.

(3) A tenant cannot without the consent of his landlord relinquish a part only of his holding.

(4) Nothing in this section shall entitle a tenant holding under a registered document under section 69 to relinquish his holding otherwise than in accordance with the terms of that document.

21. *(1)* If a tenant abandons his holding without informing his landlord and without arranging for the cultivation of the holding, the landlord may at any time after the fifteenth day of May enter on the holding.

Abandonment of holding.

(2) Before a landlord enters on a holding under sub-section *(1)*, he shall file a notice in the prescribed form at the office of the tahsíldár for service on the tenant stating that he has treated the holding as abandoned and is about to enter on it accordingly.

(3) When a landlord enters on a holding under sub-section *(1)*, the tenant may institute a suit under this Act to recover possession of the holding, and the Court shall, on being satisfied that the tenant did not voluntarily abandon the holding, order recovery of possession on such terms with respect to the time of delivery of possession, the payment of arrears of rent, if any, and, if injury has been caused by the wrongful act, neglect or default of any party to the proceeding, with respect also to the payment of compensation by that party, as to the Court may seem just.

Compensation for Tenants' Improvements.

22. *(1)* If a tenant, or a person from whom he has inherited, has made any such improvement on his holding as is hereinafter in this Chapter mentioned, neither he nor his representative shall be ejected from the holding unless and until he or his representative, as the case may be, has received compensation for the improvement:

Tenant's right to compensation for improvements.

Provided that compensation shall not be payable for any improvement made thirty years or more before the date on which the ejectment is to take effect.

(2) An improvement made by a tenant for the benefit of his holding on land belonging to the person who is entitled to receive the rent of the holding shall for the purposes of this section be deemed to have been made on the holding of the tenant.

23. Except as provided in the next following section, a tenant shall not 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. *(1)* If a tenant applies for the written consent of his landlord to the making of an improvement on his holding, and the landlord omits or refuses to grant it, the tenant may apply to the Deputy Commissioner for permission to make the improvement.

Reference to Deputy Commissioner when consent is refused.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 25-30.)
(Chapter III.—Payment of Rent in kind.—Sections 31-32.)

(2) When an application is made to the Deputy Commissioner under sub-section *(1)*, he shall take into consideration any objections which the landlord may have to urge on either of the following grounds, namely:—

(*a*) that the improvement is too costly or is unsuitable to the nature of the tenant's holding, or

(*b*) that the landlord is himself prepared to make the improvement,

and shall then either grant the permission on such conditions as he considers fair and equitable or refuse the application.

25. *(1)* If either the landlord or the tenant desires the amount expended on an improvement executed with the permission of the Deputy Commissioner under the last foregoing section to be determined and registered, the Deputy Commissioner shall, on application made to him for the purpose, determine the amount of the outlay, and enter it in a register kept in the prescribed form.

Registration of outlay on improvements.

(2) The entry in the register shall be conclusive proof of the amount of the outlay in any subsequent proceedings respecting the cost of the improvement.

26. The word "improvement", as used in this Act, means a work by which the annual letting value of land has been, and at the time of a demand for compensation is likely to be, increased, and comprises—

"Improvement" defined.

(*a*) 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 reclamation of waste land and jungle; and other works of a like nature:

(*b*) the renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for the maintenance thereof and increase durably their value.

27. In estimating the compensation to which a tenant is entitled for an improvement regard shall be had—

Principle on which compensation is to be estimated.

(*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.

28. When a Court has assessed the amount of the compensation due to a tenant, 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.

Modes of making compensation.

29. *(1)* A landlord may make an improvement on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.

Improvements by the landlord.

(2) A landlord intending to make an improvement shall, if any part thereof is to be made on the holding of any such tenant, give notice of his intention to the tenant through the tahsíldár.

(3) A landlord making an improvement on the holding of any such tenant shall be liable to compensate the tenant for any loss which he may cause to the tenant when making it.

(4) If the effect of the improvement is to impair the productive powers of the holding, the tenant shall, in addition to any compensation which may be awarded to him under sub-section *(3)*, be entitled to such abatement of his rent as to the Court seems just.

(5) A landlord may not make an improvement on the holding of a tenant with a right of occupancy without the consent of the tenant.

Survey and Measurement.

30. A landlord and 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 land.

Landlord's right to enter and measure lands.

CHAPTER III.

PAYMENT OF RENT IN KIND.

31. Where rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other proceeding of a similar nature requiring the presence of both the tenant and the landlord either personally or by recognized agent, if either party neglects to be present at the proper time, or if a dispute arises between the parties regarding the division, estimate, appraisement or proceeding, either party may present an application to the Court, requesting that a proper officer be deputed to make the division, estimate or appraisement or conduct the proceeding.

Division or appraisement of produce.

32. *(1)* On receiving the application, the Court shall issue a written notice to the other party to attend at a time and place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made or the proceeding conducted.

Procedure in case of dispute.

(2) The award of that officer in respect of the division, estimate, appraisement or proceeding shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

The Oudh Rent Act, 1886.

Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-41.)

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

Part A.—Tenants with Right of Occupancy.

Enhancement of rent of tenant with right of occupancy.

33. (*1*) A tenant having a right of occupancy in any land shall not, in case of dispute as to the rent to be paid in respect of the 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, namely:—

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 that rate.

2nd ground.—That the rate of rent paid by him is more than twelve-and-a-half 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.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding that rate, less twelve-and-a-half 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.

(*2*) Nothing in sub-section (*1*) shall affect the terms of any agreement in writing entered into between a landlord and tenant after the twenty-second day of July, 1868.

Term for re-enhancement after decision fixing rent under section 33.

34. After a decision has been passed in accordance with the last foregoing section, a suit shall not lie for re-enhancement of the rent until the expiration of five years from the date of the decision, except on the 3rd ground mentioned in that section, or, in the case referred to in the next following section, until, by re-assessment within the term of five years, the revenue of the land has been increased.

Enhancement on re-assessment of revenue.

35. If, on a re-assessment of the revenue, the rent of the tenant cannot be enhanced under section 33 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 the re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

Part B.—Other Tenants.

Tenant in occupation at passing of Act: the conditions of his statutory tenancy.

36. Every tenant, not being a tenant with a right of occupancy or a sub-tenant, 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, or, where no such change or alteration has taken place, from the date on which the tenant was admitted to the occupation of the holding.

Tenant admitted after passing of Act: the conditions of his statutory tenancy.

37. Every such tenant who may be admitted to the occupation of a holding after the passing of this Act 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 such tenant, in the area of whose holding or in the amount of whose rent any change is 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 I.—"Holding" means a parcel or parcels of land held by a tenant and forming the subject of a separate engagement. The engagement may be express or implied.

Explanation II.—This section and section 36 have effect subject to the provisions of section 4, sub-sections (*3*) and (*4*), relating to land not previously cultivated, and subject also to section 157, excluding certain classes of land from the operation of certain sections of this Act.

Enhancement of rent of tenant not having right of occupancy and not being a sub-tenant.

38. (*1*) A landlord may enhance the rent of a tenant to whom section 36 or section 37 applies, either by contract, in accordance with the provisions of this section or by notice as hereinafter provided.

(*2*) Subject to the provisions of sections 49 and 50, the enhancement shall not in any case exceed one anna in the rupee, or six-and-a-quarter per cent., on the annual rent payable by the tenant at the time when the contract was made or the notice was issued:

(*3*) Provided that, where rent is paid in kind, the proportion of produce paid as rent by a tenant shall not be subject to increase except in accordance with an established custom of the pargana in which the land is situate.

Enhancement by notice.

39. If a landlord desires that the rent of a tenant to whom section 36 or section 37 applies be enhanced on the expiration of the term of seven years referred to in section 36 or section 37, as the case may be, or at any time during the currency of that term in the case mentioned in section 50, he may cause a notice to that effect to be served under section 42.

Time for service of notice of enhancement.

40. (*1*) A notice whereby enhancement is claimed on account of the expiration of the period of the tenancy shall not be served before the commencement of the last year of the tenancy.

(*2*) A notice of enhancement on account of an improvement made or acquired by the landlord may be served at any time during the currency of the tenancy.

Contents of the notice.

41. The notice shall be written in Hindi and Urdu, and shall specify the land, the amount of the present rent and the amount of the enhancement, and 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

The Oudh Rent Act, 1886.

(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 42-51)

in the proper Court to contest the notice of enhancement within thirty days from the date of the service thereof.

Service of the notice.

42. On the application of the landlord to the tahsíldár or other prescribed officer the notice shall be served by the officer on or before the fifteenth day of February at the expense of the landlord.

Grounds on which tenant may contest his liability to enhancement.

43. The tenant may institute a suit to contest the notice of enhancement, within thirty days from the date of the service thereof, on any of the following grounds, namely:—

(*a*) that he has a right of occupancy in the land specified in the notice;

(*b*) that he holds under a special agreement or decree of Court or lease under the terms of which his rent is not liable to enhancement;

(*c*) that the enhancement claimed is in excess of the rate authorized by law;

(*d*) that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37 equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) that the notice has not been served in the manner required by this Act;

(*f*) that, where the enhancement claimed is on account of an improvement, the amount claimed is excessive.

Tenant's liability for enhanced rent.

44. (*1*) If the tenant does not contest the notice of enhancement and remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, he shall become liable for the enhanced rent.

(*2*) If the tenant contests the notice, and the validity thereof is maintained by the Court in whole or in part, he shall, if he remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, become liable for the enhanced rent to the extent to which the Court has maintained the validity of the notice.

Commencement of fresh statutory period.

45. If the tenant by remaining in possession of the land under the last foregoing section becomes liable for enhanced rent, he shall be entitled to hold the land at that rent for a further period of seven years.

Vacating tenant's right to compensation for improvements.

46. If the tenant refuses to accept the enhancement claimed or decreed 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.

Rent of tenant succeeding to vacant holding.

47. (*1*) Except in the cases mentioned in sections 49 and 50, 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 him.

(*2*) In the case of a tenant admitted to the occupation of a holding of which the rent has been immediately before his admission paid in kind, the rent payable shall, subject to any established custom of the pargana in which the holding is situate, be either the rent payable by the tenant immediately preceding him, or a sum which, subject to the provisions of sections 49 and 50, shall not exceed by more than six-and-a-quarter per cent. the equivalent of the value of the produce annually paid as rent on the average of the three years immediately preceding.

Rights of the heir of a deceased tenant.

48. (*1*) The heir of a tenant who dies during the currency of the tenancy of a holding shall be entitled to retain occupation of the holding 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, made on the holding by himself or his predecessor in interest, but shall not be entitled to a renewal of the tenancy.

(*2*) Subject to any rights which he may have under section 22 as a representative of the deceased, a collateral relative who did not at the date of the death of the deceased share in the cultivation of the holding shall not be deemed to be an heir of the deceased within the meaning of this section.

Rent of tenant succeeding to a holding vacated by the death of the previous tenant.

49. 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 thekadár or mortgagee from land of which he has taken cultivating possession during the period of his theka or mortgage, shall be such amount as may be agreed upon between him and the landlord.

Enhancement of rent for improvements made or acquired by landlord.

50. (*1*) Nothing in the foregoing sections shall bar the right of a landlord to enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement which has been made by, or at the expense of, the landlord, or for which during the currency of the tenancy compensation has been accepted from the landlord by the owner of the improvement or, on the expiration of the tenancy, compensation has been paid in accordance with the determination of a Court under this Act.

(*2*) Where an enhancement is claimed on the ground of any such improvement, the Court, in determining the claim, shall have regard to—

(*a*) the increase in the productive powers of the land caused, or likely to be caused, by the improvement;

(*b*) the cost of the improvement; and

(*c*) the cost of the cultivation required for the utilising of the improvement.

Power for Local Government to vary the limit of enhancement of rent.

51. Notwithstanding anything in the foregoing sections, the Chief Commissioner may, by notification in the local official Gazette, vary from time to time, within periods of not less than seven years, the limits of the enhancement to which tenants to whom section 36 or section 37 applies are liable in any local area specified in the notification.

The Oudh Rent Act, 1886.

(Chapter V.—Ejectment.—Sections 52-60.)

CHAPTER V.

EJECTMENT.

Tenants holding on special terms.

Ejectment of tenants holding on special term.

52. (*1*) A tenant having a right of occupancy in any land, or holding any land under a special agreement or decree of Court, shall not be ejected from that land otherwise than in execution of a decree for ejectment:

Provided that the decree for ejectment shall not be made, unless, at the date of that decree, a decree against the tenant for an arrear of rent in respect of the land has remained unsatisfied for fifteen days or upwards.

(*2*) A decree for the ejectment of a tenant holding under a special agreement or decree of Court may be made on such grounds as would justify ejectment under the agreement or decree.

Other Tenants.

Ejectment of other tenants.

53. A tenant not having a right of occupancy, and not holding under a special agreement or decree of Court, may be ejected by notice, application or suit under the following sections of this Chapter.

Ejectment by notice.

54. If a landlord desires to eject any such tenant on the expiration of his tenancy, he may cause a notice of ejectment to be served on the tenant under the next following section.

Contents, service and cost of notice.

55. (*1*) The notice shall be written in Hindi and in Urdu; it shall be signed by the landlord or by an agent authorized by him in that behalf; it shall specify the land from which the tenant is to be ejected; it shall, if a court-fee is payable in respect thereof under this section, contain a certificate by the patwári as to the annual rent payable for the holding to which the notice relates; and it shall inform the tenant 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 day of May next following.

(*2*) On the application of the landlord to the tahsíldár or other prescribed officer, the notice shall, if the proper court-fee (where a court-fee is payable under this section) has been paid in respect thereof, be served on the tenant by the officer on or before the fifteenth day of November at the expense of the landlord.

(*3*) If the tenant on whom the notice is to be served is a tenant to whom section 36 or section 37 applies, there shall, except as provided by this sub-section and sub-section (*4*) and by section 69, be payable in respect of the notice a court-fee equal in value to half the annual rent payable for the holding of the tenant, or, in the case of a tenant paying rent in kind, a court-fee equal to half the value of the produce annually paid as rent on the average of the three years immediately preceding:

Provided that the court-fee shall not in any case exceed twenty-five rupees.

(*4*) A court-fee shall not be payable under sub-section (*3*) in respect of a notice on a person to whom section 48 applies.

(*5*) Stamps representing the court-fee shall be affixed on the notice before the notice and the application for the service thereof are presented to the tahsíldár or other prescribed officer.

(*6*) The court-fee paid by a landlord under this section shall not in any circumstances be adjudged to be payable as costs or otherwise by the tenant.

Grounds on which tenant may contest liability to ejectment.

56. (*1*) A tenant on whom a notice has been served under the last foregoing section may institute a suit to contest his liability to be ejected from the land specified therein on any of the following grounds, namely:—

(*a*) that he has a right of occupancy in the land;

(*b*) that he holds under a special agreement or decree of Court or unexpired lease under the terms of which he is not liable to be ejected from the land;

(*c*) if he is a tenant to whom section 55, sub-section (*3*), applies, that the notice was insufficiently stamped;

(*d*) if he is a tenant to whom section 36 or section 37 applies, that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37, as the case may be, equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) if he is a tenant to whom section 53 applies, that notice of ejectment has not been served upon him in the manner required by this Act.

(*2*) A thekadár shall not be 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 in suit contesting liability to ejectment.

57. If the tenant has any claim for compensation for improvements 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.

58. If the Court dismisses the suit in whole or in part, it shall determine the amount of the compensation, if any, due for improvements, and shall declare ejectment from the whole or part of the land, as the case may be, to be conditional on payment of that amount into Court.

Tenancy to cease if notice is not contested.

59. If the tenant on whom 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 cease on the fifteenth day of May next following, unless, after the service, the landlord has authorized him in writing to continue to occupy the land.

When assistance to eject may be given by Court.

60. (*1*) If the landlord requires assistance to eject a tenant on whom he alleges a notice to have been served under section 55, he may apply for that assistance to the Court which would have had jurisdiction with respect to a suit by the tenant to contest his liability to be ejected under the notice, and that Court shall order the ejectment of the tenant if it is satisfied—

(*a*) that a notice of ejectment was duly served on the tenant;

(*b*) that the tenant has not brought a suit to contest the notice, or that, if a suit for that purpose has been brought, it has been determined adversely to the tenant;

(*c*) that the tenant has not been authorised by the landlord in writing to continue to occupy the land.

(*2*) Nothing done by the Court under sub-section (*1*) shall affect the right of the tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation therefor.

Ejectment by application.

61. (*1*) If a landlord desires to eject a tenant to whom section 53 applies and against whom a decree for an arrear of rent has been passed and remains unsatisfied, he may, after the first day of April of the year in which that arrear accrued, apply to the Deputy Commissioner to eject the tenant.

(*2*) 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.

(*3*) If the amount is not so paid, the Deputy Commissioner shall, unless good cause is shown to the contrary, eject the tenant.

Ejectment by suit.

62. (*1*) A tenant to whom section 53 applies shall be liable to ejectment by suit during the currency of his tenancy on any of the following grounds, namely:—

(*a*) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy;

(*b*) that at the time of the institution of the suit the entire holding has been sub-let;

(*c*) 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;

(*d*) where the tenant holds, under an unexpired lease, land to which section 4, sub-sections (*3*) and (*4*), applies, then on any ground which would justify ejectment under the lease.

(*2*) The tenant shall continue liable for the rent of the land until the decree is executed.

General.

Time of ejectment of tenant.

63. Except in pursuance of an order under section 21, sub-section (*2*), a tenant shall not in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupation, except between the first day of April and the thirtieth day of June in any year after the passing of this Act.

The Oudh Rent Act, 1886.

(Chapter V.—Ejectment.—Sections 61-66.—Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 67-69.)

Time of ejectment of thekadár.

64. A thekadár liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Preferment by tenants of claims for compensation for improvements in suits for ejectment.

65. In any suit for ejectment the defendant may file any claim for compensation for improvements which he may have against the plaintiff, and, if the Court finds the grounds on which the suit is brought to be valid, it shall determine the amount of compensation, if any, due from the plaintiff to the defendant, and shall pass a decree of ejectment conditional on the payment into Court of that amount.

Compensation to ejected tenant for growing crops.

66. A 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 the tenant and being on the land at the time of his ejectment:

Provided that, if the land has been sown or planted by the tenant after service on him of a notice under section 55, he shall not be so entitled, unless, after that service, the landlord has authorized him in writing to continue to occupy the land.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS RESPECTING TENANCIES.

Sir Lands.

Sir lands.

67. (*1*) The rights conferred upon tenants by sections 34, 36, 37, 55, 60, 45, 46, 47 and 48 shall not accrue to cultivators of any of the following lands, namely:—

(*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 or under-proprietary profits and charges;

(*b*) land which for the seven years immediately preceding the passing of this Act has been continuously cultivated by the proprietor or under-proprietor himself or by his servants or by hired labour.

(*2*) Land which was recorded as sír at settlement and has been continuously so recorded since shall, until the contrary is proved, be presumed to be land of the class mentioned in clause (*a*) of section (*1*).

Thekadárs, Mortgagees and Sub-tenants.

Thekadárs, mortgagees and sub-tenants.

68. (*1*) A person holding land as a thekadár, mortgagee or sub-tenant shall not, while so holding, acquire any of the rights enumerated in the last foregoing section in any of the land comprised in his theka, mortgage or sub-tenancy.

(*2*) A person having those rights in land does not lose them by subsequently taking a theka or mortgage in which his holding is comprised.

Long Leases.

Incidents of lease for eight years or upwards.

69. (*1*) When a holding has been let by registered document for a term of eight years or upwards at a rent determined thereby for the whole of the term in accordance with the

The Oudh Rent Act, 1886.

(Chapter VI.—Supplemental Provisions respecting Tenancies.—Section 70.—Chapter VII.—Distress for Arrears of Rent.—Sections 72-79.)

provisions of this Act to a tenant to whom section 36 or section 37 applies, the landlord shall, on the expiration of the term, be entitled to enhance the rent of the holding in accordance with the provisions of Chapter IV, Part B, and not otherwise, and shall also be entitled to eject the tenant by notice under section 55 without payment of a court-fee under that section:

Provided that any change in the rent or alteration in the area of the holding by the landlord during the term shall be a bar to enhancement and ejectment for seven years from the date of that change or alteration.

(2) In addition to the grounds mentioned in clauses (*a*), (*b*) and (*c*) of section 62, sub-section (*1*), a tenant to whom this section applies shall be liable to ejectment by suit during the currency of his tenancy on any ground which would justify ejectment under the registered document under which he holds.

Miscellaneous.

Evidence respecting change of rent or alteration of area of holding.

70. Where a tenant has received a patta, a statement that since the date of the patta his rent has been changed, or area of his holding altered, by the landlord, shall not be admissible in evidence unless the change or alteration is recorded in an entry on the patta signed by or on behalf of the landlord, and in an entry on the counterpart signed by or on behalf of the tenant, or in a new patta and counterpart.

Construction of certain expressions.

71. The expression "special agreement" or "decree of Court", where it is used in this Act to signify the tenure on which land is held by a tenant, is to be construed as referring to an agreement or decree made or passed before the passing of this Act.

CHAPTER VII.

DISTRESS FOR ARREARS OF RENT.

Recovery of arrears of rent by distress.

72. When an arrear of rent is due from any tenant, the landlord may, subject to the provisions of this Chapter, distrain the produce of the land in respect of which the arrear is due:

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which the rent is payable shall not be liable to distress so long as the security is in force.

Distress not permissible in certain cases.

73. Distress shall not be made for the recovery of—

(*a*) 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 that excess or unless he has been declared by decree to be liable therefor, or

(*b*) any arrear which has been due for a longer period than one year.

Power of distress by whom exercisable.

74. The power of distress vested by section 72 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildars of estates held under direct 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 authorized by power-of-attorney to distrain:

Provided that, if any such agent, purporting to act in the exercise of that power, commits an act which, under the provisions of this Chapter, is illegal, the person employing him shall be liable, as well as the agent, to be sued for compensation for any injury caused by the act.

Distress by servants.

75. Any person empowered to distrain property under section 72 or section 74 may employ a servant or other person to make the distress, but in every such case he shall give to the servant or person a written authority in that behalf, and the distress shall be made in the name and on the responsibility of the person giving the authority.

Crops liable to distress.

76. *(1)* 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.

(2) 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 engagement 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.

77. *(1)* 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.

(2) 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 and service of list of distrained property on owner.

78. 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, when he has made the distress, he shall prepare a list or description of the property distrained and deliver a copy thereof to the owner, or if the owner is absent, affix it at his usual place of residence.

Keeping and storing standing crops distrained.

79. *(1)* 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.

(2) If the tenant neglects to do so, the distrainer may cause the crops or products to be reaped or gathered, and in that case shall store them either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 80-89.)

(3) In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

(4) 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.

Application by distrainer in case of resistance.

80. 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 thinks necessary, depute an officer to assist the distrainer in making the distress.

Withdrawal of distress on tender of arrear and costs.

81. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the payment and give a receipt therefor and forthwith withdraw the distress.

Application for sale.

82. Within five days from the time of storing any distrained crops or products, or, if the 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 the sale thereof to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is found.

Form of application.

83. *(1)* 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.

(2) 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 provided in the next following section.

Procedure on receipt of application.

84. *(1)* 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 to this Act, 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.

(2) 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.

(3) The proclamation shall contain a description of the property, and shall specify the demand for which it is to be sold, and the place where the sale is to be held.

Suspension of sale on institution of suit.

85. *(1)* If a suit is instituted in pursuance of the notice mentioned in the last foregoing section, 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.

(2) On the 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.

Suit to contest distrainer's demand.

86. *(1)* 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 84, sub-section (*1*).

(2) When any such suit is instituted, the Court shall proceed in the manner directed in section 85.

(3) 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.

Withdrawal of distress on execution of bond.

87. *(1)* 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 distrained, engaging to pay to the landlord such money as may be adjudged to be due from him, with costs of suit.

(2) When a bond has been executed under sub-section (*1*), 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 execution of the bond.

(3) Upon the certificate being presented to the distrainer by the owner of the property, or upon the notice being served on the distrainer by order of the Court, as the case may be, the property shall be released from distress.

Sale.

88. 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 that demand with such costs of the distress as are allowed by him, is discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Place and manner of sale.

89. *(1)* 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 proper officer thinks that it is likely to sell there to better advantage.

(2) 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, is satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 90-99.)

90. If, on the property being put up for sale, a price which the officer holding the sale thinks fair is not offered, and if the owner of the property or his recognized agent applies to have the sale postponed until the next day or (if a market is held at the place of sale) until the next market-day, the sale shall be postponed until that day, and shall be then completed at whatever price may be offered.

Postponement of sale.

91. *(1)* 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 payment the property shall be put up again and re-sold.

Payment of purchase-money

(2) 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.

92. *(1)* 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.

Proceeds of sale.

(2) 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 84 to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

(3) 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.

93. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, those officers, are forbidden to purchase, either directly or indirectly, property sold by those officers.

Officers holding sales not to purchase.

94. *(1)* The officer mentioned in section 82 shall bring to the notice of the Court any illegal act which may come to his knowledge as having been committed by any person in making a distress under this Act.

Illegal acts of distrainer to be reported.

(2) If in any case, on proceeding to hold a sale under this Act, that officer finds that the owner has not received due notice of the distress and 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 84, or make such other order as it thinks proper.

95. *(1)* When that officer has gone to any place for the purpose of holding a sale, and a sale does not take place either for the reason stated in section 94 or because the distrainer's demand has been previously satisfied, a charge of one anna for every rupee of the value of the distrained property, as estimated by the officer, shall be leviable by him on account of the expenses of the intended sale, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of its having been satisfied has been given by him to the officer.

Recovery of expenses where sale does not take place.

(2) If the distrainer's demand is 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 of the property as may be necessary.

(3) 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.

(4) The charge leviable under this section shall not exceed ten rupees in any case.

96. *(1)* 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 thereof is adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

Second proclamation of sale when arrears are adjudged to be due.

(2) On the application of the distrainer (which shall be made within five days from the receipt of the order by the officer), the officer shall publish a second proclamation in the manner prescribed in section 84, fixing another day for the sale of the distrained property, not being less than five or more than ten days from the date of the proclamation, and, unless the amount adjudged to be due with costs of distress is paid before that day, shall proceed to sell the property in the manner hereinbefore provided.

97. *(1)* 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 of the arrear.

Distrainer to prove the arrear in suit to contest his demand.

(2) If the demand or any part thereof is found to be due, the Court shall make in favour of the distrainer a decree for the amount so found.

(3) That amount may be recovered, if the distrained property has not been released on security, by sale of the distrained property as provided in section 96, and, if any balance remains due after the sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property has 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 the surety.

98. 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.

99. 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 that 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.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 100-107.—Chapter VIII.—Jurisdiction of the Courts.—Section 108.)

100. *(1)* When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Rules applicable to suit by third party.

(2) 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.

(3) If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

101. No claim to any produce liable to distress under this Act and found at the time of the distress in the possession of a defaulting tenant, whether the 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 the prior claim of the landlord.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

102. When 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 that arrear is claimed by or on behalf of any person other than the distrainer, on the ground of that other person being actually and in good faith in the receipt and enjoyment of the rent of the land, that other person shall be made 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 the inquiry:

Stranger claiming to be landlord and to have right of distress to be made a party.

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 that title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

103. 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 section 84 or section 99, 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 and sale.

Suit for illegal distress.

104. In any of the following cases, namely:—

Suit for illegal act of distrainer.

(*a*) if any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells, otherwise than in accordance with the provisions of this Act, any property for the recovery of an arrear of rent alleged to be due, or

(*b*) 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

(*c*) if the distress is not immediately withdrawn when any provision of this Act requires its withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

105. *(1)* If any person not empowered by this Act to distrain or sell, or not duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of the 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 the Act.

(2) The institution of a suit under sub-section *(1)* shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

106. *(1)* 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 the 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.

(2) If the case cannot be at once heard and determined, the Court may, if it thinks fit, require the person arrested to give security for his appearance whenever he may be required to appear, and, in default of the security being given, may commit him to the civil jail until the case is tried.

107. If the resistance to the distress or the removal of the distrained property is 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:

Punishment of offender.

Provided that the offender shall not be imprisoned under this section for a longer term than six months.

CHAPTER VIII.

JURISDICTION OF THE COURTS.

Suits cognizable.

108. Courts other than Courts of Revenue shall not take cognizance of the following descriptions of suits, and those suits shall be heard and determined in Courts of Revenue in the manner provided in this Act, and not otherwise:—

Suits cognizable under the Act.

A.—Suits by a Landlord—

(*1*) for the delivery by a tenant of the counterpart of a patta;

(*2*) for arrears of rent, or, where rent is payable in kind, for the money-equivalent of rent;

(3) for the enhancement of the rent of a tenant;

(4) for the ejectment of a tenant;

(5) against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of those patwáris or agents for money received or accounts kept by the patwáris or agents in the course of their employment as aforesaid, 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;

(7) for the delivery by a landlord of a patta;

(8) for contesting a notice of enhancement or ejectment;

(9) for compensation—

(a) on account of illegal enforcement of payment of rent, or of any sum in excess of rent due, or

(b) on account of the withholding of a receipt for a payment of rent, or

(c) on account of illegal ejectment, or

(d) on account of loss caused by the making of an improvement under section 29, sub-section (3), or

(e) on account of the value of standing crops under section 66;

(10) for the recovery of the occupancy of any land which has been treated by a landlord as abandoned or from which an under-proprietor or tenant 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 that power, or for compensation for illegal distraint;

(12) for abatement of rent in accordance with the provisions of section 18 or section 29, sub-section (4);

(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) to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32;

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs—

(15) by a sharer against a lambardár or co-sharer for a share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of those profits;

(16) by a lambardár, or by a 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, or 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 the lambardár on account of the joint lambardár;

(17) 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 withholding of a receipt for a payment of revenue or rent;

(18) by muafidárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts for the purposes of the Act.

109. For the purposes of this Act, there shall be five grades of Courts of Revenue, namely:—

(1) the Assistant Collector of the second class;

(2) the Assistant Collector of the first class;

(3) the Collector;

(4) the Commissioner;

(5) the Judicial Commissioner.

Power to invest officers with powers of Assistant Collector.

110. (1) The Chief Commissioner may from time to time confer upon any officer the powers of an Assistant Collector of the first or of the second class under this Act, and may at any time withdraw those powers.

(2) In conferring powers under this section the Chief Commissioner may empower persons specially by name or classes of officials generally by their official titles.

Deputy Commissioner to have Collector's powers.

111. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Investment of Settlement-officers with powers of Collector or Assistant Collector.

112. The Chief Commissioner may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector or Assistant Collector under this Act.

Jurisdiction of Assistant Collector of the 2nd class.

113. An Assistant Collector of the second class may try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 108, of which the value does not exceed one hundred rupees.

Jurisdiction of Assistant Collector of the 1st class.

114. An Assistant Collector of the first class may try and determine suits of every description of which the value does not exceed five thousand rupees.

Jurisdiction of Collector.

115. (1) The Collector may try and determine suits of every description without limit as regards the value, and hear appeals from decrees of Assistant Collectors of the second class, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, XIV of 1882. from orders of Assistant Collectors of the first and of the second class.

(2) Whenever the state of the public business so requires, the Chief Commissioner may invest any Assistant Collector of the first class with the powers of a Collector for the trial and determination of

suits and appeals under this Act, other than appeals from decisions of that Assistant Collector, and with the powers of a Deputy Commissioner under sections 24, 25 and 61, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

116. The Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Collectors and of Assistant Collectors of the first class, and, except where an appeal is prohibited by the Code of Civil IV of 1882. Procedure as applied by this Act, from original orders of Collectors.

Jurisdiction of Judicial Commissioner.

117. The Judicial Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Commissioners, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this IV of 1882. Act, from original orders of Commissioners, and, subject also to the provisions of that Code as so applied, appeals from appellate decrees and orders of Collectors and of Commissioners.

Appeals.

Limitation for appeals.

118. (1) Save as provided by sub-section (2) of this section, an appeal shall not lie—

(a) to the Collector—after the expiration of thirty days from the date of the decree or order complained of;

(b) to the Commissioner—after the expiration of sixty days from that date; or

(c) to the Judicial Commissioner—after the expiration of ninety days from that date.

(2) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limit- XV of 1877. ation Act, 1877.

Restrictions on appeals.

119. The decree or order of a Commissioner or of a Collector in a suit of value not exceeding one hundred rupees and of a description mentioned in clause (2), (5), (9), (11), (14), (15), (16), (17) or (18) of section 108, or in an appeal from a decree or order in any such suit, shall be final, unless a question of right to enhance or otherwise vary the rent of a tenant, or a 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 decree or order of the Commissioner or of the Collector, in which case the decree or order last-mentioned shall be open to appeal in the manner provided in this Act.

Appeal from orders of Deputy Commissioners acting as such.

120. An order of a Deputy Commissioner sanctioning a remission of rent under section 19, or granting or refusing an application under section 24, or determining the amount of the outlay on an improvement under section 25, or directing or refusing to direct the ejectment of a tenant under section 61, shall be subject to appeal to the Commissioner, whose order on the appeal shall be final.

Distribution of Business.

XIV of 1882. Power of Deputy Commissioner to distribute business.

121. Notwithstanding anything in the Code of Civil Procedure, the Deputy Commissioner may, by order in writing, direct that any business cognizable by him and the Courts subordinate to him shall be distributed among those Courts in such manner as he thinks fit:

Provided that a direction given under this section shall not empower any Court to exercise any power or deal with any business beyond the limits of its proper jurisdiction.

Transfer of Suits and other Proceedings.

Transfer of suits and other proceedings by Commissioners and Deputy Commissioners.

122. The Commissioner or Deputy Commissioner may withdraw any suit or other proceeding instituted in any Court subordinate to him, and try it himself, or refer it for trial to any other such Court competent to try it.

Transfer of suits and other proceedings by Judicial Commissioner.

123. The Judicial Commissioner may order that any suit or other proceeding pending in any Court subordinate to him shall be transferred to any other such Court competent to dispose of it.

Miscellaneous.

General subordination of Courts.

124. In the performance of their duties under this Act, Collectors shall be subordinate to, and subject to the direction and control of, Commissioners and the Chief Commissioner, and Assistant Collectors shall be subordinate to, and subject to the direction and control of, the Deputy Commissioners to whose districts they are respectively appointed:

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.

Suits by or against managing agents or tahsíldárs of estates held under direct management.

125. 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 direct management, whether those estates are the property of Government or not.

Sharer to exercise certain powers only through manager or lambardár.

126. (1) A sharer in a joint estate or under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall not 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.

(2) In pattidári estates or tenures those powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

(3) Nothing in this section shall be construed to affect any local custom or special contract.

Rent payable for land occupied without consent of landlord.

127. Any person in possession of land occupied without consent of the landlord shall be liable for the rent of that land at the rate payable in the previous year, or, if rent was not 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 that land have any of the statutory privileges conferred by this Act.

The Oudh Rent Act, 1886.

(Chapter VIII.—Jurisdiction of the Courts.—Section 128 —Chapter IX.—Limitation of Suits.—Sections 129-134.)
(Chapter X.—Procedure.—Sections 135-142.)

128. A Court may sit at any place within the local limits of its jurisdiction, or, in the case of an Assistant Collector, at any place within the limits of the district to which he is appointed.

Place of sitting of Courts.

CHAPTER IX.

LIMITATION OF SUITS.

129. 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, except as otherwise provided in this Act, be instituted within one year from the date of the accrual of the cause of action.

General limitation.

130. A suit for the delivery of a patta or the counterpart of a patta may be instituted at any time during the tenancy.

Suits for delivery of pattas or counterparts.

131. A suit by a tenant for the recovery of a holding which has been treated by a landlord as abandoned under section 21 shall be instituted within three months from the date on which the landlord entered upon the holding.

Suits for recovery of holdings treated as abandoned.

132. A suit for the recovery of an arrear of revenue or rent, or, where rent is payable in kind, for the money-equivalent of rent, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the last day of the month of Jeth of the Fasli year in which the arrear fell due.

Suits for arrears of revenue or rent or share of profits.

133. A suit 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 instituted at any time during the continuance of the agency or within one year after its determination.

Suits against agents for money, or delivery of accounts or papers.

134. A suit regarding distress under section 103, 104 or 105, or to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32, shall be instituted within three months from the date of the accrual of the cause of action.

Suits regarding distress and division or appraisement of produce.

CHAPTER X.

PROCEDURE.

135. The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions of this Act, apply to all suits and other proceedings under this Act.

Application of the Code of Civil Procedure to proceedings under this Act.

136. Every notice under this Act shall, if practicable, be served on the person to whom it is addressed or on an agent authorized by him to accept service on his behalf; but if that person or an agent so authorized cannot be found, service may be made by posting the notice at the usual place of residence of the person to whom the notice is addressed, or, if that person 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.

Mode of service of notices.

137. In addition to the particulars required by section 50 of the Code of Civil Procedure to be specified in the plaint, the plaint shall contain the following particulars, namely :—

Contents of plaints. XIV of 1882.

(a) the name of the village or estate, and of the pargana in which the land to which the suit relates is situate;

(b) if the suit is 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 of ejectment, or for the recovery of the occupancy or possession of any land, then the extent, situation and designation of the land to which the suit relates and, where fields have been numbered in a Government survey, the number (if it is possible to give it) of each field;

(c) if the suit is for recovery of an arrear of rent or revenue, then 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;

(d) if the suit is for the delivery of a patta or the counterpart of a patta, then all the particulars mentioned in section 8.

138. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of 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 the rent up to the time of the commencement of the suit, that 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 enquired into, and the suit shall be decided according to the result of the inquiry :

Third person claiming rent to be made a party.

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of the land to establish his title thereto in a Court of competent jurisdiction.

139. In suits under clauses (1), (2), (7), (10) and (11) of section 108, the summons to the defendant shall be for the final disposal of the suit.

Summons to defendant to be, for final disposal in certain suits.

140. 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.

Set-off in suits for arrears of rent.

141. When an arrear of rent remains due from any tenant, he shall be liable to pay interest on the arrear at the rate of one per cent. per mensem.

Interest on arrears of rent.

142. *(1)* 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 the making of the deposit.

Payment of money into Court by defendant.

(2) Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

(3) From the date of the making of a deposit under this section, interest shall not be allowed to the plaintiff on the sum deposited, whether that sum be in full of the plaintiff's claim or fall short thereof.

The Oudh Rent Act, 1886.

(Chapter X.—Procedure.—Sections 143-155.)

143. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in the last foregoing section shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Proceeding for balance where defendant pays less than amount claimed.

144. *(1)* A Court may, if it thinks fit, itself make a local investigation instead of issuing a commission under section 392 of the Code of Civil Procedure.

Making of local investigations by Court. XIV of 1882.

(2) When the Court itself makes a local investigation, the provisions of section 393 of that Code with respect to the recording of evidence shall apply to the Court, and any observations which the Court sees fit to record on its proceedings shall be received as evidence in the suit.

Decrees.

145. A process of execution shall not be issued on a decree under this Act when the application for the issue of the process is made after the lapse of three years from the date of the decree, unless the decree is for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law for the time being in force as to the period allowed for the execution of decrees of Civil Courts.

Time for the making of applications for execution.

146. 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

147. 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 the enhancement shall take effect.

Decree for enhancement to state date of commencement of enhancement.

148. *(1)* If the decree is 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.

(2) The imprisonment and attachment may be continued until the party complies with the terms of the decree :

Provided that he shall not be imprisoned under this section for a longer period than six months.

149. A decree for the delivery of a patta or of the counterpart of a patta shall specify all the particulars mentioned in section 8, and such other particulars in accordance with the provisions of this Act as the Court deems fit.

Decrees for patta or counterpart to specify certain particulars.

150. If the decree is for the delivery of a patta or the counterpart of a patta, and the party ordered to deliver the patta or counterpart neglects or refuses to do so, the Court may grant a patta or counterpart in conformity with the terms of the decree, and that patta or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Grant of patta or counterpart in case of defendant's refusal.

151. If the decree is for money, a process in execution shall not issue against the immoveable property of the judgment-debtor, other than for attachment of that property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

152. If the decree is for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in that 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.

153. A beneficial lease or other incumbrance created by an under-proprietor on his tenure after the twenty-second day of July, 1868, shall not be valid in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless the 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 those rights and interests.

Registration of incumbrance created by under-proprietor.

154. *(1)* 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 the part of that rent, as the case may be, 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.

(2) Where after the passing of this Act an under-proprietor transfers his rights or any part thereof in land, and the transferee enters into possession, the transferee shall, subject to any agreement in writing with the proprietor to the contrary, be liable to pay to the proprietor any arrears of rent due in respect of the land at the date of the transfer.

155. *(1)* 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.

The Oudh Rent Act, 1886.

Chapter XI.—General.—Sections 156-158.)
(Schedule A.—Schedule B.—Schedule C.—Schedule D.)

(2) A like claim may be made, if the land is a proprietary tenure, by an under-proprietor, and if the land is an under-proprietary tenure, by a proprietor.

(3) Any claim made under this section shall be allowed:

Provided that, if a claim to the same land or lot is made by a proprietor or under-proprietor as well as by a co-sharer, the claim of the co-sharer shall prevail:

Provided also that a claim shall not be allowed unless the claimant fulfils all the conditions of the sale binding on a purchaser.

CHAPTER XI.

GENERAL.

Registration of statutory pattas unnecessary.

156. Notwithstanding anything in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom section 36 or section 37 of this Act applies shall be deemed good and valid without their being registered.

Exclusion of specified areas from certain provisions of the Act.

157. The provisions of sections 4, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 shall not extend to the areas specified in Schedule D to this Act, or to any other area which the Chief Commissioner may from time to time, by notification in the local official Gazette, add to that schedule, but the Chief Commissioner may from time to time, by like notification, extend those provisions, or any of them, to any of those areas.

Power to make rules.

158. (1) The Chief Commissioner 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.

(2) The Chief Commissioner shall, before making rules under this section, publish a draft of the proposed rules in such manner as, in his opinion, is sufficient.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Chief Commissioner 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) Every rule made under this section shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and that publication shall be conclusive proof that the rule has been made as required by this section.

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 (revenue *or*) rent of the lands of , [held *or*] cultivated by him under [or from *or* jointly with] the said *E.* is annually payable) of the sum of rupees and for the whole amount due from me in respect of the (revenue *or*) 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 to the said *E. F.* on account of the (revenue *or*) rent of the said lands from the month of to the month of , both inclusive, and that I owe to the said *E. F.* no further sum on account of the (revenue *or*) 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.

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 recognized 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 (revenue *or*) rent of the said lands, you must institute a suit in Court for the establishment of that claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 84.)

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 are hereby 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 157.)

(1) Parganas Kukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Dhaurahra and Firozabad in the district of Kheri;

(2) alluvial mahâls for the time being registered as such under the rules made under clause (5) of section 220 of the Oudh Land-revenue Act, 1876; XVII of 1876.

and

(3) lands heretofore or hereafter granted under the waste-land rules for the time being in force in Oudh.

† This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 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.

[Third publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th September, 1886, and is hereby promulgated for general information:—

ACT NO. XVIII OF 1886.

An Act 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:—

New section inserted after section 6.

1. After section 6 the following shall be inserted, namely:—

Detention of supposed lunatics under observation.

"6 A. (1) Where a person found wandering at large who is deemed to be a lunatic, or where a person believed to be dangerous by reason of lunacy, is apprehended and sent to the Magistrate or the Commissioner of Police, or where, on report or information that a person deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected, the Magistrate or the Commissioner of Police sends for him and then determines to proceed as prescribed in section 4 of this Act, the Magistrate or the Commissioner of Police, on the request of the medical officer, may, by order in writing, authorise the detention of the supposed lunatic for such time, not exceeding ten days, as, in the opinion of the Magistrate or the Commissioner of Police, may be necessary to enable the medical officer to form an opinion on the question whether or not the supposed lunatic is a person with respect to whom a certificate in the form A in the schedule to this Act ought to be signed.

"(2) If the medical officer certifies further detention than has been authorised under sub-section (1) to be necessary to enable him to form his opinion on that question, the Magistrate or the Commissioner of Police may from time to time, by order in writing, authorise such further detention as he deems to be necessary:

"Provided that a supposed lunatic shall not be detained for the purpose of this section for a longer time than fourteen days from the date on which the first order authorising his detention for that purpose is made.

"(3) The Executive Government may from time to time make rules as to the place of detention and the care and treatment of supposed lunatics detained under this section."

Amendment of section 9.

2. To section 9 the words "Subject to the provisions of any enactment for the time being in force," shall be prefixed.

New sections to follow section 17.

3. After section 17 the following shall be inserted, namely:—

Provision for provinces not having asylums.

"17A. 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.

Use of provincial asylums as presidency asylums for purposes of the Act.

"17B. The Governor-General in Council may from time to time, by order, direct, with respect to any part of British India which is not annexed to a presidency or, being annexed to the presidency of Fort William, Fort Saint George or Bombay, is situated at a greater distance than three hundred miles from Calcutta, Madras or Bombay, respectively, that any lunatic asylum in British India named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of this Act."

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend Act XXXVI of 1858 was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend Act XXXVI of 1858 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 Assistant Secretary to Chief Commissioner, Central Provinces, No. 182—9, dated 21st January, 1886 [Paper No. 1].
From Secretary for Berar to Resident, Hyderabad, No. 14G., dated 19th January, 1886 [Paper No. 2].
From Secretary to Chief Commissioner, Assam, No 224, dated 27th January, 1886 [Paper No. 3].
From Officiating Secretary to Chief Commissioner, British Burma, No. 534—4L., dated 29th January, 1886 [Paper No. 4].
From Chief Commissioner, Ajmer-Merwára, No. 294C., dated 3rd February, 1886 [Paper No. 5].
From Under-Secretary to Government, Bombay, No. 522, dated 9th February, 1886, and enclosures [Papers No. 6].
From Acting Chief Secretary to Government, Madras, No. 355, dated 9th February, 1886, and enclosures [Papers No. 7].
From Secretary to Government, North-Western Provinces and Oudh, No. 384—VI-590-6, dated 19th February, 1886, and enclosure [Papers No. 8].
From Registrar, High Court, Calcutta, No. 502, dated 23rd February, 1886 [Paper No. 9].
From Secretary to Chief Commissioner, Coorg, No. 283—12, dated 1st March, 1886 [Paper No. 10].
From Officiating Secretary to Government, Bengal, No. 1604, dated 1st April, 1886 [Paper No 11].
From Secretary to Government, Punjab, No. 319, dated 19th March, 1886, and enclosures [Papers No. 12].

2. The Bill as introduced was approved by the authorities to whom it was referred, but further amendments of the Act were proposed by the Governments of Bengal and the Punjab.

3. The former Government drew attention to the absence of any provision authorising the detention of supposed lunatics for observation, and the latter to the inconvenience ensuing from the provision which requires lunatics who are not natives of the country to be sent in all cases to an asylum at the presidency.

4. It appeared to us that express provision ought to be made for the detention of supposed lunatics. As a matter of practice they are detained, for in many cases the medical officer is not in a position to form an opinion on the question whether or not a person is a lunatic until he has had the person under observation for some days. The detention is probably legal where it is authorised by the Magistrate (I. L. R. 9 Cal. 341), but it is desirable that there should be no room for doubt as to the legality of a practice which is in fact absolutely necessary. We considered it desirable, however, before submitting our Report, to consult Local Governments, and we therefore circulated a draft clause proposing, in accordance with the advice of the Surgeon-General, a period of ten days as the maximum term of detention for purposes of observation. We have now, after considering the replies to our circular, proposed to extend the term to fourteen days, and to authorise Local Governments to make rules as to the place of detention, and the care and treatment, of supposed lunatics.

5. The proposal of the Punjab Government with respect to the establishment of asylums at other places than the presidency-towns for lunatics who are not natives of the country was referred by us to other Local Governments, and has been approved by them. We have provided, therefore, that the Governor-General in Council may, with respect to any part of British India which is not annexed to a presidency, or is more than three hundred miles from a presidency-town, direct that any lunatic asylum named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of the Act.

6. Section 9 of the Act empowers the visitors of a lunatic asylum to order the discharge of any person detained in the asylum. As the Code of Criminal Procedure, 1882, and the Prisoners Act, 1871, reserve that power in certain cases to other authorities, we have proposed to prefix to that section an express saving of the provisions of other enactments.

7. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	26th December, 1885, and 2nd and 9th January, 1886.
Fort Saint George Gazette	13th January, 1886.
Bombay Government Gazette	7th, 14th and 21st January, 1886.
Calcutta Gazette	6th January, 1886.
North-Western Provinces and Oudh Government Gazette.	2nd, 9th and 16th January, 1886.
Punjab Government Gazette	7th, 14th and 21st January, 1886.
Central Provinces Gazette	2nd, 9th and 16th January, 1886.
British Burma Gazette	16th, 23rd and 30th January, 1886.
Assam Gazette	16th, 23rd and 30th January, 1886.
Coorg District Gazette	1st February, 1886.
Sindh Official Gazette	4th February, 1886.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bombay	Maráthi ...	25th January, 1886.
	Gujaráthi ...	26th January, 1886.
	Kanarese ...	27th January, 1886.
	Sindhi ...	11th February, 1886.
Bengal	Bengali ...	26th January, 1886.
	Hindi ...	26th January, 1886.
	Uriya ...	4th February, 1886.

8. 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 10th September, 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 24th September, 1886, and is hereby promulgated for general information :—

ACT NO. XIX OF 1886.

An Act to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council.

WHEREAS certain functions which are by enactments in force in the North-Western Provinces assigned to the Governor-General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized ;

And whereas the functions assigned to the Governor-General in Council by Regulation LII of 1803 (*for establishing a Court of Wards in the Provinces ceded by the Nawab Vazir to the Honourable the English East India Company*), which Regulation was extended to the Conquered Provinces by section 29, Regulation VIII, 1805, and to the Province of Benares by section 2, Regulation VI, 1822, were up to the twenty-second day of December, 1873, discharged by the Lieutenant-Governor of the North-Western Provinces, and it is expedient that their discharge by the said Lieutenant-Governor up to that date should be validated ;

It is hereby enacted as follows :—

Transfer to Lieutenant-Governor of certain functions of Governor-General in Council.

1. The sections of the enactments in the schedule to this Act which are specified in the third column of that schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor-General in Council.

Validation of exercise by Lieutenant-Governor of functions of Governor-General in Council under Regulation LII of 1803.

2. Sections 3, 7, 9 and 17 of Regulation LII of 1803 shall be deemed to have had effect in the North-Western Provinces as if the words "or the Lieutenant-Governor of the North-Western Provinces" had been inserted in those sections after the words "Governor-General in Council" wherever the latter words occur.

THE SCHEDULE.

(See section 1.)

(*a*) *Bengal Regulations.*

Number and year.	Subject.	Sections.
1	2	3
V of 1799	To limit the interference of the Zilá and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
IX of 1833.	For (*among other matters*) the more extensive employment by Native agency in the Revenue Department.	16, 17 & 25.

(*b*) *Act of the Governor-General in Council.*

Number and year.	Subject.	Section.
XII of 1856.	To amend the law respecting the employment of amíns by the Civil Courts in the Presidency of Fort William.	2

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to regalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886 :—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor-General in Council was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 574—17L., dated 19th September, 1884, and enclosure [Papers No. 1].
From Officiating Secretary to Chief Commissioner, Assam, No. 1520, dated 20th September, 1884 [Paper No. 2].
From Officiating Secretary to Government, Punjab, No. 572S., dated 29th September, 1884, and enclosures [Papers No 3].
From Chief Commissioner, Ajmer-Merwára, No. 841, dated 3rd October, 1884 [Paper No. 4].
From Secretary to Chief Commissioner, Central Provinces, No. 360., dated 26th October, 1884, and enclosure [Papers No. 5].
From Secretary to Government, North-Western Provinces and Oudh, No. 121—XIII-10-5, dated 8th August, 1884, and enclosures [Papers No. 6].

2. We have removed Regulation LII of 1800 from the schedule to the Bill, because the Mirzapur Stone Mahál Act, 1886, seems to us to render its retention unnecessary.

3. We have proposed in an additional section to validate the exercise by the Lieutenant-Governor of the North-Western Provinces of the powers of the Governor-General in Council under Regulation LII of 1803 which the Lieutenant-Governor seems to have exercised without question throughout the forty years which elapsed between the constitution of his office and the repeal of the Regulation. When the Bill was under consideration some two years ago, the interests of the parties to a suit then pending might have been affected by the validation of the exercise of these powers, and it was therefore decided that our Report should be delayed till the suit had been disposed of. There is now, so far as we are aware, no litigation before any Court which can be influenced in any way by the enactment of the section which we propose to add to the Bill.

4. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	23rd and 30th August, and 6th September, 1884.
North-Western Provinces and Oudh Government Gazette	30th August, and 6th and 13th September, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh ...	Urdu ...	20th and 27th September, and 4th October, 1884.

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.
J. W. QUINTON.

The 14th September, 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 24th September, 1886, and is hereby promulgated for general information :—

ACT NO. XX OF 1886.

An Act to declare the law in force in Upper Burma.

WHEREAS the territories which were formerly governed by King Thebaw have become part of British India;

And whereas it is expedient to declare the law in force in those territories, and for this purpose to distinguish between those territories and the territories which were under the administration of the Chief Commissioner of British Burma on the thirty-first day of December, 1885;

It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Upper Burma Laws Act, 1886.

(*2*) This section and sections 2, 3, 4 and 5 shall come into force at once, and the rest of the Act shall come into force on such date (hereinafter called the commencement of this Act), within four months from the passing of the Act, as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Constitution of Province of Burma.

2. (*1*) The following territories shall constitute a province to be known as Burma, namely :—

(*a*) the territories formerly governed by King Thebaw, which shall be known as "Upper Burma"; and

(*b*) the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885, which shall be known as "Lower Burma."

(*2*) The Local Government, with the previous sanction of the Governor-General in Council, may from time to time, by notification in the official Gazette, transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and from that date the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(*3*) When any portion of Upper Burma is transferred to Lower Burma, the Scheduled Districts Act, 1874, shall, unless the Governor-General in Council otherwise directs, continue to be in force therein. XIV of 1874.

(*4*) When any portion of Lower Burma is transferred to Upper Burma, the Governor-General in Council may direct that that Act shall come into force therein.

Division of Upper Burma into divisions, districts, sub-divisions, townships and circles.

3. The Local Government may, for administrative purposes,—

(*a*) with the previous sanction of the Governor-General in Council, divide Upper Burma into divisions, and each of those divisions into districts, and from time to time vary the limits of those divisions and districts; and

(*b*) of its own authority, divide each of those districts into sub-divisions, each of those sub-divisions into townships, and each of those townships into circles, and from time to time vary the limits of those sub-divisions, townships and circles.

Construction of expressions "British Burma Gazette" "British Burma" and "Burma" in existing enactments.

4. Where in any enactment in force at the passing of this Act in the territories referred to in section 2, sub-section (*1*), clause (*b*), there occurs the expression "British Burma Gazette", or the expression "British Burma" or "Burma" (except where the expression "Burma" occurs in the Petroleum Act, 1886, section 3); it shall be construed as referring to the Burma Gazette or to Lower Burma, as the case may be. XII of 1886.

Repeal of enactments.

5. The enactments specified in the first schedule to this Act, having been rendered unnecessary by the incorporation of Upper Burma in British India, are repealed to the extent mentioned in the third column of the schedule.

Law in force in Upper Burma exclusive of the Shan States.

6. (*1*) Subject to the provisions of any Regulation under the Statute 33 Victoria, chapter 3, so much of each of the enactments specified in the second schedule to this Act as is at the commencement of this Act in force in any part of Lower Burma which is not included in a scheduled district as defined in the Scheduled Districts Act, 1874, shall be deemed to be in force in Upper Burma generally, or in the Town of Mandalay only, according as the enactment is specified in the First or Second Part of the schedule. XIV of 1874.

(2) An enactment not specified in that schedule shall not be deemed to be or to have been in force in Upper Burma or in any part of Upper Burma unless it is expressed, by special mention of Upper Burma or a part of Upper Burma, to extend thereto, or after the commencement of this Act is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

(3) The Local Government may, from time to time, with the previous sanction of the Governor-General in Council, by notification in the official Gazette, declare that any enactment which is specified in that schedule or which may hereafter be extended in exercise of any such powers as aforesaid, shall no longer be in force in Upper Burma or in any part of Upper Burma specified in the notification.

(4) The limits of the Town of Mandalay for the purposes of this Act shall be the limits for the time being of the local area subject to the ordinary original jurisdiction of the Civil Court of Mandalay.

(5) This section does not extend to the Shan States.

Modification of certain enactments in force in Upper Burma exclusive of the Shan States.

7. (1) The following enactments specified in the First Part of the second schedule to this Act shall, in Upper Burma, be read subject to the following modifications, namely :—

(a) in Act VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*), for the last sixteen words of section 4, the words "or of any person or property exempted by order of the Local Government from payment of tolls" shall be substituted ;

(b) in Act V of 1861 (*an Act for the Regulation of Police*), to section 2 the words "All Thugyis and Myothugyis for the time being holding office shall be police-officers, and shall be deemed to have been formally enrolled under this Act" shall be added ;

(c) in Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*), after section 5 the section and schedule in the third schedule to this Act shall be added ;

1 of 1872. (d) in the Indian Evidence Act, 1872, after the words "police officer" in section 25 the words "who is not a Magistrate" shall be inserted ;

XIX of 1876. (e) in the Dramatic Performances Act, 1876, the words "within such area" shall be omitted from the third paragraph of section 10, and for the first two paragraphs of that section the following shall be substituted, namely :—

"No dramatic performance shall take place except under a license granted by the District Magistrate or such officer as the District Magistrate may appoint in this behalf.

"Any person who promotes or takes part in any dramatic performance in contravention of the foregoing portion of this section shall be punishable, on conviction before a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

(2) This section does not extend to the Shan States.

Law in the Shan States.

8. (1) The Local Government, with the previous sanction of the Governor-General in Council, may, by notification in the official Gazette, from time to time extend to all or any of the Shan States any enactment which is in force in any part of Upper Burma at the date of the extension, and at any time withdraw all or any of those States from the operation of any enactment so extended.

(2) Unless and until extended under sub-section (1), an Act of the Governor-General in Council shall not be in force in any Shan State.

(3) 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 what territories constitute the Shan States for the purposes of this and the two last foregoing sections.

Power for Courts to construe enactments with necessary alterations.

9. For the purpose of facilitating the application of any enactment for the time being in force in Upper Burma, any Court in Upper Burma may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

Validation of acts done after 17th November, 1885.

10. All acts of executive authority, proceedings, decrees and sentences, which have been done, taken or passed in Upper Burma since the seventeenth day of November, 1885, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Local Government, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before commencement of this Act.

11. All rules, orders or instructions made or issued after the seventeenth day of November, 1885, and before the commencement of this Act, for the guidance of officers engaged in the administration of Upper Burma shall be deemed to have had the force of law, and shall, so far as they are consistent with this Act, continue to have the force of law until they are withdrawn, or are superseded by any Act of the Governor-General in Council, or by any Regulation under the Statute 33 Victoria, chapter 3, or by any enactment extended to Upper Burma, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

THE FIRST SCHEDULE.

(*See section 5.*)

ENACTMENTS REPEALED.

Number and year.	Subject.	Extent of repeal.
1	2	3
Act XXX of 1854.	An Act to provide for the levy of Duties of Customs in the Arakan, Pegu, Martaban and Tenasserim Provinces.	So much as has not been repealed.
Act IV of 1863.	An Act to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burma.	So much as has not been repealed.
Act XII of 1864.	An Act to give further effect to the provisions of Act IV of 1863.	So much as has not been repealed.
Act XXIII of 1872.	An Act for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava.	The whole.

THE SECOND SCHEDULE.

(*See section 6.*)

FIRST PART.

Enactments declared in force in Upper Burma generally.

Number and year.	Subject.
BENGAL REGULATIONS.	
XI of 1812 ...	Removal of Foreign Emigrants.
III of 1818 ...	State Prisoners.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.	
V of 1843 ...	Slavery.
XVIII of 1850 ...	Protection of Judicial Officers.
XIX of 1850 ...	Apprentices.
XXXIV of 1850 ...	State Prisoners.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*contd.*

Enactments declared in force in Upper Burma generally—contd.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*contd.*	
XXXVII of 1850 ...	Inquiries into behaviour of Public Servants.
VIII of 1851 ...	Tolls on Roads and Bridges.
XXX of 1852 ...	Naturalization of Aliens.
II of 1853 ...	Burdens on Land.
XII of 1855 ...	Executors and Administrators.
XIII of 1855 ...	Compensation for death caused by actionable wrong.
XXIV of 1855 ...	Penal Servitude.
XI of 1857 ...	State Offences.
III of 1858 (s. 5) ...	State Prisoners.
XXXV of 1858 ...	Lunatics.
XXXVI of 1858 ...	Lunatic Asylums.
IX of 1859 (except s. 18, last para.).	Forfeited Property.
XV of 1859 ...	Inventions.
IX of 1860 ...	Disputes between Workmen and Employers.
XXVII of 1860 ...	Collection of Debts on Successions.
XLV of 1860 ...	Penal Code.
V of 1861 ...	Police.
III of 1864 ...	Foreigners.
VI of 1864 (except s. 6).	Whipping.
III of 1865 ...	Carriers.
X of 1865 ...	Succession.
XIV of 1866 ...	Post Office.
III of 1867 ...	Public Gambling.
XXV of 1867 ...	Printing-Presses and Newspapers.
XXXII of 1867 ...	Chief Commissioners' Powers.
I of 1868 ...	General Clauses.
IV of 1869 ...	Divorce.
V of 1869 ...	Indian Articles of War.
XV of 1869 ...	Prisoners' Testimony.
XX of 1869 ...	Volunteers.
VII of 1870 ...	Court-fees.
XX of 1870 ...	Court-fees Act Amendment.
XXIII of 1870 ...	Coinage.
XXVI of 1870 ...	Prisons.
XXVII of 1870 ...	Penal Code Amendment.
I of 1871 ...	Cattle-trespass.
V of 1871 ...	Prisoners.
XXIII of 1871 ...	Pensions.
I of 1872 ...	Evidence.
XIII of 1872 ...	Patterns and Designs.
XV of 1872 ...	Christian Marriage.
XVIII of 1872 ...	Evidence Act Amendment.
XIX of 1872 ...	Penal Code Amendment.
II of 1873 ...	Burma Ferries.

THE SECOND SCHEDULE—*concld.*

FIRST PART—*concld.*

Enactments declared in force in Upper Burma generally—concld.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*concld.*	
X of 1873 ...	Oaths.
XIV of 1873 ...	Lunatic Soldiers.
IV of 1874 ...	Foreign Recruiting.
IX of 1874 ...	European Vagrancy.
XIV of 1874 ...	Scheduled Districts.
V of 1875 ...	Native Soldiers.
IX of 1875 ...	Majority.
XIII of 1875 ...	Probates.
XI of 1876 ...	Presidency Banks.
XIX of 1876 (except s. 12).	Dramatic Performances.
I of 1877 (s. 9) ...	Specific Relief.
II of 1877 ...	Probates.
XI of 1877 ...	Military Lunatics.
XV of 1877 ...	Limitation.
VI of 1878 ...	Treasure Trove.
XI of 1878 ...	Arms.
I of 1879 ...	Stamps.
III of 1879 (ss. 2, 4 and 8). ...	Destruction of Records.
IV of 1879 ...	Railways.
V of 1879 ...	Presidency Banks Act Amendment.
XXI of 1879 ...	Extradition.
III of 1880 ...	Cantonments.
V of 1881 (s. 153)	Probate and Administration.
III of 1882 (s. 3) ...	Seditious Publications.
VI of 1882 ...	Companies.
VIII of 1882 ...	Penal Code Amendment.
IX of 1882 ...	Prisoners Act Amendment.
XX of 1882 ...	Paper Currency.
IV of 1883 ...	Railways.
XIX of 1883 ...	Land Improvement Loans.
XVI of 1884 ...	Burma Gaming.
XIII of 1885 ...	Telegraphs.
X of 1886 (ss. 21-25, both inclusive).	Penal Code and Prisoners' Act Amendment.
XIII of 1886 ...	Securities.

SECOND PART.

Enactments declared in force in the Town of Mandalay only.

Number and year.	Subject.
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.	
XI of 1865 ...	Mufassal Small Cause Courts.
IX of 1872 ...	Contracts.
I of 1877 ...	Specific Relief.
V of 1881 ...	Probate and Administration.
XXVI of 1881 ...	Negotiable Instruments.
XIV of 1882 ...	Code of Civil Procedure.
II of 1885 ...	Negotiable Instruments Act Amendment.
IV of 1886 ...	Contract Act Amendment.

THE THIRD SCHEDULE.

(See section 7, sub-section (1), cl. (c).)

ADDITION TO ACT VI OF 1864.

"6. (*1*) Notwithstanding anything in the foregoing sections of this Act, a person convicted of an offence specified in the schedule to this Act, or of any offence which the Local Government, with the previous sanction of the Governor-General in Council, may add to that schedule, may be punished with whipping, either in lieu of, or in addition to, any other punishment to which he may be liable.

"(*2*) The Local Government may at any time suspend the operation of this section in whole or in part in any district or part of a district, and, with the previous sanction of the Governor-General in Council, remove the suspension of its operation."

"THE SCHEDULE.

(See section 6, sub-section (1).)

Section of Indian Penal Code.	Offence.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retaining after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.

THE THIRD SCHEDULE—*contd.*

Section of Indian Penal Code.	Offence.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire or explosive substance with intent to cause damage to the amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences."

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to declare the law in force in Upper Burma was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare the law in force in Upper Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Chief Commissioner, Burma, No. 88—130, dated 4th September, 1886, and enclosures.
From Secretary to Chief Commissioner, Burma, No. 84—130, dated 4th September, 1886, and enclosures.

2. We have, in accordance with the advice of the Chief Commissioner, provided in section 1 that certain portions of the Bill shall not come into force at once. It is desirable that sections 6 to 11 of the Bill, as amended by us, should not have effect until the Civil and Criminal Justice Regulations, which have been drawn, and for the most part settled, have been finally proposed by the Chief Commissioner and have received the assent of the Governor-General under the Statute 33 Victoria, chapter 3.

3. Section 3, regarding the division of Upper Burma into divisions, districts, sub-divisions, townships and circles, will serve the purposes of the Regulations which the Chief Commissioner is about to propose.

4. Section 4 has been so modified as to cover, it is believed, the language of all enactments in force in Lower Burma.

5. Section 6 has been so amended as to define more precisely the local area to which the Second Part of the Second Schedule is to apply. The Shan States are excluded from the operation of this and the next following section.

6. *Section 7.*—(1) The section (7) which it was proposed to add to Act VI of 1864 will be rendered unnecessary by the application to Upper Burma of sections 390 to 395 of the Code of Criminal Procedure by the proposed Criminal Justice Regulation.

(2) It is proposed to amend section 25 of the Indian Evidence Act, 1872, in its application to Upper Burma, because Thugyis and Myothugyis will, besides being police-officers, be local Magistrates and Judges.

(3) The modification of section 10, Act XIX of 1876, will substantially continue the law as it was found in Upper Burma with respect to *pwés* or dramatic entertainments, and as it seems desirable to maintain that law for the present.

7. Section 8 provides that British Indian law shall not extend *proprio vigore* to any of the Shan States.

8. Sections 9, 10 and 11 remain, with slight modifications, as they were in the Bill as introduced.

9. We have added some Acts to the First Part of the Second Schedule. Among them are the Court-fees and Stamp Acts, the Presidency Banks Acts, the Indian Companies Act and the Land Improvement Loans Act. The operation of the Court-fees and Stamp Acts will be limited by notifications to be issued when those Acts come into force. The fact that the Bank of Bengal contemplates the establishment of a branch at Mandalay necessitates the extension of the Presidency Banks Acts. The Indian Companies Act may be required at any time; and the local authorities advise the extension of the Land Improvement Loans Act for the purposes of loans to be made for irrigation-works.

10. The jurisdiction to be conferred on, and the rules to be prescribed for, the Civil Court of Mandalay will render necessary the extension of the Provincial Small Cause Courts Act, XI of 1865, and the Code of Civil Procedure to the Town of Mandalay.

11. Other amendments of the Bill do not call for remark.

12. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	... 14th, 21st and 28th August, 1886.
British Burma Gazette	... 4th, 11th and 18th September, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
Burma ...	.... Burmese ...	... 11th and 18th September, 1886.

13. 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.
A. COLVIN.

The 20th September, 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 24th September, 1886, and is hereby promulgated for general information:—

ACT NO. XXI OF 1886.

An Act 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 and 1838, loans, known respectively as the 1st, 3rd and 6th Oudh loans, were made by the Rulers of Oudh to the Honourable 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 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;

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.

Application of Act XXIII of 1871 to Wasikas. 2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are pensions within the meaning of the Pensions Act, 1871, and that Act shall apply to them as if they were pensions of the classes referred to in sections 4 and 11 of that Act. XXIII of 1871.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions 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 Chief Secretary to Government, North-Western Provinces and Oudh, No. 4281A.—X.-F.-42, dated 30th August, 1886, and enclosure [Papers No. 1].
From Messrs. Harriss and Simmons, Solicitors, Calcutta, dated 8th September, 1886.

2. The Government of the North-Western Provinces and Oudh having reported that the pensions payable under the Treaty of the year 1829, under which the 5th Oudh loan was made to the Honourable the East India Company, have all been commuted, we have removed section 3 of the Bill as introduced and so much of the preamble as had reference to that section.

3. Exception having been taken to some of the pensions being described as "conferred by a former Government and continued by the British Government on political considerations," we have re-drawn section 2 of the Bill so as to make it clear that the allowances are dealt with as pensions of that nature only for the purpose of barring the Civil Courts from

entertaining suits relating to them and of protecting them from attachment at the instance of creditors.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	12th, 19th and 26th June, 1886.
North-Western Provinces and Oudh Government Gazette ...	19th and 26th June, and 3rd July, 1886.

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.

J. W. QUINTON.
C. P. ILBERT.
A. COLVIN.

The 14th September, 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 1st October, 1886, and is hereby promulgated for general information:—

ACT NO. XXII OF 1886.

THE OUDH RENT ACT, 1886.

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An Act to consolidate and amend the law relating to Rent in Oudh.

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:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. *(1)* This Act may be called the Oudh Rent Act, 1886.

(2) Save as provided thereby, it shall extend to the territories for the time being comprised in the Province of Oudh; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Act on the Chief Commissioner 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.

The Oudh Rent Act, 1886.

(Chapter I.—Preliminary.—Sections 2-4.—Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Section 5.)

2. *(1)* The Oudh Rent Act, XIX of 1868, is hereby repealed, but all notifications published and rules made under that Act shall, so far as may be, be deemed to have been published and made under this Act. Repeal.

(2) The following enactments also are hereby repealed, namely:—

(a) section 40 of the Oudh Civil Courts Act, XXXII of 1871;

(b) sections 23 and 24 of the Oudh Laws Act, XVIII of 1876; and

(c) section 1 of Act XIV of 1878.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act, unless there is something repugnant in the subject or context, Definitions.

(1) "Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

(2) "suit" means a suit under this Act:

(3) "land" includes the ungathered produce of land, whether spontaneous or not, and whether growing in earth or in water, but shall not include land for the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as that land is not let to agricultural tenants:

(4) "revenue" means money payable to the Government on account of land: in sections 34 and 35 it means land-revenue only:

(5) "rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or on account of any right in land, or on account of the use of water for irrigation:

(6) "proprietor" does not include an under-proprietor; and 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:

(7) "proprietary right" means a proprietor's right in land:

(8) "under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

(9) "under-proprietary right" means an under-proprietor's right in land:

(10) "tenant" means any person, not being an under-proprietor, who is liable to pay rent; and in the following portions of this Act, namely, sections 13, 14, 15, 17, 18, 29, 53, 54, 55, sub-sections (1) and (2), 56, 59, 60, 61, 62, 108, 126 and 138, but in no others, the expression "tenant" shall be held to include a thekadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:

(11) "landlord" means any person to whom an under-proprietor or a tenant is liable to pay rent:

(12) "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, and includes the guardian of a minor and the legal curator of a lunatic or idiot:

(13) "prescribed" means prescribed from time to time by the Chief Commissioner by rules under this Act:

(14) "registered" means registered under any Act for the time being in force for the registration of documents:

(15) "signed" includes marked, when the person making the mark is unable to write his name: and

(16) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

4. *(1)* 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.

(2) 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.

(3) Where land not previously cultivated has been or is hereafter let by a landlord to a tenant, either after being reclaimed by or at the expense of the landlord or for the purpose of being reclaimed by the tenant, nothing in this section shall be construed to affect the conditions of any contract relating to that land until fourteen years have elapsed from the date on which the land was first brought under cultivation.

(4) Where land has remained uncultivated during a period of seven years, it shall for the purposes of the last foregoing sub-section be deemed to have not been previously cultivated.

(5) This section does not apply to tenants having a right of occupancy or to sub-tenants.

CHAPTER 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 those lands 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 entered into between a landlord and tenant after the twenty-second day of July, 1868.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 6-16.)

6. Nothing in the last foregoing section shall be construed to restrict the power of a landlord to confer by registered document on any persons other than those mentioned in that section a right of occupancy in the lands which they hold or cultivate. Saving of power to confer right of occupancy.

7. If a tenant having a right of occupancy is ejected, in accordance with the provisions of section 52, from the land in which he possesses the right, he shall thereupon lose his right of occupancy in that land. Loss of right of occupancy.

Tenants' Right to Pattas.

8. Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the tenancy, signed by the landlord or his authorized agent, and containing the following particulars, namely:— Tenant's right to patta.

(a) the quantity of land and, where the fields comprised in the patta have been numbered in a Government survey, the number of each field;

(b) the term for which the tenancy is to run;

(c) the amount of rent payable;

(d) the instalments in which and the times at which that amount is to be paid;

(e) any special conditions not inconsistent with the provisions of this Act; and

(f) if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

9. Tenants having a right of occupancy are entitled to receive pattas at rates of rent determined in accordance with the provisions of Chapter IV, Part A, of this Act. Patta to which tenant having right of occupancy is entitled.

10. Tenants not having a right of occupancy are entitled to pattas for the terms and at the rates prescribed in Chapter IV, Part B, of this Act. Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

11. Every landlord who grants a patta is entitled to receive from the tenant a counterpart signed by or on behalf of the tenant. Landlord's right to counterpart.

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when it 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 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 the rent is payable is situate, and to be payable in the same number of instalments as the revenue; and the amount of each instalment of the rent shall bear the same proportion to the whole of the rent payable for the year as the amount of each instalment of the revenue bears to the whole of the revenue payable for the year.

Receipts.

13. *(1)* Every receipt for rent shall specify the year or years on account of which the rent has been paid; and any refusal to make that specification shall be held to be a withholding of a receipt. Receipts for rent.

(2) If a receipt for rent paid by an under-proprietor or tenant is withheld from him without sufficient cause, he may recover compensation from the landlord up to an amount not exceeding that of the rent paid.

Deposit of Revenue or Rent in Court without Suit.

14. *(1)* If a co-sharer, under-proprietor or tenant from whom any revenue or rent is due in respect of the land held or cultivated by him, tenders the full amount of that revenue or rent at the usual place of payment to the person authorized to receive it, and that person does not accept the amount and forthwith give a receipt in full therefor, the co-sharer, under-proprietor or tenant may, without any suit having been instituted against him, deposit the amount in Court to the credit of the person authorized to receive it. Power to pay into Court amount of revenue or rent due.

(2) The 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. *(1)* The Court shall receive the deposit on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; and on the applicant making a declaration in the form set forth in Schedule A to this Act, 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.

(2) The declaration shall be verified in the manner prescribed for the verification of plaints by section 52 of the Code of Civil Procedure, and shall be signed by the person making it. XIV of 1882.

(3) Upon receiving the deposit, the Court shall issue to the person to whose credit it has been paid a notice in the form set forth in Schedule B to this Act.

(4) The notice shall be served by the proper officer without the payment of any fee.

(5) If the person to whose credit the deposit has been paid, or his recognized agent, appears and applies for it, the Court shall cause it to be paid to him.

(6) The application under sub-section *(5)* may be on plain paper.

16. Where a deposit has been made under the provisions of the two last foregoing sections, a suit shall not 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 the suit is instituted within six months from the date of the service of the notice mentioned in section 15. Limitation for suits for balance of revenue or rent.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 17-21.)

Illegal Enforcement of Payment of Rent.

17. *(1)* 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 the illegal enforcement of the payment, the Court may award to him compensation, not exceeding the sum of two hundred rupees, in addition to any amount for which it makes a decree in respect of the payment itself.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

(2) An award of compensation under sub-section *(1)* shall not bar any prosecution to which the person illegally enforcing the payment may be liable under any law for the time being in force.

Abatement of Rent.

18. Save as provided by section 29, sub-section *(4)*, a suit for an abatement of the rent of a holding shall not be brought by an under-proprietor or tenant except on the ground that the area of the holding has diminished, or on some ground specified in a lease, agreement or decree under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor holds a sub-settlement in a revenue-paying estate, an abatement shall not 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.

Remission of Rent.

19. *(1)* Notwithstanding anything in the last foregoing section, a Court, when it makes a decree for an arrear of rent, may, with the previous sanction of the Deputy Commissioner, 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 that land has been diminished by drought, 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 paid.

Remission of rent by order of Court.

(2) Where a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given, the revenue-authorities shall take into consideration any claim made by the landlord for a remission of revenue.

(3) A remission shall not be allowed under this section to an under-proprietor holding a sub-settlement, or to a tenant having a right of occupancy, unless a remission of revenue has been allowed on the same ground and by competent authority in the same village.

Relinquishment of Land.

20. *(1)* A tenant shall continue liable for the rent of the land in his holding unless on or before the fifteenth day of March in any year he gives to the landlord or to the recognized agent of the landlord notice in writing of his desire to relinquish that land, and relinquishes it accordingly.

Relinquishment of land by tenant.

(2) If the landlord or his recognized agent refuses to receive the notice or to sign and deliver a receipt therefor, the tenant may, before the latest date prescribed for giving the notice, apply on plain paper to the tahsíldár or proper officer, and written notice of the desire of the tenant to relinquish the land shall then be served on the landlord at the expense of the tenant.

(3) A tenant cannot without the consent of his landlord relinquish a part only of his holding.

(4) Nothing in this section shall entitle a tenant holding under a registered document under section 69 to relinquish his holding otherwise than in accordance with the terms of that document.

21. *(1)* If a tenant abandons his holding without informing his landlord and without arranging for the cultivation of the holding, the landlord may at any time after the fifteenth day of May enter on the holding.

Abandonment of holding.

(2) Before a landlord enters on a holding under sub-section *(1)*, he shall file a notice in the prescribed form at the office of the tahsíldár for service on the tenant stating that he has treated the holding as abandoned and is about to enter on it accordingly.

(3) When a landlord enters on a holding under sub-section *(1)*, the tenant may institute a suit under this Act to recover possession of the holding, and the Court shall, on being satisfied that the tenant did not voluntarily abandon the holding, order recovery of possession on such terms with respect to the time of delivery of possession, the payment of arrears of rent, if any, and, if injury has been caused by the wrongful act, neglect or default of any party to the proceeding, with respect also to the payment of compensation by that party, as to the Court may seem just.

Compensation for Tenants' Improvements.

22. *(1)* If a tenant, or a person from whom he has inherited, has made any such improvement on his holding as is hereinafter in this Chapter mentioned, neither he nor his representative shall be ejected from the holding unless and until he or his representative, as the case may be, has received compensation for the improvement:

Tenant's right to compensation for improvements.

Provided that compensation shall not be payable for any improvement made thirty years or more before the date on which the ejectment is to take effect.

(2) An improvement made by a tenant for the benefit of his holding on land belonging to the person who is entitled to receive the rent of the holding shall for the purposes of this section be deemed to have been made on the holding of the tenant.

23. Except as provided in the next following section, a tenant shall not 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. *(1)* If a tenant applies for the written consent of his landlord to the making of an improvement on his holding, and the landlord omits or refuses to grant it, the tenant may apply to the Deputy Commissioner for permission to make the improvement.

Reference to Deputy Commissioner when consent is refused.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 25-30.)
(Chapter III.—Payment of Rent in kind.—Sections 31-32.)

(2) When an application is made to the Deputy Commissioner under sub-section *(1)*, he shall take into consideration any objections which the landlord may have to urge on either of the following grounds, namely:—

(*a*) that the improvement is too costly or is unsuitable to the nature of the tenant's holding, or

(*b*) that the landlord is himself prepared to make the improvement,

and shall then either grant the permission on such conditions as he considers fair and equitable or refuse the application.

25. *(1)* If either the landlord or the tenant desires the amount expended on an improvement executed with the permission of the Deputy Commissioner under the last foregoing section to be determined and registered, the Deputy Commissioner shall, on application made to him for the purpose, determine the amount of the outlay, and enter it in a register kept in the prescribed form.

Registration of outlay on improvements.

(2) The entry in the register shall be conclusive proof of the amount of the outlay in any subsequent proceedings respecting the cost of the improvement.

26. The word "improvement", as used in this Act, means a work by which the annual letting value of land has been, and at the time of a demand for compensation continues to be, increased, and comprises—

"Improvement" defined.

(*a*) 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 reclamation of waste land and jungle; and other works of a like nature:

(*b*) the renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for the maintenance thereof and increase durably their value.

27. In estimating the compensation to which a tenant is entitled for an improvement regard shall be had—

Principle on which compensation is to be estimated.

(*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.

28. When a Court has assessed the amount of the compensation due to a tenant, 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.

Modes of making compensation.

29. *(1)* A landlord may make an improvement on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.

Improvements by the landlord.

(2) A landlord intending to make an improvement shall, if any part thereof is to be made on the holding of any such tenant, give notice of his intention to the tenant through the tahsíldár.

(3) A landlord making an improvement on the holding of any such tenant shall be liable to compensate the tenant for any loss which he may cause to the tenant when making it.

(4) If the effect of the improvement is to impair the productive powers of the holding, the tenant shall, in addition to any compensation which may be awarded to him under sub-section *(3)*, be entitled to such abatement of his rent as to the Court seems just.

(5) A landlord may not make an improvement on the holding of a tenant with a right of occupancy without the consent of the tenant.

Survey and Measurement.

30. A landlord and 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 land.

Landlord's right to enter and measure lands.

CHAPTER III.

PAYMENT OF RENT IN KIND.

31. Where rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other proceeding of a similar nature requiring the presence of both the tenant and the landlord either personally or by recognized agent, if either party neglects to be present at the proper time, or if a dispute arises between the parties regarding the division, estimate, appraisement or proceeding, either party may present an application to the Court, requesting that a proper officer be deputed to make the division, estimate or appraisement or conduct the proceeding.

Division or appraisement of produce.

32. *(1)* On receiving the application, the Court shall issue a written notice to the other party to attend at a time and place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made or the proceeding conducted.

Procedure in case of dispute.

(2) The award of that officer in respect of the division, estimate, appraisement or proceeding 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.

Part A.—Tenants with Right of Occupancy.

Enhancement of rent of tenant with right of occupancy.

33. (*1*) A tenant having a right of occupancy in any land shall not, in case of dispute as to the rent to be paid in respect of the 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, namely:—

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 that rate.

2nd ground.—That the rate of rent paid by him is more than twelve-and-a-half 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.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding that rate, less twelve-and-a-half 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.

(*2*) Nothing in sub-section (*1*) shall affect the terms of any agreement in writing entered into between a landlord and tenant after the twenty-second day of July, 1868.

Term for re-enhancement after decision fixing rent under section 33.

34. After a decision has been passed in accordance with the last foregoing section, a suit shall not lie for re-enhancement of the rent until the expiration of five years from the date of the decision, except on the 3rd ground mentioned in that section, or, in the case referred to in the next following section, until, by re-assessment within the term of five years, the revenue of the land has been increased.

Enhancement on re-assessment of revenue.

35. If, on a re-assessment of the revenue, the rent of the tenant cannot be enhanced under section 33 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 the re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

Part B.—Other Tenants.

Tenant in occupation at passing of Act: the conditions of his statutory tenancy.

36. Every tenant, not being a tenant with a right of occupancy or a sub-tenant, 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, or, where no such change or alteration has taken place, from the date on which the tenant was admitted to the occupation of the holding.

Tenant admitted after passing of Act: the conditions of his statutory tenancy.

37. Every such tenant who may be admitted to the occupation of a holding after the passing of this Act 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 such tenant, in the area of whose holding or in the amount of whose rent any change is 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 I.—"Holding" means a parcel or parcels of land held by a tenant and forming the subject of a separate engagement. The engagement may be express or implied.

Explanation II.—This section and section 36 have effect subject to the provisions of section 4, sub-sections (*3*) and (*4*), relating to land not previously cultivated, and subject also to section 157, excluding certain classes of land from the operation of certain sections of this Act.

Enhancement of rent of tenant not having right of occupancy and not being a sub-tenant.

38. (*1*) A landlord may enhance the rent of a tenant to whom section 36 or section 37 applies, either by contract in accordance with the provisions of this section or by notice as hereinafter provided.

(*2*) Subject to the provisions of sections 49 and 50, the enhancement shall not in any case exceed one anna in the rupee, or six-and-a-quarter per cent., on the annual rent payable by the tenant at the time when the contract was made or the notice was issued:

(*3*) Provided that, where rent is paid in kind, the proportion of produce paid as rent by a tenant shall not be subject to increase except in accordance with an established custom of the pargana in which the land is situate.

Enhancement by notice.

39. If a landlord desires that the rent of a tenant to whom section 36 or section 37 applies be enhanced on the expiration of the term of seven years referred to in section 36 or section 37, as the case may be, or at any time during the currency of that term in the case mentioned in section 50, he may cause a notice to that effect to be served under section 42.

Time for service of notice of enhancement.

40. (*1*) A notice whereby enhancement is claimed on account of the expiration of the period of the tenancy shall not be served before the commencement of the last year of the tenancy.

(*2*) A notice of enhancement on account of an improvement made or acquired by the landlord may be served at any time during the currency of the tenancy.

Contents of the notice.

41. The notice shall be written in Hindi and Urdu, and shall specify the land, the amount of the present rent and the amount of the enhancement, and 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 thirty days from the date of the service thereof.

Service of the notice.

42. On the application of the landlord to the tahsíldár or other prescribed officer the notice shall be served by the officer on or before the fifteenth day of February at the expense of the landlord.

Grounds on which tenant may contest his liability to enhancement.

43. The tenant may institute a suit to contest the notice of enhancement, within thirty days from the date of the service thereof, on any of the following grounds, namely:—

(*a*) that he has a right of occupancy in the land specified in the notice;

(*b*) that he holds under a special agreement or decree of Court or lease under the terms of which his rent is not liable to enhancement;

(*c*) that the enhancement claimed is in excess of the rate authorized by law;

(*d*) that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37 equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) that the notice has not been served in the manner required by this Act;

(*f*) that, where the enhancement claimed is on account of an improvement, the amount claimed is excessive.

Tenant's liability for enhanced rent.

44. (*1*) If the tenant does not contest the notice of enhancement and remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, he shall become liable for the enhanced rent.

(*2*) If the tenant contests the notice, and the validity thereof is maintained by the Court in whole or in part, he shall, if he remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, become liable for the enhanced rent to the extent to which the Court has maintained the validity of the notice.

Commencement of fresh statutory period.

45. If the tenant by remaining in possession of the land under the last foregoing section becomes liable for enhanced rent, he shall be entitled to hold the land at that rent for a further period of seven years.

Vacating tenant's right to compensation for improvements.

46. If the tenant refuses to accept the enhancement claimed or decreed 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.

Rent of tenant succeeding to vacant holding.

47. (*1*) Except in the cases mentioned in sections 49 and 50, 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 him.

(*2*) In the case of a tenant admitted to the occupation of a holding of which the rent has been immediately before his admission paid in kind, the rent payable shall, subject to any established custom of the pargana in which the holding is situate, be either the rent payable by the tenant immediately preceding him, or a sum which, subject to the provisions of sections 49 and 50, shall not exceed by more than six-and-a-quarter per cent. the equivalent of the value of the produce annually paid as rent on the average of the three years immediately preceding.

Rights of the heir of a deceased tenant.

48. (*1*) The heir of a tenant who dies during the currency of the tenancy of a holding shall be entitled to retain occupation of the holding 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, made on the holding by himself or his predecessor in interest, but shall not be entitled to a renewal of the tenancy.

(*2*) Subject to any rights which he may have under section 22 as a representative of the deceased, a collateral relative who did not at the date of the death of the deceased share in the cultivation of the holding shall not be deemed to be an heir of the deceased within the meaning of this section.

Rent of tenant succeeding to a holding vacated by the death of the previous tenant.

49. 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 thekadár or mortgagee from land of which he has taken cultivating possession during the period of his theka or mortgage, shall be such amount as may be agreed upon between him and the landlord.

Enhancement of rent for improvements made or acquired by landlord.

50. (*1*) Nothing in the foregoing sections shall bar the right of a landlord to enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement which has been made by, or at the expense of, the landlord, or for which during the currency of the tenancy compensation has been accepted from the landlord by the owner of the improvement or, on the expiration of the tenancy, compensation has been paid in accordance with the determination of a Court under this Act.

(*2*) Where an enhancement is claimed on the ground of any such improvement, the Court, in determining the claim, shall have regard to—

(*a*) the increase in the productive powers of the land caused, or likely to be caused, by the improvement;

(*b*) the cost of the improvement; and

(*c*) the cost of the cultivation required for the utilising of the improvement.

Power for Local Government to vary the limit of enhancement of rent.

51. Notwithstanding anything in the foregoing sections, the Chief Commissioner may, by notification in the local official Gazette, vary from time to time, within periods of not less than seven years, the limits of the enhancement to which tenants to whom section 36 or section 37 applies are liable in any local area specified in the notification.

The Oudh Rent Act, 1886.

(Chapter V.—Ejectment.—Sections 52-60.)

CHAPTER V.

EJECTMENT.

Tenants holding on special terms.

Ejectment of tenants holding on special term.

52. *(1)* A tenant having a right of occupancy in any land, or holding any land under a special agreement or decree of Court, shall not be ejected from that land otherwise than in execution of a decree for ejectment:

Provided that the decree for ejectment shall not be made, unless, at the date of that decree, a decree against the tenant for an arrear of rent in respect of the land has remained unsatisfied for fifteen days or upwards.

(2) A decree for the ejectment of a tenant holding under a special agreement or decree of Court may be made on such grounds as would justify ejectment under the agreement or decree.

Other Tenants.

Ejectment of other tenants.

53. A tenant not having a right of occupancy, and not holding under a special agreement or decree of Court, may be ejected by notice, application or suit under the following sections of this Chapter.

Ejectment by notice.

54. If a landlord desires to eject any such tenant on the expiration of his tenancy, he may cause a notice of ejectment to be served on the tenant under the next following section.

Contents, service and cost of notice.

55. *(1)* The notice shall be written in Hindi and in Urdu; it shall be signed by the landlord or by an agent authorized by him in that behalf; it shall specify the land from which the tenant is to be ejected; it shall, if a court-fee is payable in respect thereof under this section, contain a certificate by the patwári as to the annual rent payable for the holding to which the notice relates; and it shall inform the tenant 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 day of May next following.

(2) On the application of the landlord to the tahsíldár or other prescribed officer, the notice shall, if the proper court-fee (where a court-fee is payable under this section) has been paid in respect thereof, be served on the tenant by the officer on or before the fifteenth day of November at the expense of the landlord.

(3) If the tenant on whom the notice is to be served is a tenant to whom section 36 or section 37 applies, there shall, except as provided by this sub-section and sub-section *(4)* and by section 69, be payable in respect of the notice a court-fee equal in value to half the annual rent payable for the holding of the tenant, or, in the case of a tenant paying rent in kind, a court-fee equal to half the value of the produce annually paid as rent on the average of the three years immediately preceding:

Provided that the court-fee shall not in any case exceed twenty-five rupees.

(4) A court-fee shall not be payable under sub-section *(3)* in respect of a notice on a person to whom section 48 applies.

(5) Stamps representing the court-fee shall be affixed on the notice before the notice and the application for the service thereof are presented to the tahsíldár or other prescribed officer.

(6) The court-fee paid by a landlord under this section shall not in any circumstances be adjudged to be payable as costs or otherwise by the tenant.

Grounds on which tenant may contest liability to ejectment.

56. *(1)* A tenant on whom a notice has been served under the last foregoing section may institute a suit to contest his liability to be ejected from the land specified therein on any of the following grounds, namely:—

(a) that he has a right of occupancy in the land;

(b) that he holds under a special agreement or decree of Court or unexpired lease under the terms of which he is not liable to be ejected from the land;

(c) if he is a tenant to whom section 55, sub-section *(3)*, applies, that the notice was insufficiently stamped;

(d) if he is a tenant to whom section 36 or section 37 applies, that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37, as the case may be, equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(e) if he is a tenant to whom section 53 applies, that notice of ejectment has not been served upon him in the manner required by this Act.

(2) A thekadár shall not be 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 in suit contesting liability to ejectment.

57. If the tenant has any claim for compensation for improvements 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.

58. If the Court dismisses the suit in whole or in part, it shall determine the amount of the compensation, if any, due for improvements, and shall declare ejectment from the whole or part of the land, as the case may be, to be conditional on payment of that amount into Court.

Tenancy to cease if notice is not contested.

59. If the tenant on whom 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 cease on the fifteenth day of May next following, unless, after the service, the landlord has authorized him in writing to continue to occupy the land.

When assistance to eject may be given by Court.

60. *(1)* If the landlord requires assistance to eject a tenant on whom he alleges a notice to have been served under section 55, he may apply for that assistance to the Court which would have had jurisdiction with respect to a suit by the tenant to contest his liability to be ejected under the notice, and that Court shall order the ejectment of the tenant if it is satisfied—

(a) that a notice of ejectment was duly served on the tenant;

(b) that the tenant has not brought a suit to contest the notice, or that, if a suit for that purpose has been brought, it has been determined adversely to the tenant;

(c) that the tenant has not been authorised by the landlord in writing to continue to occupy the land.

(2) Nothing done by the Court under sub-section *(1)* shall affect the right of the tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation therefor.

Ejectment by application.

61. *(1)* If a landlord desires to eject a tenant to whom section 53 applies and against whom a decree for an arrear of rent has been passed and remains unsatisfied, he may, after the first day of April of the year in which that arrear accrued, apply to the Deputy Commissioner to eject the tenant.

(2) 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.

(3) If the amount is not so paid, the Deputy Commissioner shall, unless good cause is shown to the contrary, eject the tenant.

Ejectment by suit.

62. *(1)* A tenant to whom section 53 applies shall be liable to ejectment by suit during the currency of his tenancy on any of the following grounds, namely:—

(a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy;

(b) that at the time of the institution of the suit the entire holding has been sub-let;

(c) 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;

(d) where the tenant holds, under an unexpired lease, land to which section 4, sub-sections *(3)* and *(4)*, applies, then on any ground which would justify ejectment under the lease.

(2) The tenant shall continue liable for the rent of the land until the decree is executed.

General.

Time of ejectment of [illegible].

63. Except in pursuance of an order under section 21, sub-section *(3)*, a tenant shall not in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupation, except between the first day of April and the thirtieth day of June in any year after the passing of this Act.

The Oudh Rent Act, 1886.

(Chapter V.—Ejectment.—Sections 61-66.—Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 67-69.)

Time of ejectment of thekadár.

64. A thekadár liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Preferment by tenants of claims for compensation for improvements in suits for ejectment.

65. In any suit for ejectment the defendant may file any claim for compensation for improvements which he may have against the plaintiff, and, if the Court finds the grounds on which the suit is brought to be valid, it shall determine the amount of compensation, if any, due from the plaintiff to the defendant, and shall pass a decree of ejectment conditional on the payment into Court of that amount.

Compensation to ejected tenant for growing crops.

66. A 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 the tenant and being on the land at the time of his ejectment:

Provided that, if the land has been sown or planted by the tenant after service on him of a notice under section 55, he shall not be so entitled, unless, after that service, the landlord has authorized him in writing to continue to occupy the land.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS RESPECTING TENANCIES.

Sír Lands.

Sír lands.

67. *(1)* The rights conferred upon tenants by sections 24, 36, 37, 38, 39, 45, 46, 47 and 48 shall not accrue to cultivators of any of the following lands, namely:—

(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 or under-proprietary profits and charges;

(b) land which for the seven years immediately preceding the passing of this Act has been continuously cultivated by the proprietor or under-proprietor himself or by his servants or by hired labour.

(2) Land which was recorded as sír at settlement and has been continuously so recorded since shall, until the contrary is proved, be presumed to be land of the class mentioned in clause *(a)* of section *(1)*.

Thekadárs, Mortgagees and Sub-tenants.

Thekadárs, mortgagees and sub-tenants.

68. *(1)* A person holding land as a thekadár mortgagee or sub-tenant shall not, while so holding, acquire any of the rights enumerated in the last foregoing section in any of the land comprised in his theka, mortgage or sub-tenancy.

(2) A person having those rights in land does not lose them by subsequently taking a theka or mortgage in which his holding is comprised.

Long Leases.

Incidents of leases for eight years or upwards.

69. *(1)* When a holding has been let by registered document for a term of eight years or upwards at a rent determined thereby for the whole of the term in accordance with the

The Oudh Rent Act, 1886.

(Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 70-71.—Chapter VII.—Distress for Arrears of Rent.—Sections 72-79.)

provisions of this Act to a tenant to whom section 36 or section 37 applies, the landlord shall, on the expiration of the term, be entitled to enhance the rent of the holding in accordance with the provisions of Chapter IV, Part B, and not otherwise, and shall also be entitled to eject the tenant by notice under section 55 without payment of a court-fee under that section:

Provided that any change in the rent or alteration in the area of the holding by the landlord during the term shall be a bar to enhancement and ejectment for seven years from the date of that change or alteration.

(2) In addition to the grounds mentioned in clauses (*a*), (*b*) and (*c*) of section 62, sub-section (*1*), a tenant to whom this section applies shall be liable to ejectment by suit during the currency of his tenancy on any ground which would justify ejectment under the registered document under which he holds.

Miscellaneous.

Evidence respecting change of rent or alteration of area of holding.

70. Where a tenant has received a patta, a statement that since the date of the patta his rent has been changed, or area of his holding altered, by the landlord, shall not be admissible in evidence unless the change or alteration is recorded in an entry on the patta signed by or on behalf of the landlord, and in an entry on the counterpart signed by or on behalf of the tenant, or in a new patta and counterpart.

Construction of certain expressions.

71. The expression "special agreement" or "decree of Court", where it is used in this Act to signify the tenure on which land is held by a tenant, is to be construed as referring to an agreement or decree made or passed before the passing of this Act.

CHAPTER VII.

DISTRESS FOR ARREARS OF RENT.

Recovery of arrears of rent by distress.

72. When an arrear of rent is due from any tenant, the landlord may, subject to the provisions of this Chapter, distrain the produce of the land in respect of which the arrear is due:

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which the rent is payable shall not be liable to distress so long as the security is in force.

Distress not permissible in certain cases.

73. Distress shall not be made for the recovery of—

(*a*) 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 that excess or unless he has been declared by decree to be liable therefor, or

(*b*) any arrear which has been due for a longer period than one year.

Power of distress by whom exerciseable.

74. The power of distress vested by section 72 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildárs of estates held under direct 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 authorized by power-of-attorney to distrain:

Provided that, if any such agent, purporting to act in the exercise of that power, commits an act which, under the provisions of this Chapter, is illegal, the person employing him shall be liable, as well as the agent, to be sued for compensation for any injury caused by the act.

Distress by servants.

75. Any person empowered to distrain property under section 72 or section 74 may employ a servant or other person to make the distress, but in every such case he shall give to the servant or person a written authority in that behalf, and the distress shall be made in the name and on the responsibility of the person giving the authority.

Crops liable to distress.

76. *(1)* 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.

(2) 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 engagement 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.

77. *(1)* 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.

(2) 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 and service of list of distrained property on owner.

78. 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, when he has made the distress, he shall prepare a list or description of the property distrained and deliver a copy thereof to the owner, or if the owner is absent, affix it at his usual place of residence.

Reaping and storing standing crops distrained.

79. *(1)* 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.

(2) If the tenant neglects to do so, the distrainer may cause the crops or products to be reaped or gathered, and in that case shall store them either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 80-89.)

(3) In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

(4) 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.

Application by distrainer in case of resistance.

80. 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 thinks necessary, depute an officer to assist the distrainer in making the distress.

Withdrawal of distress on tender of arrear and costs.

81. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the payment and give a receipt therefor and forthwith withdraw the distress.

Application for sale.

82. Within five days from the time of storing any distrained crops or products, or, if the 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 the sale thereof to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Form of application.

83. *(1)* 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.

(2) 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 provided in the next following section.

Procedure on receipt of application.

84. *(1)* 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 to this Act, 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.

(2) 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.

(3) The proclamation shall contain a description of the property, and shall specify the demand for which it is to be sold, and the place where the sale is to be held.

Suspension of sale on institution of suit.

85. *(1)* If a suit is instituted in pursuance of the notice mentioned in the last foregoing section, 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.

(2) On the 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.

Suit to contest distrainer's demand.

86. *(1)* 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 84, sub-section (*1*).

(2) When any such suit is instituted, the Court shall proceed in the manner directed in section 85.

(3) 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.

Withdrawal of distress on execution of bond.

87. *(1)* 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 distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

(2) When a bond has been executed under sub-section (*1*), 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 execution of the bond.

(3) Upon the certificate being presented to the distrainer by the owner of the property, or upon the notice being served on the distrainer by order of the Court, as the case may be, the property shall be released from distress.

Sale.

88. 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 that demand, with such costs of the distress as are allowed by him, is discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Place and manner of sale.

89. *(1)* 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 proper officer thinks that it is likely to sell there to better advantage.

(2) 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, is satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 90-99.)

90. If, on the property being put up for sale, a price which the officer holding the sale thinks fair is not offered, and if the owner of the property or his recognized agent applies to have the sale postponed until the next day or (if a market is held at the place of sale) until the next market-day, the sale shall be postponed until that day, and shall be then completed at whatever price may be offered.

Postponement of sale.

91. *(1)* 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 payment the property shall be put up again and re-sold.

Payment of purchase-money

(2) 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.

92. *(1)* 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.

Proceeds of sale.

(2) 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 84 to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

(3) 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.

93. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, those officers, are forbidden to purchase, either directly or indirectly, property sold by those officers.

Officers holding sales not to purchase.

94. *(1)* The officer mentioned in section 82 shall bring to the notice of the Court any illegal act which may come to his knowledge as having been committed by any person in making a distress under this Act.

Illegal acts of distrainer to be reported.

(2) If in any case, on proceeding to hold a sale under this Act, that officer finds that the owner has not received due notice of the distress and 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 84, or make such other order as it thinks proper.

95. *(1)* When that officer has gone to any place for the purpose of holding a sale, and a sale does not take place either for the reason stated in section 94 or because the distrainer's demand has been previously satisfied, a charge of one anna for every rupee of the value of the distrained property, as estimated by the officer, shall be leviable by him on account of the expenses of the intended sale, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of its having been satisfied has been given by him to the officer.

Recovery of expenses where sale does not take place.

(2) If the distrainer's demand is 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 of the property as may be necessary.

(3) 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.

(4) The charge leviable under this section shall not exceed ten rupees in any case.

96. *(1)* 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 thereof is adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

Second proclamation of sale when arrears are adjudged to be due.

(2) On the application of the distrainer (which shall be made within five days from the receipt of the order by the officer), the officer shall publish a second proclamation in the manner prescribed in section 84, fixing another day for the sale of the distrained property, not being less than five or more than ten days from the date of the proclamation, and, unless the amount adjudged to be due with costs of distress is paid before that day, shall proceed to sell the property in the manner hereinbefore provided.

97. *(1)* 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 of the arrear.

Distrainer to prove the arrear in suit to contest his demand.

(2) If the demand or any part thereof is found to be due, the Court shall make in favour of the distrainer a decree for the amount so found.

(3) That amount may be recovered, if the distrained property has not been released on security, by sale of the distrained property as provided in section 96, and, if any balance remains due after the sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property has 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 the surety.

98. 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.

99. 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 that 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.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 100-107.—Chapter VIII.—Jurisdiction of the Courts.—Section 108.)

100. *(1)* When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Rules applicable to suit by third party.

(2) 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.

(3) If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

101. No claim to any produce liable to distress under this Act and found at the time of the distress in the possession of a defaulting tenant, whether the 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 the prior claim of the landlord.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

102. When 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 that arrear is claimed by or on behalf of any person other than the distrainer, on the ground of that other person being actually and in good faith in the receipt and enjoyment of the rent of the land, that other person shall be made 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 the inquiry:

Stranger claiming to be landlord and to have right of distress to be made a party.

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 that title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

103. 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 section 84 or section 99, 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 and sale.

Suit for illegal distress.

104. In any of the following cases, namely:—

Suit for illegal act of distrainer.

(*a*) if any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells, otherwise than in accordance with the provisions of this Act, any property for the recovery of an arrear of rent alleged to be due, or

(*b*) 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

(*c*) if the distress is not immediately withdrawn when any provision of this Act requires its withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

105. *(1)* If any person not empowered by this Act to distrain or sell, or not duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of the 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 the Act.

(2) The institution of a suit under sub-section *(1)* shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

106. *(1)* 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 the 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.

(2) If the case cannot be at once heard and determined, the Court may, if it thinks fit, require the person arrested to give security for his appearance whenever he may be required to appear, and, in default of the security being given, may commit him to the civil jail until the case is tried.

107. If the resistance to the distress or the removal of the distrained property is 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:

Punishment of offender.

Provided that the offender shall not be imprisoned under this section for a longer term than six months.

CHAPTER VIII.

JURISDICTION OF THE COURTS.

Suits cognizable.

108. Courts other than Courts of Revenue shall not take cognizance of the following descriptions of suits, and those suits shall be heard and determined in Courts of Revenue in the manner provided in this Act, and not otherwise:—

Suits cognizable under the Act.

A.—Suits by a Landlord—

(*a*) for the delivery by a tenant of the counterpart of a patta;

(*b*) for arrears of rent, or, where rent is payable in kind, for the money equivalent of rent;

(3) for the enhancement of the rent of a tenant;

(4) for the ejectment of a tenant;

(5) against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of those patwáris or agents for money received or accounts kept by the patwáris or agents in the course of their employment as aforesaid, 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;

(7) for the delivery by a landlord of a patta;

(8) for contesting a notice of enhancement or ejectment;

(9) for compensation—

(a) on account of illegal enforcement of payment of rent, or of any sum in excess of rent due, or

(b) on account of the withholding of a receipt for a payment of rent, or

(c) on account of illegal ejectment, or

(d) on account of loss caused by the making of an improvement under section 29, sub-section (3), or

(e) on account of the value of standing crops under section 66;

(10) for the recovery of the occupancy of any land which has been treated by a landlord as abandoned or from which an under-proprietor or tenant 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 that power, or for compensation for illegal distraint;

(12) for abatement of rent in accordance with the provisions of section 18 or section 29, sub-section (4);

(13) for the recovery of compensation for improvements in accordance with the provisions of section 28;

C.—Suits regarding the Division or Appraisement of Produce—

(14) to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32;

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs—

(15) by a sharer against a lambardár or co-sharer for a share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of those profits;

(16) by a lambardár, or by a 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, or by a lambardár for village expenses and other dues for which he is responsible to him, or against a joint lambardár for compensation for revenue or rent paid by the lambardár on account of the joint lambardár;

(17) 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 withholding of a receipt for a payment of revenue or rent;

(18) by muafidárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts for the purposes of the Act.

109. For the purposes of this Act, there shall be five grades of Courts of Revenue, namely:—

(1) the Assistant Collector of the second class;

(2) the Assistant Collector of the first class;

(3) the Collector;

(4) the Commissioner;

(5) the Judicial Commissioner.

Power to invest officers with powers of Assistant Collector.

110. (1) The Chief Commissioner may from time to time confer upon any officer the powers of an Assistant Collector of the first or of the second class under this Act, and may at any time withdraw those powers.

(2) In conferring powers under this section the Chief Commissioner may empower persons specially by name or classes of officials generally by their official titles.

Deputy Commissioner to have Collector's powers.

111. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Investment of Settlement-officers with powers of Collector or Assistant Collector.

112. The Chief Commissioner may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector or Assistant Collector under this Act.

Jurisdiction of Assistant Collector of the 2nd class.

113. An Assistant Collector of the second class may try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 108, of which the value does not exceed one hundred rupees.

Jurisdiction of Assistant Collector of the 1st class.

114. An Assistant Collector of the first class may try and determine suits of every description of which the value does not exceed five thousand rupees.

Jurisdiction of Collector.

115. (1) The Collector may try and determine suits of every description without limit as regards the value, and hear appeals from decrees of Assistant Collectors of the second class, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, XIV of 1882. from orders of Assistant Collectors of the first and of the second class.

(2) Whenever the state of the public business so requires, the Chief Commissioner may invest any Assistant Collector of the first class with the powers of a Collector for the trial and determination of

suits and appeals under this Act, other than appeals from decisions of that Assistant Collector, and with the powers of a Deputy Commissioner under sections 24, 25 and 61, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

116. The Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Collectors and of Assistant Collectors of the first class, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, from original orders of Collectors. XIV of 1882.

Jurisdiction of Judicial Commissioner.

117. The Judicial Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Commissioners, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, from original orders of Commissioners, and, subject also to the provisions of that Code as so applied, appeals from appellate decrees and orders of Collectors and of Commissioners. XIV of 1882.

Appeals.

Limitation for appeals.

118. (1) Save as provided by sub-section (2) of this section, an appeal shall not lie—

(a) to the Collector—after the expiration of thirty days from the date of the decree or order complained of;

(b) to the Commissioner—after the expiration of sixty days from that date; or

(c) to the Judicial Commissioner—after the expiration of ninety days from that date.

(2) In computing the periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

Restrictions on appeals.

119. The decree or order of a Commissioner or of a Collector in a suit of value not exceeding one hundred rupees and of a description mentioned in clause (2), (5), (9), (11), (14), (15), (16), (17) or (18) of section 108, or in an appeal from a decree or order in any such suit, shall be final, unless a question of right to enhance or otherwise vary the rent of a tenant, or a 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 decree or order of the Commissioner or of the Collector, in which case the decree or order last-mentioned shall be open to appeal in the manner provided in this Act.

Appeal from orders of Deputy Commissioners acting as such.

120. An order of a Deputy Commissioner sanctioning a remission of rent under section 19, or granting or refusing an application under section 24, or determining the amount of the outlay on an improvement under section 25, or directing or refusing to direct the ejectment of a tenant under section 61, shall be subject to appeal to the Commissioner, whose order on the appeal shall be final.

Distribution of Business.

Power of Deputy Commissioner to distribute business.

121. Notwithstanding anything in the Code of Civil Procedure, the Deputy Commissioner may, by order in writing, direct that any business cognizable by him and the Courts subordinate to him shall be distributed among those Courts in such manner as he thinks fit: XIV of 1882.

Provided that a direction given under this section shall not empower any Court to exercise any power or deal with any business beyond the limits of its proper jurisdiction.

Transfer of Suits and other Proceedings.

Transfer of suits and other proceedings by Commissioners and Deputy Commissioners.

122. The Commissioner or Deputy Commissioner may withdraw any suit or other proceeding instituted in any Court subordinate to him, and try it himself, or refer it for trial to any other such Court competent to try it.

Transfer of suits and other proceedings by Judicial Commissioner.

123. The Judicial Commissioner may order that any suit or other proceeding pending in any Court subordinate to him shall be transferred to any other such Court competent to dispose of it.

Miscellaneous.

General subordination of Courts.

124. In the performance of their duties under this Act, Collectors shall be subordinate to, and subject to the direction and control of, Commissioners and the Chief Commissioner, and Assistant Collectors shall be subordinate to, and subject to the direction and control of, the Deputy Commissioners to whose districts they are respectively appointed:

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 in a suit or [illegible]

Suits by or against managing agents or tahsildárs of estates held under direct management.

125. Suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsildárs of estates held under direct management, whether those estates are the property of Government or not.

Sharer to exercise certain powers only through manager or lambardár.

126. (1) A sharer in a joint estate or under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall not 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.

(2) In pattidári estates [illegible] shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

(3) Nothing in this section shall be construed to affect any local custom or special contract.

Rent payable for land occupied without consent of landlord.

127. Any person in possession of land occupied without consent of the landlord shall be liable for the rent of that land at the rate payable in the previous year, or, if rent was not 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 that land have any of the statutory privileges conferred by this Act.

The Oudh Rent Act, 1886.

(Chapter VIII.—Jurisdiction of the Courts.—Section 128.—Chapter IX.—Limitation of Suits.—Sections 129-134.)
(Chapter X.—Procedure.—Sections 135-142.)

128. A Court may sit at any place within the local limits of its jurisdiction, or, in the case of an Assistant Collector, at any place within the limits of the district to which he is appointed.

Place of sitting of Courts.

CHAPTER IX.

LIMITATION OF SUITS.

129. 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, except as otherwise provided in this Act, be instituted within one year from the date of the accrual of the cause of action.

General limitation.

130. A suit for the delivery of a patta or the counterpart of a patta may be instituted at any time during the tenancy.

Suits for delivery of pattas or counterparts.

131. A suit by a tenant for the recovery of a holding which has been treated by a landlord as abandoned under section 21 shall be instituted within three months from the date on which the landlord entered upon the holding.

Suits for recovery of holdings treated as abandoned.

132. A suit for the recovery of an arrear of revenue or rent, or, where rent is payable in kind, for the money-equivalent of rent; or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the last day of the month of Jeth of the Fasli year in which the arrear fell due.

Suits for arrears of revenue or rent or share of profits.

133. A suit 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 instituted at any time during the continuance of the agency or within one year after its determination.

Suits against agents for money, or delivery of accounts or papers.

134. A suit regarding distress under section 103, 104 or 105, or to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32, shall be instituted within three months from the date of the accrual of the cause of action.

Suits regarding distress and division or appraisement of produce.

CHAPTER X.

PROCEDURE.

135. The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions of this Act, apply to all suits and other proceedings under this Act.

Application of the Code of Civil Procedure to proceedings under this Act.

136. Every notice under this Act shall, if practicable, be served on the person to whom it is addressed or on an agent authorized by him to accept service on his behalf; but if that person or an agent so authorized cannot be found, service may be made by posting the notice at the usual place of residence of the person to whom the notice is addressed, or, if that person 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.

Mode of service of notices.

137. In addition to the particulars required by section 50 of the Code of Civil Procedure to be specified in the plaint, the plaint shall contain the following particulars, namely :—

Contents of plaints.

XIV of 1882.

(a) the name of the village or estate, and of the pargana in which the land to which the suit relates is situate;

(b) if the suit is 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 of ejectment, or for the recovery of the occupancy or possession of any land, then the extent, situation and designation of the land to which the suit relates and, where fields have been numbered in a Government survey, the number (if it is possible to give it) of each field;

(c) if the suit is for recovery of an arrear of rent or revenue, then 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;

(d) if the suit is for the delivery of a patta or the counterpart of a patta, then all the particulars mentioned in section 8.

138. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of 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 the rent up to the time of the commencement of the suit, that 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 enquired into, and the suit shall be decided according to the result of the inquiry:

Third person claiming rent to be made a party.

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of the land to establish his title thereto in a Court of competent jurisdiction.

139. In suits under clauses (1), (2), (7), (10) and (11) of section 108, the summons to the defendant shall be for the final disposal of the suit.

Summons to defendant to be for final disposal in certain suits.

140. 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.

Set-off in suits for arrears of rent.

141. When an arrear of rent remains due from any tenant, he shall be liable to pay interest on the arrear at the rate of one per cent. per mensem.

Interest on arrears of rent.

142. (1) 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 the making of the deposit.

Payment of money into Court by defendant.

(2) Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

(3) From the date of the making of a deposit under this section, interest shall not be allowed to the plaintiff on the sum deposited, whether that sum be in full of the plaintiff's claim or fall short thereof.

The Oudh Rent Act, 1886.

(Chapter X.—Procedure.—Sections 143-155.)

143. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in the last foregoing section shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Proceeding for balance where defendant pays less than amount claimed.

144. (1) A Court may, if it thinks fit, itself make a local investigation instead of issuing a commission under section 392 of the Code of Civil Procedure.

Making of local investigations by Court.

XIV of 1882.

(2) When the Court itself makes a local investigation, the provisions of section 393 of that Code with respect to the recording of evidence shall apply to the Court, and any observations which the Court sees fit to record on its proceedings shall be received as evidence in the suit.

Decrees.

145. A process of execution shall not be issued on a decree under this Act when the application for the issue of the process is made after the lapse of three years from the date of the decree, unless the decree is for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law for the time being in force as to the period allowed for the execution of decrees of Civil Courts.

Time for the making of applications for execution.

146. 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.

147. 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 the enhancement shall take effect.

Decree for enhancement to state date of commencement of enhancement.

148. (1) If the decree is 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.

(2) The imprisonment and attachment may be continued until the party complies with the terms of the decree:

Provided that he shall not be imprisoned under this section for a longer period than six months.

149. A decree for the delivery of a patta or of the counterpart of a patta shall specify all the particulars mentioned in section 8, and such other particulars in accordance with the provisions of this Act as the Court deems fit.

Decrees for patta or counterpart to specify certain particulars.

150. If the decree is for the delivery of a patta or the counterpart of a patta, and the party ordered to deliver the patta or counterpart neglects or refuses to do so, the Court may grant a patta or counterpart in conformity with the terms of the decree, and that patta or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Grant of patta or counterpart in case of defendant's refusal.

151. If the decree is for money, a process in execution shall not issue against the immoveable property of the judgment-debtor, other than for attachment of that property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

152. If the decree is for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in that 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.

153. A beneficial lease or other incumbrance created by an under-proprietor on his tenure after the [illegible] day of July, 1868, shall not be valid in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless the 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 those rights and interests.

Registration of incumbrances created by under-proprietor.

154. (1) 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 the part of that rent, as the case may be, 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.

(2) Where after the passing of this Act an under-proprietor transfers his rights or any part thereof in land, and the transferee enters into possession, the transferee shall, subject to any agreement in writing with the proprietor to the contrary, be liable to pay to the proprietor any arrears of rent due in respect of the land at the date of the transfer.

155. (1) 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.

The Oudh Rent Act, 1886.

Chapter XI.—General.—Sections 156-158.)
(Schedule A.—Schedule B.—Schedule C.—Schedule D.)

(2) A like claim may be made, if the land is a proprietary tenure, by an under-proprietor, and if the land is an under-proprietary tenure, by a proprietor.

(3) Any claim made under this section shall be allowed:

Provided that, if a claim to the same land or lot is made by a proprietor or under-proprietor as well as by a co-sharer, the claim of the co-sharer shall prevail:

Provided also that a claim shall not be allowed unless the claimant fulfils all the conditions of the sale binding on a purchaser.

CHAPTER XI.

GENERAL.

Registration of statutory pattas unnecessary.

III of 1877.

156. Notwithstanding anything in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom section 36 or section 37 of this Act applies shall be deemed good and valid without their being registered.

Exclusion of specified areas from certain provisions of the Act.

157. The provisions of sections 4, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 shall not extend to the areas specified in Schedule D to this Act, or to any other area which the Chief Commissioner may from time to time, by notification in the local official Gazette, add to that schedule, but the Chief Commissioner may from time to time, by like notification, extend those provisions, or any of them, to any of those areas.

Power to make rules.

158. (1) The Chief Commissioner 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.

(2) The Chief Commissioner shall, before making rules under this section, publish a draft of the proposed rules in such manner as, in his opinion, is sufficient.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Chief Commissioner 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) Every rule made under this section shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and that publication shall be conclusive proof that the rule has been made as required by this section.

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 (revenue *or*) 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 (revenue *or*) 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 to the said *E. F.* on account of the (revenue *or*) rent of the said lands from the month of to the month of , both inclusive, and that I owe to the said *E. F.* no further sum on account of the (revenue *or*) 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.

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 recognized 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 (revenue *or*) rent of the said lands, you must institute a suit in Court for the establishment of that claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

† This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

SCHEDULE C.

(See section 84.)

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 are hereby 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 157.)

(1) Parganas Kukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Dhaurahra and Firozabad in the district of Kheri;

(2) alluvial mahâls for the time being registered as such under the rules made under clause (*b*) of section 220 of the Oudh Land-revenue Act, 1876; XVII of 1876.

and

(3) lands heretofore or hereafter granted under the waste-land rules for the time being in force in Oudh.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 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.

[Third publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 1st October, 1886, and is hereby promulgated for general information:—

ACT NO. XXII OF 1886.

THE OUDH RENT ACT, 1886.

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An Act to consolidate and amend the law relating to Rent in Oudh.

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:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. *(1)* This Act may be called the Oudh Rent Act, 1886.

(2) Save as provided thereby, it shall extend to the territories for the time being comprised in the Province of Oudh; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Act on the Chief Commissioner 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.

The Oudh Rent Act, 1886.

(Chapter I.—Preliminary.—Sections 2-4.—Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Section 5.)

2. *(1)* The Oudh Rent Act, XIX of 1868, is hereby repealed, but all notifications published and rules made under that Act shall, so far as may be, be deemed to have been published and made under this Act. Repeal.

(2) The following enactments also are hereby repealed, namely:—

(a) section 40 of the Oudh Civil Courts Act, XXXII of 1871;

(b) sections 23 and 24 of the Oudh Laws Act, XVIII of 1876; and

(c) section 1 of Act XIV of 1878.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

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

(1) "Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

(2) "suit" means a suit under this Act:

(3) "land" includes the ungathered produce of land, whether spontaneous or not, and whether growing in earth or in water, but shall not include land for the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as that land is not let to agricultural tenants:

(4) "revenue" means money payable to the Government on account of land: in sections 34 and 35 it means land-revenue only:

(5) "rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or on account of any right in land, or on account of the use of water for irrigation:

(6) "proprietor" does not include an under-proprietor; and 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:

(7) "proprietary right" means a proprietor's right in land:

(8) "under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

(9) "under-proprietary right" means an under-proprietor's right in land:

(10) "tenant" means any person, not being an under-proprietor, who is liable to pay rent; and in the following portions of this Act, namely, sections 13, 14, 15, 17, 18, 29, 53, 54, 55, sub-sections (1) and (2), 56, 59, 60, 61, 62, 108, 126 and 138, but in no others, the expression "tenant" shall be held to include a thekadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:

(11) "landlord" means any person to whom an under-proprietor or a tenant is liable to pay rent:

(12) "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, and includes the guardian of a minor and the legal curator of a lunatic or idiot:

(13) "prescribed" means prescribed from time to time by the Chief Commissioner by rules under this Act:

(14) "registered" means registered under any Act for the time being in force for the registration of documents:

(15) "signed" includes marked, when the person making the mark is unable to write his name: and

(16) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

4. *(1)* 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.

(2) 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.

(3) Where land not previously cultivated has been or is hereafter let by a landlord to a tenant, either after being reclaimed by or at the expense of the landlord or for the purpose of being reclaimed by the tenant, nothing in this section shall be construed to affect the conditions of any contract relating to that land until fourteen years have elapsed from the date on which the land was first brought under cultivation.

(4) Where land has remained uncultivated during a period of seven years, it shall for the purposes of the last foregoing sub-section be deemed to have not been previously cultivated.

(5) This section does not apply to tenants having a right of occupancy or to sub-tenants.

CHAPTER 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 those lands 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 entered into between a landlord and tenant after the twenty-second day of July, 1868.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 6-15.)

6. Nothing in the last foregoing section shall be construed to restrict the power of a landlord to confer by registered document on any persons other than those mentioned in that section a right of occupancy in the lands which they hold or cultivate. Saving of power to confer right of occupancy.

7. If a tenant having a right of occupancy is ejected, in accordance with the provisions of section 52, from the land in which he possesses the right, he shall thereupon lose his right of occupancy in that land. Loss of right of occupancy.

Tenants' Right to Pattas.

8. Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the tenancy, signed by the landlord or his authorized agent, and containing the following particulars, namely:— Tenant's right to patta.

(a) the quantity of land and, where the fields comprised in the patta have been numbered in a Government survey, the number of each field;

(b) the term for which the tenancy is to run;

(c) the amount of rent payable;

(d) the instalments in which and the times at which that amount is to be paid;

(e) any special conditions not inconsistent with the provisions of this Act; and

(f) if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

9. Tenants having a right of occupancy are entitled to receive pattas at rates of rent determined in accordance with the provisions of Chapter IV, Part A, of this Act. Patta to which tenant having right of occupancy is entitled.

10. Tenants not having a right of occupancy are entitled to pattas for the terms and at the rates prescribed in Chapter IV, Part B, of this Act. Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

11. Every landlord who grants a patta is entitled to receive from the tenant a counterpart signed by or on behalf of the tenant. Landlord's right to counterpart.

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when it 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 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 the rent is payable is situate, and to be payable in the same number of instalments as the revenue; and the amount of each instalment of the rent shall bear the same proportion to the whole of the rent payable for the year as the amount of each instalment of the revenue bears to the whole of the revenue payable for the year.

Receipts.

13. *(1)* Every receipt for rent shall specify the year or years on account of which the rent has been paid; and any refusal to make that specification shall be held to be a withholding of a receipt. Receipts for rent.

(2) If a receipt for rent paid by an under-proprietor or tenant is withheld from him without sufficient cause, he may recover compensation from the landlord up to an amount not exceeding that of the rent paid.

Deposit of Revenue or Rent in Court without Suit.

14. *(1)* If a co-sharer, under-proprietor or tenant from whom any revenue or rent is due in respect of the land held or cultivated by him, tenders the full amount of that revenue or rent at the usual place of payment to the person authorized to receive it, and that person does not accept the amount and forthwith give a receipt in full therefor, the co-sharer, under-proprietor or tenant may, without any suit having been instituted against him, deposit the amount in Court to the credit of the person authorized to receive it. Power to pay into Court amount of revenue or rent due.

(2) The 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. *(1)* The Court shall receive the deposit on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; and on the applicant making a declaration in the form set forth in Schedule A to this Act, 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.

(2) The declaration shall be verified in the manner prescribed for the verification of plaints by section 52 of the Code of Civil Procedure, and shall be signed by the person making it. XIV of 1882.

(3) Upon receiving the deposit, the Court shall issue to the person to whose credit it has been paid a notice in the form set forth in Schedule B to this Act.

(4) The notice shall be served by the proper officer without the payment of any fee.

(5) If the person to whose credit the deposit has been paid, or his recognized agent, appears and applies for it, the Court shall cause it to be paid to him.

(6) The application under sub-section *(5)* may be on plain paper.

16. Where a deposit has been made under the provisions of the two last foregoing sections, a suit shall not 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 the suit is instituted within six months from the date of the service of the notice mentioned in section 15. Limitation for suits for balance of revenue or rent.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 17-24.)

Illegal Enforcement of Payment of Rent.

17. *(1)* 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 the illegal enforcement of the payment, the Court may award to him compensation, not exceeding the sum of two hundred rupees, in addition to any amount for which it makes a decree in respect of the payment itself.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

(2) An award of compensation under sub-section *(1)* shall not bar any prosecution to which the person illegally enforcing the payment may be liable under any law for the time being in force.

Abatement of Rent.

18. Save as provided by section 29, sub-section *(4)*, a suit for an abatement of the rent of a holding shall not be brought by an under-proprietor or tenant except on the ground that the area of the holding has diminished, or on some ground specified in a lease, agreement or decree under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor holds a sub-settlement in a revenue-paying estate, an abatement shall not 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.

Remission of Rent.

19. *(1)* Notwithstanding anything in the last foregoing section, a Court, when it makes a decree for an arrear of rent, may, with the previous sanction of the Deputy Commissioner, 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 that land has been diminished by drought, 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 paid.

Remission of rent by order of Court.

(2) Where a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given, the revenue-authorities shall take into consideration any claim made by the landlord for a remission of revenue.

(3) A remission shall not be allowed under this section to an under-proprietor holding a sub-settlement, or to a tenant having a right of occupancy, unless a remission of revenue has been allowed on the same ground and by competent authority in the same village.

Relinquishment of Land.

20. *(1)* A tenant shall continue liable for the rent of the land in his holding unless on or before the fifteenth day of March in any year he gives to the landlord or to the recognized agent of the landlord notice in writing of his desire to relinquish that land, and relinquishes it accordingly.

Relinquishment of land by tenant.

(2) If the landlord or his recognized agent refuses to receive the notice or to sign and deliver a receipt therefor, the tenant may, before the latest date prescribed for giving the notice, apply on plain paper to the tahsíldár or proper officer, and written notice of the desire of the tenant to relinquish the land shall then be served on the landlord at the expense of the tenant.

(3) A tenant cannot without the consent of his landlord relinquish a part only of his holding.

(4) Nothing in this section shall entitle a tenant holding under a registered document under section 69 to relinquish his holding otherwise than in accordance with the terms of that document.

21. *(1)* If a tenant abandons his holding without informing his landlord and without arranging for the cultivation of the holding, the landlord may at any time after the fifteenth day of May enter on the holding.

Abandonment of holding.

(2) Before a landlord enters on a holding under sub-section *(1)*, he shall file a notice in the prescribed form at the office of the tahsíldár for service on the tenant stating that he has treated the holding as abandoned and is about to enter on it accordingly.

(3) When a landlord enters on a holding under sub-section *(1)*, the tenant may institute a suit under this Act to recover possession of the holding, and the Court shall, on being satisfied that the tenant did not voluntarily abandon the holding, order recovery of possession on such terms with respect to the time of delivery of possession, the payment of arrears of rent, if any, and, if injury has been caused by the wrongful act, neglect or default of any party to the proceeding, with respect also to the payment of compensation by that party, as to the Court may seem just.

Compensation for Tenants' Improvements.

22. *(1)* If a tenant, or a person from whom he has inherited, has made any such improvement on his holding as is hereinafter in this Chapter mentioned, neither he nor his representative shall be ejected from the holding unless and until he or his representative, as the case may be, has received compensation for the improvement:

Tenant's right to compensation for improvements.

Provided that compensation shall not be payable for any improvement made thirty years or more before the date on which the ejectment is to take effect.

(2) An improvement made by a tenant for the benefit of his holding on land belonging to the person who is entitled to receive the rent of the holding shall for the purposes of this section be deemed to have been made on the holding of the tenant.

23. Except as provided in the next following section, a tenant shall not 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. *(1)* If a tenant applies for the written consent of his landlord to the making of an improvement on his holding, and the landlord omits or refuses to grant it, the tenant may apply to the Deputy Commissioner for permission to make the improvement.

Reference to Deputy Commissioner when consent is refused.

The Oudh Rent Act, 1886.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 25-30.)
(Chapter III.—Payment of Rent in kind.—Sections 31-32.

(2) When an application is made to the Deputy Commissioner under sub-section *(1)*, he shall take into consideration any objections which the landlord may have to urge on either of the following grounds, namely:—

(*a*) that the improvement is too costly or is unsuitable to the nature of the tenant's holding, or

(*b*) that the landlord is himself prepared to make the improvement,

and shall then either grant the permission on such conditions as he considers fair and equitable or refuse the application.

25. *(1)* If either the landlord or the tenant desires the amount expended on an improvement executed with the permission of the Deputy Commissioner under the last foregoing section to be determined and registered, the Deputy Commissioner shall, on application made to him for the purpose, determine the amount of the outlay, and enter it in a register kept in the prescribed form.

Registration of outlay on improvements.

(2) The entry in the register shall be conclusive proof of the amount of the outlay in any subsequent proceedings respecting the cost of the improvement.

26. The word "improvement", as used in this Act, means a work by which the annual letting value of land has been, and at the time of a demand for compensation continues to be, increased, and comprises—

"Improvement" defined.

(*a*) 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 reclamation of waste land and jungle; and other works of a like nature:

(*b*) the renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for the maintenance thereof and increase durably their value.

27. In estimating the compensation to which a tenant is entitled for an improvement regard shall be had—

Principle on which compensation is to be estimated.

(*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.

28. When a Court has assessed the amount of the compensation due to a tenant, 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.

Modes of making compensation.

29. *(1)* A landlord may make an improvement on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.

Improvements by the landlord.

(2) A landlord intending to make an improvement shall, if any part thereof is to be made on the holding of any such tenant, give notice of his intention to the tenant through the tahsíldár.

(3) A landlord making an improvement on the holding of any such tenant shall be liable to compensate the tenant for any loss which he may cause to the tenant when making it.

(4) If the effect of the improvement is to impair the productive powers of the holding, the tenant shall, in addition to any compensation which may be awarded to him under sub-section *(3)*, be entitled to such abatement of his rent as to the Court seems just.

(5) A landlord may not make an improvement on the holding of a tenant with a right of occupancy without the consent of the tenant.

Survey and Measurement.

30. A landlord and 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 land.

Landlord's right to enter and measure lands.

CHAPTER III.

PAYMENT OF RENT IN KIND.

31. Where rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other proceeding of a similar nature requiring the presence of both the tenant and the landlord either personally or by recognized agent, if either party neglects to be present at the proper time, or if a dispute arises between the parties regarding the division, estimate, appraisement or proceeding, either party may present an application to the Court, requesting that a proper officer be deputed to make the division, estimate or appraisement or conduct the proceeding.

Division or appraisement of produce.

32. *(1)* On receiving the application, the Court shall issue a written notice to the other party to attend at a time and place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made or the proceeding conducted.

Procedure in case of dispute.

(2) The award of that officer in respect of the division, estimate, appraisement or proceeding shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

The Oudh Rent Act, 1886.

Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-41.)

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

Part A.—Tenants with Right of Occupancy.

33. (*1*) A tenant having a right of occupancy in any land shall not, in case of dispute as to the rent to be paid in respect of the 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, namely:—

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 that rate.

2nd ground.—That the rate of rent paid by him is more than twelve-and-a-half 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.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding that rate, less twelve-and-a-half 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.

(*2*) Nothing in sub-section (*1*) shall affect the terms of any agreement in writing entered into between a landlord and tenant after the twenty-second day of July, 1868.

34. After a decision has been passed in accordance with the last foregoing section, a suit shall not lie for re-enhancement of the rent until the expiration of five years from the date of the decision, except on the 3rd ground mentioned in that section, or, in the case referred to in the next following section, until, by re-assessment within the term of five years, the revenue of the land has been increased.

Term for re-enhancement after decision fixing rent under section 33.

35. If, on a re-assessment of the revenue, the rent of the tenant cannot be enhanced under section 33 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 the 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.

Part B.—Other Tenants.

36. Every tenant, not being a tenant with a right of occupancy or a sub-tenant, 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, or, where no such change or alteration has taken place, from the date on which the tenant was admitted to the occupation of the holding.

Tenant in occupation at passing of Act: the conditions of his statutory tenancy.

37. Every such tenant who may be admitted to the occupation of a holding after the passing of this Act 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 such tenant, in the area of whose holding or in the amount of whose rent any change is 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 admitted after passing of Act: the conditions of his statutory tenancy.

Explanation I.—"Holding" means a parcel or parcels of land held by a tenant and forming the subject of a separate engagement. The engagement may be express or implied.

Explanation II.—This section and section 36 have effect subject to the provisions of section 4, sub-sections (*3*) and (*4*), relating to land not previously cultivated, and subject also to section 157, excluding certain classes of land from the operation of certain sections of this Act.

38. (*1*) A landlord may enhance the rent of a tenant to whom section 36 or section 37 applies, either by contract in accordance with the provisions of this section or by notice as hereinafter provided.

Enhancement of rent of tenant not having right of occupancy and not being a sub-tenant.

(*2*) Subject to the provisions of sections 49 and 50, the enhancement shall not in any case exceed one anna in the rupee, or six-and-a-quarter per cent., on the annual rent payable by the tenant at the time when the contract was made or the notice was issued:

(*3*) Provided that, where rent is paid in kind, the proportion of produce paid as rent by a tenant shall not be subject to increase except in accordance with an established custom of the pargana in which the land is situate.

39. If a landlord desires that the rent of a tenant, to whom section 36 or section 37 applies be enhanced on the expiration of the term of seven years referred to in section 36 or section 37, as the case may be, or at any time during the currency of that term in the case mentioned in section 50, he may cause a notice to that effect to be served under section 42.

Enhancement by notice.

40. (*1*) A notice whereby enhancement is claimed on account of the expiration of the period of the tenancy shall not be served before the commencement of the last year of the tenancy.

Time for service of notice of enhancement.

(*2*) A notice of enhancement on account of an improvement made or acquired by the landlord may be served at any time during the currency of the tenancy.

41. The notice shall be written in Hindi and Urdu, and shall specify the land, the amount of the present rent and the amount of the enhancement, and 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

Contents of the notice.

The Oudh Rent Act, 1886.

(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 42-51.)

in the proper Court to contest the notice of enhancement within thirty days from the date of the service thereof.

42. On the application of the landlord to the tahsíldár or other prescribed officer the notice shall be served by the officer on or before the fifteenth day of February at the expense of the landlord.

Service of the notice.

43. The tenant may institute a suit to contest the notice of enhancement, within thirty days from the date of the service thereof, on any of the following grounds, namely:—

Grounds on which tenant may contest his liability to enhancement.

(*a*) that he has a right of occupancy in the land specified in the notice;

(*b*) that he holds under a special agreement or decree of Court or lease under the terms of which his rent is not liable to enhancement;

(*c*) that the enhancement claimed is in excess of the rate authorized by law;

(*d*) that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37 equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) that the notice has not been served in the manner required by this Act;

(*f*) that, where the enhancement claimed is on account of an improvement, the amount claimed is excessive.

44. (*1*) If the tenant does not contest the notice of enhancement and remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, he shall become liable for the enhanced rent.

Tenant's liability for enhanced rent.

(*2*) If the tenant contests the notice, and the validity thereof is maintained by the Court in whole or in part, he shall, if he remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, become liable for the enhanced rent to the extent to which the Court has maintained the validity of the notice.

45. If the tenant by remaining in possession of the land under the last foregoing section becomes liable for enhanced rent, he shall be entitled to hold the land at that rent for a further period of seven years.

Commencement of fresh statutory period.

46. If the tenant refuses to accept the enhancement claimed or decreed 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.

Vacating tenant's right to compensation for improvements.

47. (*1*) Except in the cases mentioned in sections 49 and 50, 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 him.

Rent of tenant succeeding to vacant holding.

(*2*) In the case of a tenant admitted to the occupation of a holding of which the rent has been immediately before his admission paid in kind, the rent payable shall, subject to any established custom of the pargana in which the holding is situate, be either the rent payable by the tenant immediately preceding him, or a sum which, subject to the provisions of sections 49 and 50, shall not exceed by more than six-and-a-quarter per cent. the equivalent of the value of the produce annually paid as rent on the average of the three years immediately preceding.

48. (*1*) The heir of a tenant who dies during the currency of the tenancy of a holding shall be entitled to retain occupation of the holding 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, made on the holding by himself or his predecessor in interest, but shall not be entitled to a renewal of the tenancy.

Rights of the heir of a deceased tenant.

(*2*) Subject to any rights which he may have under section 22 as a representative of the deceased, a collateral relative who did not at the date of the death of the deceased share in the cultivation of the holding shall not be deemed to be an heir of the deceased within the meaning of this section.

49. 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 thekadár or mortgagee from land of which he has taken cultivating possession during the period of his theka or mortgage, shall be such amount as may be agreed upon between him and the landlord.

Rent of tenant succeeding to a holding vacated by the death of the previous tenant.

50. (*1*) Nothing in the foregoing sections shall bar the right of a landlord to enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement which has been made by, or at the expense of, the landlord, or for which during the currency of the tenancy compensation has been accepted from the landlord by the owner of the improvement or, on the expiration of the tenancy, compensation has been paid in accordance with the determination of a Court under this Act.

Enhancement of rent for improvements made or acquired by landlord.

(*2*) Where an enhancement is claimed on the ground of any such improvement, the Court, in determining the claim, shall have regard to—

(*a*) the increase in the productive powers of the land caused, or likely to be caused, by the improvement;

(*b*) the cost of the improvement; and

(*c*) the cost of the cultivation required for the utilising of the improvement.

51. Notwithstanding anything in the foregoing sections, the Chief Commissioner may, by notification in the local official Gazette, vary from time to time, within periods of not less than seven years, the limits of the enhancement to which tenants to whom section 36 or section 37 applies are liable in any local area specified in the notification.

Power for Local Government to vary the limit of enhancement of rent.

The Oudh Rent Act, 1886.

(Chapter V.—Ejectment.—Sections 52-60.)

CHAPTER V.

EJECTMENT.

Tenants holding on special terms.

Ejectment of tenants holding on special term.

52. (*1*) A tenant having a right of occupancy in any land, or holding any land under a special agreement or decree of Court, shall not be ejected from that land otherwise than in execution of a decree for ejectment:

Provided that the decree for ejectment shall not be made, unless, at the date of that decree, a decree against the tenant for an arrear of rent in respect of the land has remained unsatisfied for fifteen days or upwards.

(*2*) A decree for the ejectment of a tenant holding under a special agreement or decree of Court may be made on such grounds as would justify ejectment under the agreement or decree.

Other Tenants.

Ejectment of other tenants.

53. A tenant not having a right of occupancy, and not holding under a special agreement or decree of Court, may be ejected by notice, application or suit under the following sections of this Chapter.

Ejectment by notice.

54. If a landlord desires to eject any such tenant on the expiration of his tenancy, he may cause a notice of ejectment to be served on the tenant under the next following section.

Contents, service and cost of notice.

55. (*1*) The notice shall be written in Hindi and in Urdu; it shall be signed by the landlord or by an agent authorized by him in that behalf; it shall specify the land from which the tenant is to be ejected; it shall, if a court-fee is payable in respect thereof under this section, contain a certificate by the patwári as to the annual rent payable for the holding to which the notice relates; and it shall inform the tenant 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 day of May next following.

(*2*) On the application of the landlord to the tahsíldár or other prescribed officer, the notice shall, if the proper court-fee (where a court-fee is payable under this section) has been paid in respect thereof, be served on the tenant by the officer on or before the fifteenth day of November at the expense of the landlord.

(*3*) If the tenant on whom the notice is to be served is a tenant to whom section 36 or section 37 applies, there shall, except as provided by this sub-section and sub-section (*4*) and by section 69, be payable in respect of the notice a court-fee equal in value to half the annual rent payable for the holding of the tenant, or, in the case of a tenant paying rent in kind, a court-fee equal to half the value of the produce annually paid as rent on the average of the three years immediately preceding:

Provided that the court-fee shall not in any case exceed twenty-five rupees.

(*4*) A court-fee shall not be payable under sub-section (*3*) in respect of a notice on a person to whom section 48 applies.

(*5*) Stamps representing the court-fee shall be affixed on the notice before the notice and the application for the service thereof are presented to the tahsíldár or other prescribed officer.

(*6*) The court-fee paid by a landlord under this section shall not in any circumstances be adjudged to be payable as costs or otherwise by the tenant.

Grounds on which tenant may contest liability to ejectment.

56. (*1*) A tenant on whom a notice has been served under the last foregoing section may institute a suit to contest his liability to be ejected from the land specified therein on any of the following grounds, namely:—

(*a*) that he has a right of occupancy in the land;

(*b*) that he holds under a special agreement or decree of Court or unexpired lease under the terms of which he is not liable to be ejected from the land;

(*c*) if he is a tenant to whom section 55, sub-section (*3*), applies, that the notice was insufficiently stamped;

(*d*) if he is a tenant to whom section 36 or section 37 applies, that seven years will not have elapsed on the fifteenth day of May next following, since the date of any such change of rent or alteration of area as is under section 36 or section 37, as the case may be, equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;

(*e*) if he is a tenant to whom section 53 applies, that notice of ejectment has not been served upon him in the manner required by this Act.

(*2*) A thekadár shall not be 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 in suit contesting liability to ejectment.

57. If the tenant has any claim for compensation for improvements 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.

58. If the Court dismisses the suit in whole or in part, it shall determine the amount of the compensation, if any, due for improvements, and shall declare ejectment from the whole or part of the land, as the case may be, to be conditional on payment of that amount into Court.

Tenancy to cease if notice is not contested.

59. If the tenant on whom 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 cease on the fifteenth day of May next following, unless, after the service, the landlord has authorized him in writing to continue to occupy the land.

When assistance to eject may be given by Court.

60. (*1*) If the landlord requires assistance to eject a tenant on whom he alleges a notice to have been served under section 55, he may apply for that assistance to the Court which would have had jurisdiction with respect to a suit by the tenant to contest his liability to be ejected under the notice, and that Court shall order the ejectment of the tenant if it is satisfied—

(*a*) that a notice of ejectment was duly served on the tenant;

(*b*) that the tenant has not brought a suit to contest the notice, or that, if a suit for that purpose has been brought, it has been determined adversely to the tenant;

(*c*) that the tenant has not been authorised by the landlord in writing to continue to occupy the land.

(*2*) Nothing done by the Court under sub-section (*1*) shall affect the right of the tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation therefor.

Ejectment by application.

61. (*1*) If a landlord desires to eject a tenant to whom section 53 applies and against whom a decree for an arrear of rent has been passed and remains unsatisfied, he may, after the first day of April of the year in which that arrear accrued, apply to the Deputy Commissioner to eject the tenant.

(*2*) 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.

(*3*) If the amount is not so paid, the Deputy Commissioner shall, unless good cause is shown to the contrary, eject the tenant.

Ejectment by suit.

62. (*1*) A tenant to whom section 53 applies shall be liable to ejectment by suit during the currency of his tenancy on any of the following grounds, namely:—

(*a*) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy;

(*b*) that at the time of the institution of the suit the entire holding has been sub-let;

(*c*) 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;

(*d*) where the tenant holds under an unexpired lease, land to which section 4, sub-sections (*3*) and (*4*), applies, then on any ground which would justify ejectment under the lease.

(*2*) The tenant shall continue liable for the rent of the land until the decree is executed.

General.

Time of ejectment of tenant.

63. Except in pursuance of an order under section 21, sub-section (*3*), a tenant shall not in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupation, except between the first day of April and the thirtieth day of June in any year after the passing of this Act.

The Oudh Rent Act, 1886.

(Chapter V.—Ejectment.—Sections 61-66.—Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 67-69.)

Time of ejectment of thekadár.

64. A thekadár liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Preferment by tenants of claims for compensation for improvements in suits for ejectment.

65. In any suit for ejectment the defendant may file any claim for compensation for improvements which he may have against the plaintiff, and, if the Court finds the grounds on which the suit is brought to be valid, it shall determine the amount of compensation, if any, due from the plaintiff to the defendant, and shall pass a decree of ejectment conditional on the payment into Court of that amount.

Compensation to ejected tenant for growing crops.

66. A 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 the tenant and being on the land at the time of his ejectment:

Provided that, if the land has been sown or planted by the tenant after service on him of a notice under section 55, he shall not be so entitled, unless, after that service, the landlord has authorized him in writing to continue to occupy the land.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS RESPECTING TENANCIES.

Sír Lands.

Sír lands.

67. (*1*) The rights conferred upon tenants by sections 24, 36, 37, 38, 39, 45, 46, 47 and 48 shall not accrue to cultivators of any of the following lands, namely:—

(*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 or under-proprietary profits and charges;

(*b*) land which for the seven years immediately preceding the passing of this Act has been continuously cultivated by the proprietor or under-proprietor himself or by his servants or by hired labour.

(*2*) Land which was recorded as sír at settlement and has been continuously so recorded since shall, until the contrary is proved, be presumed to be land of the class mentioned in clause (*a*) of section (*1*).

Thekadárs, Mortgagees and Sub-tenants.

Thekadárs, mortgagees and sub-tenants.

68. (*1*) A person holding land as a thekadár mortgagee or sub-tenant shall not, while so holding, acquire any of the rights enumerated in the last foregoing section in any of the land comprised in his theka, mortgage or sub-tenancy.

(*2*) A person having those rights in land does not lose them by subsequently taking a theka or mortgage in which his holding is comprised.

Long Leases.

Incidents of leases for eight years or upwards.

69. (*1*) When a holding has been let by registered document for a term of eight years or upwards at a rent determined thereby for the whole of the term in accordance with the

The Oudh Rent Act, 1886.

(Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 70-71.—Chapter VII.—Distress for Arrears of Rent.—Sections 72-79.)

provisions of this Act to a tenant to whom section 36 or section 37 applies, the landlord shall, on the expiration of the term, be entitled to enhance the rent of the holding in accordance with the provisions of Chapter IV, Part B, and not otherwise, and shall also be entitled to eject the tenant by notice under section 55 without payment of a court-fee under that section:

Provided that any change in the rent or alteration in the area of the holding by the landlord during the term shall be a bar to enhancement and ejectment for seven years from the date of that change or alteration.

(2) In addition to the grounds mentioned in clauses (*a*), (*b*) and (*c*) of section 62, sub-section (*1*), a tenant to whom this section applies shall be liable to ejectment by suit during the currency of his tenancy on any ground which would justify ejectment under the registered document under which he holds.

Miscellaneous.

70. Where a tenant has received a patta, a statement that since the date of the patta his rent has been changed, or area of his holding altered, by the landlord, shall not be admissible in evidence unless the change or alteration is recorded in an entry on the patta signed by or on behalf of the landlord, and in an entry on the counterpart signed by or on behalf of the tenant, or in a new patta and counterpart.

Evidence respecting change of rent or alteration of area of holding.

71. The expression "special agreement" or "decree of Court", where it is used in this Act to signify the tenure on which land is held by a tenant, is to be construed as referring to an agreement or decree made or passed before the passing of this Act.

Construction of certain expressions.

CHAPTER VII.

DISTRESS FOR ARREARS OF RENT.

72. When an arrear of rent is due from any tenant, the landlord may, subject to the provisions of this Chapter, distrain the produce of the land in respect of which the arrear is due:

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 the rent is payable shall not be liable to distress so long as the security is in force.

73. Distress shall not be made for the recovery of—

Distress not permissible in certain cases.

(*a*) 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 that excess or unless he has been declared by decree to be liable therefor, or

(*b*) any arrear which has been due for a longer period than one year.

74. The power of distress vested by section 72 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildárs of estates held under direct 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 authorized 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 that power, commits an act which, under the provisions of this Chapter, is illegal, the person employing him shall be liable, as well as the agent, to be sued for compensation for any injury caused by the act.

75. Any person empowered to distrain property under section 72 or section 74 may employ a servant or other person to make the distress, but in every such case he shall give to the servant or person a written authority in that behalf, and the distress shall be made in the name and on the responsibility of the person giving the authority.

Distress by servants.

76. (*1*) 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.

(*2*) 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 engagement 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.

77. (*1*) 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.

(*2*) 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.

78. 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, when he has made the distress, he shall prepare a list or description of the property distrained and deliver a copy thereof to the owner, or if the owner is absent, affix it at his usual place of residence.

Value of distress and service of list of distrained property on owner.

79. (*1*) 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 distrained.

(*2*) If the tenant neglects to do so, the distrainer may cause the crops or products to be reaped or gathered, and in that case shall store them either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 80-89.)

(*3*) In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

(*4*) 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.

80. 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 thinks necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

81. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the payment and give a receipt therefor and forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

82. Within five days from the time of storing any distrained crops or products, or, if the 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 the sale thereof 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.

83. (*1*) 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.

(*2*) 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 provided in the next following section.

84. (*1*) 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 to this Act, 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.

(*2*) 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.

(*3*) The proclamation shall contain a description of the property, and shall specify the demand for which it is to be sold, and the place where the sale is to be held.

85. (*1*) If a suit is instituted in pursuance of the notice mentioned in the last foregoing section, 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.

(*2*) On the 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.

86. (*1*) 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 84, sub-section (*1*).

Suit to contest distrainer's demand.

(*2*) When any such suit is instituted, the Court shall proceed in the manner directed in section 85.

(*3*) 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.

87. (*1*) 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 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.

(*2*) When a bond has been executed under sub-section (*1*), 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 execution of the bond.

(*3*) Upon the certificate being presented to the distrainer by the owner of the property, or upon the notice being served on the distrainer by order of the Court, as the case may be, the property shall be released from distress.

88. 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 that demand, with such costs of the distress as are allowed by him, is discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Sale.

89. (*1*) 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 proper officer thinks that it is likely to sell there to better advantage.

Place and manner of sale.

(*2*) 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, is satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 90-99.)

90. If, on the property being put up for sale, a price which the officer holding the sale thinks fair is not offered, and if the owner of the property or his recognized agent applies to have the sale postponed until the next day or (if a market is held at the place of sale) until the next market-day, the sale shall be postponed until that day, and shall be then completed at whatever price may be offered.

Postponement of sale.

91. *(1)* 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 payment the property shall be put up again and re-sold.

Payment of purchase-money

(2) 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.

92. *(1)* 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.

Proceeds of sale.

(2) 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 84 to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

(3) 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.

93. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, those officers, are forbidden to purchase, either directly or indirectly, property sold by those officers.

Officers holding sales not to purchase.

94. *(1)* The officer mentioned in section 82 shall bring to the notice of the Court any illegal act which may come to his knowledge as having been committed by any person in making a distress under this Act.

Illegal acts of distrainer to be reported.

(2) If in any case, on proceeding to hold a sale under this Act, that officer finds that the owner has not received due notice of the distress and 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 84, or make such other order as it thinks proper.

95. *(1)* When that officer has gone to any place for the purpose of holding a sale, and a sale does not take place either for the reason stated in section 94 or because the distrainer's demand has been previously satisfied, a charge of one anna for every rupee of the value of the distrained property, as estimated by the officer, shall be leviable by him on account of the expenses of the intended sale, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of its having been satisfied has been given by him to the officer.

Recovery of expenses where sale does not take place.

(2) If the distrainer's demand is 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 of the property as may be necessary.

(3) 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.

(4) The charge leviable under this section shall not exceed ten rupees in any case.

96. *(1)* 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 thereof is adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

Second proclamation of sale when arrears are adjudged to be due.

(2) On the application of the distrainer (which shall be made within five days from the receipt of the order by the officer), the officer shall publish a second proclamation in the manner prescribed in section 84, fixing another day for the sale of the distrained property, not being less than five or more than ten days from the date of the proclamation, and, unless the amount adjudged to be due with costs of distress is paid before that day, shall proceed to sell the property in the manner hereinbefore provided.

97. *(1)* 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 of the arrear.

Distrainer to prove the arrear in suit to contest his demand.

(2) If the demand or any part thereof is found to be due, the Court shall make in favour of the distrainer a decree for the amount so found.

(3) That amount may be recovered, if the distrained property has not been released on security, by sale of the distrained property as provided in section 96, and, if any balance remains due after the sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property has 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 the surety.

98. 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.

99 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 that 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.

The Oudh Rent Act, 1886.

(Chapter VII.—Distress for Arrears of Rent.—Sections 100-107.—Chapter VIII.—Jurisdiction of the Courts.—Section 108.)

100. *(1)* When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Rules applicable to suit by third party.

(2) 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.

(3) If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

101. No claim to any produce liable to distress under this Act and found at the time of the distress in the possession of a defaulting tenant, whether the 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 the prior claim of the landlord.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

102. When 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 that arrear is claimed by or on behalf of any person other than the distrainer, on the ground of that other person being actually and in good faith in the receipt and enjoyment of the rent of the land, that other person shall be made 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 the inquiry:

Stranger claiming to be landlord and to have right of distress to be made a party.

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 that title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

103. 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 section 84 or section 99, 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 and sale.

Suit for illegal distress.

104. In any of the following cases, namely:—

Suit for illegal act of distrainer.

(a) if any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells, otherwise than in accordance with the provisions of this Act, any property for the recovery of an arrear of rent alleged to be due, or

(b) 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

(c) if the distress is not immediately withdrawn when any provision of this Act requires its withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

105. *(1)* If any person not empowered by this Act to distrain or sell, or not duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of the 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 the Act.

(2) The institution of a suit under sub-section *(1)* shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

106. *(1)* 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 the 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.

(2) If the case cannot be at once heard and determined, the Court may, if it thinks fit, require the person arrested to give security for his appearance whenever he may be required to appear, and, in default of the security being given, may commit him to the civil jail until the case is tried.

107. If the resistance to the distress or the removal of the distrained property is 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:

Punishment of offender.

Provided that the offender shall not be imprisoned under this section for a longer term than six months.

CHAPTER VIII.

JURISDICTION OF THE COURTS.

Suits cognizable.

108. Courts other than Courts of Revenue shall not take cognizance of the following descriptions of suits, and those suits shall be heard and determined in Courts of Revenue in the manner provided in this Act, and not otherwise:—

Suits cognizable under the Act.

A.—Suits by a Landlord—

(1) for the delivery by a tenant of the counterpart of a patta;

(2) for arrears of rent, or, where rent is payable in kind, for the money-equivalent of rent;

(3) for the enhancement of the rent of a tenant;

(4) for the ejectment of a tenant;

(5) against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of those patwáris or agents for money received or accounts kept by the patwáris or agents in the course of their employment as aforesaid, 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;

(7) for the delivery by a landlord of a patta;

(8) for contesting a notice of enhancement or ejectment;

(9) for compensation—

(a) on account of illegal enforcement of payment of rent, or of any sum in excess of rent due, or

(b) on account of the withholding of a receipt for a payment of rent, or

(c) on account of illegal ejectment, or

(d) on account of loss caused by the making of an improvement under section 29, sub-section (3), or

(e) on account of the value of standing crops under section 66;

(10) for the recovery of the occupancy of any land which has been treated by a landlord as abandoned or from which an under-proprietor or tenant 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 that power, or for compensation for illegal distraint;

(12) for abatement of rent in accordance with the provisions of section 18 or section 29, sub-section (4);

(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) to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32;

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs—

(15) by a sharer against a lambardár or co-sharer for a share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of those profits;

(16) by a lambardár, or by a 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, or 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 the lambardár on account of the joint lambardár;

(17) 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 withholding of a receipt for a payment of revenue or rent;

(18) by muafidárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts for the purposes of the Act.

109. For the purposes of this Act, there shall be five grades of Courts of Revenue namely:—

(1) the Assistant Collector of the second class;

(2) the Assistant Collector of the first class;

(3) the Collector;

(4) the Commissioner;

(5) the Judicial Commissioner.

Power to invest officers with powers of Assistant Collector.

110. (1) The Chief Commissioner may from time to time confer upon any officer the powers of an Assistant Collector of the first or of the second class under this Act, and may at any time withdraw those powers.

(2) In conferring powers under this section the Chief Commissioner may empower persons specially by name or classes of officials generally by their official titles.

Deputy Commissioner to have Collector's powers.

111. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Investment of Settlement officers with powers of Collector or Assistant Collector.

112. The Chief Commissioner may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector or Assistant Collector under this Act.

Jurisdiction of Assistant Collector of the 2nd class.

113. An Assistant Collector of the second class may try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 108, of which the value does not exceed one hundred rupees.

Jurisdiction of Assistant Collector of the 1st class.

114. An Assistant Collector of the first class may try and determine suits of every description of which the value does not exceed five thousand rupees.

Jurisdiction of Collector.

115. (1) The Collector may try and determine suits of every description without limit as regards the value, and hear appeals from decrees of Assistant Collectors of the second class, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this Act, XIV of 1882. from orders of Assistant Collectors of the first and of the second class.

(2) Whenever the state of the public business so requires, the Chief Commissioner may invest any Assistant Collector of the first class with the powers of a Collector for the trial and determination of

suits and appeals under this Act, other than appeals from decisions of that Assistant Collector, and with the powers of a Deputy Commissioner under sections 24, 25 and 61, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

116. The Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Collectors and of Assistant Collectors of the first class, and, except where an appeal is prohibited by the Code of Civil XIV of 1882. Procedure as applied by this Act, from original orders of Collectors.

Jurisdiction of Judicial Commissioner.

117. The Judicial Commissioner may, subject to the provisions of section 119, hear and determine appeals from original decrees of Commissioners, and, except where an appeal is prohibited by the Code of Civil Procedure as applied by this XIV of 1882. Act, from original orders of Commissioners, and, subject also to the provisions of that Code as so applied, appeals from appellate decrees and orders of Collectors and of Commissioners.

Appeals.

Limitation for appeals.

118. (1) Save as provided by sub-section (2) of this section, an appeal shall not lie—

(a) to the Collector—after the expiration of thirty days from the date of the decree or order complained of;

(b) to the Commissioner—after the expiration of sixty days from that date; or

(c) to the Judicial Commissioner—after the expiration of ninety days from that date.

(2) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

Restrictions on appeals.

119. The decree or order of a Commissioner or of a Collector in a suit of value not exceeding one hundred rupees and of a description mentioned in clause (2), (5), (9), (11), (14), (15), (16), (17) or (18) of section 108, or in an appeal from a decree or order in any such suit, shall be final, unless a question of right to enhance or otherwise vary the rent of a tenant, or a 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 decree or order of the Commissioner or of the Collector, in which case the decree or order last-mentioned shall be open to appeal in the manner provided in this Act.

Appeal from orders of Deputy Commissioners acting as such.

120. An order of a Deputy Commissioner sanctioning a remission of rent under section 19, or granting or refusing an application under section 24, or determining the amount of the outlay on an improvement under section 25, or directing or refusing to direct the ejectment of a tenant under section 61, shall be subject to appeal to the Commissioner, whose order on the appeal shall be final.

Distribution of Business.

Power of Deputy Commissioner to distribute business.

121. Notwithstanding anything in the Code of Civil Procedure, the Deputy Commissioner may, by order in writing, direct that any business cognizable by him and the Courts subordinate to him shall be distributed among those Courts in such manner as he thinks fit:

Provided that a direction given under this section shall not empower any Court to exercise any power or deal with any business beyond the limits of its proper jurisdiction.

Transfer of Suits and other Proceedings.

Transfer of suits and other proceedings by Commissioners and Deputy Commissioners.

122. The Commissioner or Deputy Commissioner may withdraw any suit or other proceeding instituted in any Court subordinate to him, and try it himself, or refer it for trial to any other such Court competent to try it.

Transfer of suits and other proceedings by Judicial Commissioner.

123. The Judicial Commissioner may order that any suit or other proceeding pending in any Court subordinate to him shall be transferred to any other such Court competent to dispose of it.

Miscellaneous.

General subordination of Courts.

124. In the performance of their duties under this Act, Collectors shall be subordinate to, and subject to the direction and control of, Commissioners and the Chief Commissioner, and Assistant Collectors shall be subordinate to, and subject to the direction and control of, the Deputy Commissioners to whose districts they are respectively appointed:

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.

Suits by or against managing agents or tahsildárs of estates held under direct management.

125. Suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsildárs of estates held under direct management, whether those estates are the property of Government or not.

Sharer to exercise certain powers only through manager or lambardár.

126. (1) A sharer in a joint estate or under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall not 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.

(2) In pattidári estates or tenures those powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

(3) Nothing in this section shall be construed to affect any local custom or special contract.

Rent payable for land occupied without consent of landlord.

127. Any person in possession of land occupied without consent of the landlord shall be liable for the rent of that land at the rate payable in the previous year, or, if rent was not 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 that land have any of the statutory privileges conferred by this Act

The Oudh Rent Act, 1886.

(Chapter VIII.—Jurisdiction of the Courts.—Section 128.—Chapter IX.—Limitation of Suits.—Sections 129-134.)

(Chapter X.—Procedure.—Sections 135-142.)

128. A Court may sit at any place within the local limits of its jurisdiction, or, in the case of an Assistant Collector, at any place within the limits of the district to which he is appointed.

Place of sitting of Courts.

CHAPTER IX.

LIMITATION OF SUITS.

129. 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, except as otherwise provided in this Act, be instituted within one year from the date of the accrual of the cause of action.

General limitation.

130. A suit for the delivery of a patta or the counterpart of a patta may be instituted at any time during the tenancy.

Suits for delivery of pattas or counterparts.

131. A suit by a tenant for the recovery of a holding which has been treated by a landlord as abandoned under section 21 shall be instituted within three months from the date on which the landlord entered upon the holding.

Suits for recovery of holdings treated as abandoned.

132. A suit for the recovery of an arrear of revenue or rent, or, where rent is payable in kind, for the money-equivalent of rent, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the last day of the month of Jeth of the Fasli year in which the arrear fell due.

Suits for arrears of revenue or rent or share of profits.

133. A suit 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 instituted at any time during the continuance of the agency or within one year after its determination.

Suits against agents for money, or delivery of accounts or papers.

134. A suit regarding distress under section 103, 104 or 105, or to set aside an award in respect of a division, estimate, appraisement or proceeding under section 32, shall be instituted within three months from the date of the accrual of the cause of action.

Suits regarding distress and division or appraisement of produce.

CHAPTER X.

PROCEDURE.

135. The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions of this Act, apply to all suits and other proceedings under this Act.

XIV of 1882.

Application of the Code of Civil Procedure to proceedings under this Act.

136. Every notice under this Act shall, if practicable, be served on the person to whom it is addressed or on an agent authorized by him to accept service on his behalf; but if that person or an agent so authorized cannot be found, service may be made by posting the notice at the usual place of residence of the person to whom the notice is addressed, or, if that person 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.

Mode of service of notices.

137. In addition to the particulars required by section 50 of the Code of Civil Procedure to be specified in the plaint, the plaint shall contain the following particulars, namely:—

Contents of plaints.

XIV of 1882

(a) the name of the village or estate, and of the pargana in which the land to which the suit relates is situate;

(b) if the suit is 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 of ejectment, or for the recovery of the occupancy or possession of any land, then the extent, situation and designation of the land to which the suit relates and, where fields have been numbered in a Government survey, the number (if it is possible to give it) of each field;

(c) if the suit is for recovery of an arrear of rent or revenue, then 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;

(d) if the suit is for the delivery of a patta or the counterpart of a patta, then all the particulars mentioned in section 8.

138. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of 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 the rent up to the time of the commencement of the suit, that 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 enquired into, and the suit shall be decided according to the result of the inquiry:

Third person claiming rent to be made a party.

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of the land to establish his title thereto in a Court of competent jurisdiction.

139. In suits under clauses (1), (2), (7), (10) and (11) of section 108, the summons to the defendant shall be for the final disposal of the suit.

Summons to defendant to be for final disposal in certain suits.

140. 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.

Set-off in suits for arrears of rent.

141. When an arrear of rent remains due from any tenant, he shall be liable to pay interest on the arrear at the rate of one per cent. per mensem.

Interest on arrears of rent.

142. *(1)* 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 the making of the deposit.

Payment of money into Court by defendant.

(2) Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

(3) From the date of the making of a deposit under this section, interest shall not be allowed to the plaintiff on the sum deposited, whether that sum be in full of the plaintiff's claim or fall short thereof.

The Oudh Rent Act, 1886.

(Chapter X.—Procedure.—Sections 143-155.)

143. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in the last foregoing section shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Proceeding for balance where defendant pays less than amount claimed.

141. *(1)* A Court may, if it thinks fit, itself make a local investigation instead of issuing a commission under section 392 of the Code of Civil Procedure.

Making of local investigations by Court.

XIV of 1882.

(2) When the Court itself makes a local investigation, the provisions of section 393 of that Code with respect to the recording of evidence shall apply to the Court, and any observations which the Court sees fit to record on its proceedings shall be received as evidence in the suit.

Decrees.

145. A process of execution shall not be issued on a decree under this Act when the application for the issue of the process is made after the lapse of three years from the date of the decree, unless the decree is for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law for the time being in force as to the period allowed for the execution of decrees of Civil Courts.

Time for the making of applications for execution.

146. 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.

147. 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 the enhancement shall take effect.

Decree for enhancement to state date of commencement of enhancement.

148. *(1)* If the decree is 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.

(2) The imprisonment and attachment may be continued until the party complies with the terms of the decree:

Provided that he shall not be imprisoned under this section for a longer period than six months.

149. A decree for the delivery of a patta or of the counterpart of a patta shall specify all the particulars mentioned in section 8, and such other particulars in accordance with the provisions of this Act as the Court deems fit.

Decrees for patta or counterpart to specify certain particulars.

150. If the decree is for the delivery of a patta or the counterpart of a patta, and the party ordered to deliver the patta or counterpart neglects or refuses to do so, the Court may grant a patta or counterpart in conformity with the terms of the decree, and that patta or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Grant of patta or counterpart in case of defendant's refusal.

151. If the decree is for money, a process in execution shall not issue against the immoveable property of the judgment-debtor, other than for attachment of that property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

152. If the decree is for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in that 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.

153. A beneficial lease or other incumbrance created by an under-proprietor on his tenure after the twenty-second day of July, 1868, shall not be valid in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless the 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 those rights and interests.

Registration of incumbrance created by under-proprietor.

154. *(1)* 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 the part of that rent, as the case may be, 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.

(2) Where after the passing of this Act an under-proprietor transfers his rights or any part thereof in land, and the transferee enters into possession, the transferee shall, subject to any agreement in writing with the proprietor to the contrary, be liable to pay to the proprietor any arrears of rent due in respect of the land at the date of the transfer.

155. *(1)* 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.

The Oudh Rent Act, 1886.

Chapter XI.—General.—Sections 156-158.)
(Schedule A.—Schedule B.—Schedule C.—Schedule D.)

(2) A like claim may be made, if the land is a proprietary tenure, by an under-proprietor, and if the land is an under-proprietary tenure, by a proprietor.

(3) Any claim made under this section shall be allowed:

Provided that, if a claim to the same land or lot is made by a proprietor or under-proprietor as well as by a co-sharer, the claim of the co-sharer shall prevail:

Provided also that a claim shall not be allowed unless the claimant fulfils all the conditions of the sale binding on a purchaser.

CHAPTER XI.

GENERAL.

III of 1877. Registration of statutory pattas unnecessary.

156. Notwithstanding anything in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom section 36 or section 37 of this Act applies shall be deemed good and valid without their being registered.

Exclusion of specified areas from certain provisions of the Act.

157. The provisions of sections 4, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 shall not extend to the areas specified in Schedule D to this Act, or to any other area which the Chief Commissioner may from time to time, by notification in the local official Gazette, add to that schedule, but the Chief Commissioner may from time to time, by like notification, extend those provisions, or any of them, to any of those areas.

Power to make rules.

158. (1) The Chief Commissioner 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.

(2) The Chief Commissioner shall, before making rules under this section, publish a draft of the proposed rules in such manner as, in his opinion, is sufficient.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Chief Commissioner 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) Every rule made under this section shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and that publication shall be conclusive proof that the rule has been made as required by this section.

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 (revenue *or*) rent of the lands is , [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 (revenue *or*) 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 to the said *E. F.* on account of the (revenue *or*) rent of the said lands from the month of to the month of both inclusive, and that I owe to the said *E. F.* no further sum on account of the (revenue *or*) 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.

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 recognized 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 (revenue *or*) rent of the said lands, you must institute a suit in Court for the establishment of that claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 84.)

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 are hereby 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 157.)

(1) Pargana Kukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Dhaurahra and Firozabad in the district of Kheri;

(2) alluvial mahâls for the time being registered as such under the rules made under clause (*b*) of section 220 of the Oudh Land-revenue Act, 1876; and XVII of 1876.

(3) lands heretofore or hereafter granted under the waste-land rules for the time being in force in Oudh.

† This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 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.

[First publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October, 1886, and is hereby promulgated for general information:—

ACT No. XXIII OF 1886.

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(2) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882. XVII of 1879. XXIII of 1881. XXII of 1882.

Addition to section 11.

3. To section 1 the following shall be added after the word "Ahmadnagar", namely:—

"but may, from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay."

Addition to section 2.

4. To section 2 the following shall be added, namely:—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

"*6th.*—'Standing crops' shall be deemed to include garden-produce attached to trees or to the soil."

Amendment of section 3.

5. In section 3, clause (*g*), the word "and" shall be substituted for the word "or" where the latter word occurs between the word "foreclosure" and the word "sale".

Amendment of section 12.

6. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire", the following shall be substituted, namely:—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

7. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold" the following shall be substituted, namely:—

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

Addition to section 40.

8. To section 40 the following shall be added, namely:—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code. XLV of 1860.

Addition to proviso to section 56.

9. To the proviso to section 56 the following shall be added, namely:—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act." III of 1877.

Amendment of, and addition to, section 58.

10. (1) The last twenty-two words of the second paragraph of section 58, from "and a certified copy" to "more than one", are repealed.

(2) In the third paragraph of the same section, the words "and each such copy" are repealed.

(3) After the same section the following shall be added, namely:—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter and section to follow Chapter VIII and section 63.

11. After Chapter VIII and section 63 the following shall be inserted, namely:—

"CHAPTER VIII A.

"REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

"63A. (1) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877. III of 1877.

"(2) An instrument to which sub-section (1) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section.

Amendment of section 72.

12. (1) In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause (w)," shall be substituted.

(2) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(3) For the proviso to the same section the following shall be substituted, namely:—

"Provided that nothing in this section shall—

"(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

"(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

Limitation of certain suits.

13. Notwithstanding anything in the last foregoing section of this Act, the period of limitation for any suit which may be instituted within two years from the coming into force of this Act, and to which, if this Act had not been passed, section 72 of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, would have applied, shall be the period prescribed by that section. XVII of 1879. XXIII of 1881.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Dekhan Agriculturists' Relief Acts, 1879 to 1882, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 21st October, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, 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 30th August, 1886 [Paper No. 1].
Memorandum by Mr. P. R. Desai, Pleader, District Court, Satára, dated 9th September, 1886 [Paper No. 2].
From Acting Under Secretary to Government, Bombay, No. 61P., dated 7th October, 1886, and enclosures [Papers No. 3].

2. We, have, on the suggestion of the Governor of Bombay in Council, defined the expression "standing crops," and so amended section 58 that, while the whole of an instrument will be copied by the Village-Registrar into his register, it will not be incumbent on him to deliver a certified copy of the instrument, or of the copy of it in the register, to the parties except on their application.

3. We have corrected, in section 3, clause (y), a misprint which has been brought to our notice by the Officiating Special Judge.

4. We have added to the Bill a section in the terms of section 19, Act XXII, 1882 in order that persons having claims of the description mentioned in section 3, clause (x) may not be prejudiced by the application of the special rules of limitation prescribed in section 72 being restricted to suits of the description mentioned in section 3, clause (w).

5. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	21st and 28th August, and 4th September, 1886.
Bombay Government Gazette	26th August, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
Bombay	... Maráthi ...	16th September, 1886.

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,
S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The 19th October, 1886.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October, 1886, and is hereby promulgated for general information :—

ACT NO. XXIV OF 1886.

An Act to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows :— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 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.

[Second publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October, 1886, and is hereby promulgated for general information :—

ACT NO. XXIII OF 1886.

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879. XXIII of 1881. XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word "Ahmadnagar", namely :—

"but may, from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay."

Addition to section 2.

4. To section 2 the following shall be added, namely :—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

"*6th.*—'Standing crops' shall be deemed to include garden-produce attached to trees or to the soil."

Amendment of section 3.

5. In section 3, clause (*y*), the word "and" shall be substituted for the word "or" where the latter word occurs between the word "foreclosure" and the word "sale".

Amendment of section 12.

6. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire", the following shall be substituted, namely :—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

7. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold" the following shall be substituted, namely :—

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

Addition to section 40.

8. To section 40 the following shall be added, namely :—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code. XLV of 1860.

Addition to proviso to section 56.

9. To the proviso to section 56 the following shall be added, namely:—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act." III of 1877.

Amendment of, and addition to, section 58.

10. (*1*) The last twenty-two words of the second paragraph of section 58, from "and a certified copy" to "more than one", are repealed.

(*2*) In the third paragraph of the same section, the words "and each such copy" are repealed.

(*3*) After the same section the following shall be added, namely:—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter and section to follow Chapter VIII and section 63.

11. After Chapter VIII and section 63 the following shall be inserted, namely:—

"CHAPTER VIII A.

"REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877. III of 1877.

"63A. (*1*) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877. III of 1877.

"(*2*) An instrument to which sub-section (*1*) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section.

Amendment of section 72.

12. (*1*) In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause (*w*)," shall be substituted.

(*2*) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(*3*) For the proviso to the same section the following shall be substituted, namely:—

"Provided that nothing in this section shall—

"(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

"(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

Limitation of certain suits.

13. Notwithstanding anything in the last foregoing section of this Act, the period of limitation for any suit which may be instituted within two years from the coming into force of this Act, and to which, if this Act had not been passed, section 72 of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, would have applied, shall be the period prescribed by that section. XVII of 1879. XXIII of 1881.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Dekhan Agriculturists' Relief Acts, 1879 to 1882, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 21st October, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, 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 30th August, 1886 [Paper No. 1].
Memorandum by Mr. P. R. Desai, Pleader, District Court, Satára, dated 9th September, 1886 [Paper No. 2].
From Acting Under Secretary to Government, Bombay, No. 614P., dated 7th October, 1886, and enclosures [Papers No. 3].

2. We, have, on the suggestion of the Governor of Bombay in Council, defined the expression "standing crops," and so amended section 58 that, while the whole of an instrument will be copied by the Village-Registrar into his register, it will not be incumbent on him to deliver a certified copy of the instrument, or of the copy of it in the register, to the parties except on their application.

3. We have corrected, in section 3, clause (*y*), a misprint which has been brought to our notice by the Officiating Special Judge.

4. We have added to the Bill a section in the terms of section 19, Act XXII, 1882 in order that persons having claims of the description mentioned in section 3, clause (*x*) may not be prejudiced by the application of the special rules of limitation prescribed in section 72 being restricted to suits of the description mentioned in section 3, clause (*w*).

5. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	21st and 28th August, and 4th September, 1886.
Bombay Government Gazette	26th August, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
Bombay	... Maráthi	... 16th September, 1886.

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,
S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The 19th October, 1886.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October, 1886, and is hereby promulgated for general information :—

ACT NO. XXIV OF 1886.

An Act to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows :— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 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.

[Third publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October, 1886, and is hereby promulgated for general information :—

ACT NO. XXIII OF 1886.

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879. XXIII of 1881. XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word "Ahmadnagar", namely :—

"but may, from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay."

Addition to section 2.

4. To section 2 the following shall be added, namely :—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

"*6th.*—'Standing crops' shall be deemed to include garden-produce attached to trees or to the soil."

Amendment of section 3.

5. In section 3, clause (*y*), the word "and" shall be substituted for the word "or" where the latter word occurs between the word "foreclosure" and the word "sale".

Amendment of section 12.

6. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire", the following shall be substituted, namely :—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

7. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold" the following shall be substituted, namely :—

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

Addition to section 40.

8. To section 40 the following shall be added, namely :—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code. XLV of 1860.

Addition to proviso to section 56.

9. To the proviso to section 56 the following shall be added, namely:—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act." III of 1877.

Amendment of, and addition to, section 58.

10. (*1*) The last twenty-two words of the second paragraph of section 58, from "and a certified copy" to "more than one", are repealed.

(*2*) In the third paragraph of the same section, the words "and each such copy" are repealed.

(*3*) After the same section the following shall be added, namely:—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter and section to follow Chapter VIII and section 63.

11. After Chapter VIII and section 63 the following shall be inserted, namely:—

"CHAPTER VIII A.

"REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

"63A. (*1*) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877. III of 1877.

"(*2*) An instrument to which sub-section (*1*) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section.

Amendment of section 72.

12. (*1*) In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause (*w*)," shall be substituted.

(*2*) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(*3*) For the proviso to the same section the following shall be substituted, namely:—

"Provided that nothing in this section shall—

"(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

"(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

Limitation of certain suits.

13. Notwithstanding anything in the last foregoing section of this Act, the period of limitation for any suit which may be instituted within two years from the coming into force of this Act, and to which, if this Act had not been passed, section 72 of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, would have applied, shall be the period prescribed by that section. XVII of 1879. XXIII of 1881.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Dekhan Agriculturists' Relief Acts, 1879 to 1882, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 21st October, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, 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 30th August, 1886 [Paper No. 1].
Memorandum by Mr. P. R. Desai, Pleader, District Court, Satára, dated 9th September, 1886 [Paper No. 2].
From Acting Under Secretary to Government, Bombay, No. 64P., dated 7th October, 1886, and enclosures [Papers No. 3].

2. We, have, on the suggestion of the Governor of Bombay in Council, defined the expression "standing crops," and so amended section 58 that, while the whole of an instrument will be copied by the Village-Registrar into his register, it will not be incumbent on him to deliver a certified copy of the instrument, or of the copy of it in the register, to the parties except on their application.

3. We have corrected, in section 3, clause (*y*), a misprint which has been brought to our notice by the Officiating Special Judge.

4. We have added to the Bill a section in the terms of section 19, Act XXII, 1882 in order that persons having claims of the description mentioned in section 3, clause (*x*) may not be prejudiced by the application of the special rules of limitation prescribed in section 72 being restricted to suits of the description mentioned in section 3, clause (*w*).

5. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	21st and 28th August, and 4th September, 1886.
Bombay Government Gazette	26th August, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
Bombay	Maráthi ...	16th September, 1886.

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,
S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The 19th October, 1886.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October, 1886, and is hereby promulgated for general information :—

ACT NO. XXIV OF 1886.

An Act to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows :— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 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.

[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 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*).]

The Punjab Tenancy Bill.
(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:

[New.] [Act 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,

The Punjab Tenancy Bill.
(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—

[Act XXVIII, 1868, ss. 11 and 12.]

(*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;

(*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 limitations 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 for 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 uncut 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 uncut at time of order for ejectment.

(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.

[Cf. Act XII, 1881, s. 42.]

(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.

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—

[New.]

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.]

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.

[New.]

Procedure for ejectment of an occupancy-tenant against whom decree has been made for misuse of land.

(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.

[Cf. Act XII, 1881, s. 149, and Act VIII, 1885, s. 155.]

(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.

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.

[Act XII, 1881, s. 35.]

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 (*s*).]

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. 48 (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 exoneration 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;

[New.]

(*b*) the labour and capital expended by the tenant in making the improvement and the return received by him therefrom; and

(*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 those 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 these 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 61,500 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 guiding 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 47 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.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 10, 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 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,—

[New. Cf. Act IX, 1883, s. 3 (1).] (*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 (2).] (*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 (3).] (*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.] (*d*) "tenant" and "landlord" include the predecessors and representatives in interest of a tenant and landlord respectively:

[New. Cf. Act XI, 1883, s. 3 (4).] (*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 IX, 1883, s. 3 (5).] (*f*) "pay," "payable" and "payment," used with reference to rent, include "deliver," "deliverable" and "delivery," and "render," "renderable" and "rendering":

[Act XXVIII, 1868, s. 3.] (*g*) "arrear of rent" means rent which remains unpaid after the date on which it becomes payable:

[New. Cf. Act IX, 1883, s. 3 (7).] (*h*) "tenancy" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions:

(*i*) "land-revenue" means—

[Cf. Act XI, 1884, s. 3 (4).] (1) the land-revenue for the time being assessed on land, whether the assessment is leviable or not; or

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(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:

[New. 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—

[Act XXVIII, 1868, s. 5 (1).] (*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 (2).] (*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 (3).] (*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 (4).] (*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—

(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.

[New.] (*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.

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 [illegible] 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—

(*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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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.]

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.

Right of occupancy in land taken in exchange.

[Act XXVIII, 1868, s. 8.]

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.

Establishment of right of occupancy on grounds other than those expressly stated in Act.

[Act XXVIII, 1868, s. 9.]

8. No tenant shall acquire a right of occupancy by mere lapse of time.

Right of occupancy not to be acquired by mere lapse of time.

[Act XXVIII, 1868, s. 9, amended.]

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.

Right of occupancy not to be acquired by joint owner in land held in joint ownership.

CHAPTER III.

RENT.

Revision of Rents.

[New.]

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.

Procedure for revision of rents of occupancy-tenants.

(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.]

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.

Commutation of rent.

(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.]

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.

Conversion of lump cash-rents.

Enhancement.

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.

[Act XXVIII, 1868, s. 10.]

Date of effect of enhancement of rent.

(2) The agricultural year shall for the purposes of this section commence on the sixteenth day of June.

[New.]

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:

[New.]

Rents of occupancy-tenants which are ordinarily not liable to enhancement.

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

(*i*) if the addition was a proportion of the amount, then to the same proportion of the enhanced amount.

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—

[Act XXVIII, 1868, s. 10.]

Ground and limitation of enhancement of rents of occupancy-tenants which are ordinarily liable to enhancement.

(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.]

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.

Grounds and limitation of reduction of rents described in section 14.

(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.]

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:—

Grounds and limitation of reduction of other rents.

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.]

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.

Remission of rent by Courts decreeing arrears.

[Cf. Act XII, 1881, s. 23.]

19. *(1)* Whenever for 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.

Remission and suspension of rent consequent on like treatment of land-revenue.

(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.]

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.

Appointment of referee for division or appraisement.

[New. Cf. Act XXVIII, 1868, s. 18, and Act IX, 1883, s. 26.]

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

Appointment of assessors.

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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.]

Procedure after division or appraisement.

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.

(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.]

Relinquishment by tenant.

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.

(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.]

Mode and time of ejectment.

24. (1) A tenant shall not be ejected otherwise than in execution of an order of the prescribed Revenue-officer.

[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.]

Provision with respect to crops uncut at time of order for ejectment.

25. (1) Where at the time of the order for the ejectment of a tenant from any land his uncut 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.

(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.

[Cf. Act XII, 1881, s. 42.]

(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.]

Conditions on which order may be made for ejectment of an occupancy-tenant.

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—

(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.]

Procedure for ejectment of an occupancy-tenant against whom decree has been made for misuse of land.

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.

[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.]

Procedure for ejectment of an occupancy-tenant against whom decree has been made for arrear of rent.

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.

(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.*]

Procedure for ejectment of tenant not having right of occupancy.

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.

(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.]

Ejectment of tenant not having right of occupancy for failure to cultivate land.

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.

Relief for wrongful dispossession.

[Act XXVIII, 1868, s. 21, and Act XII, 1881, s. 95, cls. (m) and (n).]

Relief for dispossession without consent and otherwise than in due course of law.

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.

I of 1877.

Relief for wrongful ejectment under section 30 of a tenant having a right of occupancy.

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.

CHAPTER V.

ALIENATION OF, AND SUCCESSION TO, RIGHT OF OCCUPANCY.

Alienation.

[Act IX, 1883, s. 43 (2).]

Right of occupancy not transferable in execution of decree.

33. A right of occupancy shall not be attached or sold in execution of a decree or order of any Court.

[Act XXVIII, 1868, ss. 32 and 34, and Act IX, 1883, s. 38.]

Right of transfer by sale, gift, mortgage or sub-lease.

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.

(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 exoneration 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.]

Rights and liabilities of tenant's transferee.

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.

[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.]

Cancellation of transfers.

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.

(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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(Chapter VI.—Compensation.—Sections 37-46.)

(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.]

Succession to right of occupancy.

37. *(1)* When a tenant having a right of occupancy dies, the right shall devolve as if it were land.

(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 sublease for a term exceeding one year.

Saving of Personal Law and Local Custom.

[New.]

Saving of personal law and local custom of alienation and succession.

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.

IV of 1872.

CHAPTER VI.

COMPENSATION.

Compensation for Improvements.

[Cf. Act IX, 1883, s. 29.]

Title of tenants having right of occupancy to make improvements.

39. *(1)* A tenant having a right of occupancy shall be entitled to make improvements on his tenancy.

(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.]

Title of tenants not having right of occupancy to make improvements.

40. *(1)* A tenant not having a right of occupancy may make an improvement on his tenancy with the assent of his landlord.

(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.]

Liability to pay to tenant on ejectment compensation for improvements.

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.

(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.]

Improvements not to be a ground for enhancement of rent.

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.

[Act IX, 1883, s. 31.]

Matters to be regarded in assessment of compensation for improvements.

43. In estimating the compensation to be awarded under section 41 for an improvement, the Revenue-officer shall have regard to—

(*a*) the amount by which the letting value of the tenancy is increased by the improvement;

[New.]

(*b*) the labour and capital expended by the tenant in making the improvement and the return received by him therefrom; and

(*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.]

Form of compensation.

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.

[Act XXVIII, 1868, s. 41.]

Tender of lease for twenty years to tenant not having right of occupancy to be a bar to right to compensation.

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.

[Act IX, 1883, s. 32.]

Avoidance of provisions in records-of-rights barring right to make, or be compensated for, improvements.

46. *(1)* An entry in the record-of-rights of any village providing—

(*a*) that a landlord may prevent a tenant from making, or eject him for making, such

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(Chapter VII.—Supplemental Provisions.—Sections 47-52.)

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.]

Compensation for disturbance of reclaiming or clearing tenants.

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:

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.]

Compensation payable to those tenants before ejectment.

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.

Relief in case of ejectment before determination of Compensation.

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, XIV of 1882. 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.

(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.

Power for Local Government to fix dates for certain purposes.

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:

Provided that a notification under this section shall not have effect till after the expiration of six months from the date thereof.

Power for Financial Commissioner to make rules.

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.

Provisions with respect to exercise of powers.

52. *(1)* All powers conferred by this Act on the Local Government may be exercised from time to time as occasion requires.

(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 61,500 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 (*1*) 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 (*1*) 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 (*1*) 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 47 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.

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 7th July, 1886, and was referred to a Select Committee :—

NO. 12 OF 1886.

A Bill to amend the Indian Ports Act, 1875.

WHEREAS it is expedient to substitute a new Part for Part III of the First Schedule to the Indian Ports Act, 1875, of the nature hereinafter appearing; It is hereby enacted as follows :— XII of 1875.

Substitution of a new Part for Part III of the First Schedule to the Indian Ports Act, 1875.

1. For Part III of the First Schedule to the said Act the Part in the Schedule to this Act shall be substituted.

Construction of documents referring to the superseded Part.

2. Any document referring to Part III of the First Schedule to the Indian Ports Act, 1875, shall, so far as the document is consistent with the Part in the Schedule to this Act, be construed to refer thereto. XII of 1875.

Repeal of Act IV of 1881.

3. The Madras Port-dues Act, 1881, is hereby repealed. IV of 1881.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Madras ...	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.*	
Eastern Group.		*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
1. Ganjam ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
2. Gopálpur ...	Ditto		
3. Calingapatam ...	Ditto		
4. Bimlipatam ...	Ditto		
5. Vizagapatam ...	Ditto		
6. Cocanada ...	Ditto		
7. Coringa ...	Ditto		
8. Masulipatam ...	Ditto		
9. Cuddalore ...	Ditto		
10. Porto Novo ...	Ditto		
11. Tranquebar ...	Ditto		
12. Negapatam ...	Ditto		
13. Nagore ...	Ditto		
14. Pámban ...	Ditto		
15. Tuticorin ...	Ditto		
16. Sonapore ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
17. Báruva ...	Ditto		
18. Púndi ...	Ditto		
19. Bapanapadu ...	Ditto		
20. Conada ...	Ditto		
21. Pudimadaka ...	Ditto		
22. Pentakota ...	Ditto		
23. Uppada ...	Ditto	*(d)* In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
24. Bendamanlanka ...	Ditto		
25. Narsápur ...	Ditto		
26. Perupalem ...	Ditto		
27. Penumudi ...	Ditto		
28. Moratota ...	Ditto		
29. Nagayalanka ...	Ditto		
30. Kottapalem ...	Ditto		
31. Gangadipalem ...	Ditto		
32. Nizampatam ...	Ditto		
33. Ipurupálem ...	Ditto		
34. Badduranipalem ...	Ditto	*Coasting Vessels.*	
35. Motupalli ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
36. Kanuparti ...	Ditto		
37. Kottapatam ...	Ditto		
38. Itamukkala ...	Ditto		
39. Pákala ...	Ditto		
40. Ramayapatam ...	Ditto	*(f)* In the case of a coasting steamer—	
41. Connayapalem ...	Ditto	(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
42. Tummalapenta ...	Ditto		
43. Juvaladinne ...	Ditto		
44. Iskapalle ...	Ditto		
45. Ponnapudi ...	Ditto		
46. Mypaud ...	Ditto		
47. Kistnapatam ...	Ditto		
48. Pamanji ...	Ditto		
49. Tupili ...	Ditto		
50. Dugarázpatnam ...	Ditto	(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
51. Púdi ...	Ditto		
52. Pulicat ...	Ditto		
53. Ennore ...	Ditto		
54. Covelong ...	Ditto		
55. Merkanam ...	Ditto		
56. Thirumalavasel ...	Ditto	(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.
57. Kodimpalliem ...	Ditto		
58. Velangani ...	Ditto		
59. Thopputorai ...	Ditto		
60. Point Calimere ...	Ditto		
61. Muttupettai ...	Ditto		
62. Adirámpatnam ...	Ditto		

PART III.—THE MADRAS PRESIDENCY—*contd.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern group—contd.		*Foreign Vessels.*	
63. Ammapatam ...	Seagoing vessels of fifteen tons and upwards.	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
64. Kristnajipatam ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
65. Kattumavadi ...	Ditto		
66. Kottaipatam ...	Ditto		
67. Gopalapatam ...	Ditto		
68. Sundrapandiapatam	Ditto		
69. Pasipatam ...	Ditto		
70. Damodarapatam ...	Ditto		
71. Tondi ...	Ditto		
72. Nambidalai ...	Ditto		
73. Pudupatam ...	Ditto		
74. Carungudu ...	Ditto		
75. Tirupalakudi ...	Ditto		
76. Devipatam ...	Ditto		
77. Mudiapatam ...	Ditto		
78. Attangarai ...	Ditto		
79. Pillaimadam ...	Ditto		
80. Emanagudu ...	Ditto		
81. Rámesvaram ...	Ditto		
82. Mandapam ...	Ditto		
83. Vedalai ...	Ditto		
84. Marakayapatam ...	Ditto		
85. Muttupettai ...	Ditto		
86. Kilakarai ...	Ditto		
87. Eruvadi ...	Ditto		
88. Valinokam ...	Ditto		
89. Vaippár ...	Ditto		
90. Koilpatam ...	Ditto		
91. Kulasekharapatnam	Ditto		
Western Group.			
1. Mangalore ...	Ditto	*Coasting Vessels.*	
2. Cananore ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
3. Tellicherry ...	Ditto		
4. Calicut ...	Ditto		
5. Beypore ...	Ditto		
6. Cochin ...	Ditto		
7. Badagara ...	Ditto		
8. Quilandi ...	Ditto		
9. Ponáni ...	Ditto		
10. Attaprom ...	Ditto		
11. Kurkuye ...	Ditto		
12. Madayi ...	Ditto		
13. Attukuye ...	Ditto		
14. Chowghat ...	Ditto		
15. Velliangode ...	Ditto		
16. Kuttayi ...	Ditto		
17. Parony ...	Ditto		
18. Tánúr ...	Ditto		
19. Parpanangádi ...	Ditto		
20. Cadalondi ...	Ditto		
21. Molankadava ...	Ditto		
22. Pudiangadi ...	Ditto		
23. Ellatur ...	Ditto		
24. Kapat ...	Ditto		
25. Kollam ...	Ditto		
26. Cuddalore ...	Ditto		
27. Trikodi ...	Ditto		
28. Kottakal ...	Ditto		
29. Muttungal ...	Ditto		

		(f) In the case of a coasting steamer—	
		(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*concld.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable respect of same vessel.
Western Group—contd.		*Foreign Vessels.*	
30. Chombayi ...	Seagoing vessels of fifteen tons and upwards.	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
31. Kallai ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
32. Talai ...	Ditto		
33. Dharmapatnam ...	Ditto		
34. Egara ...	Ditto		
35. Pudiangadi ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
36. Baliapatam ...	Ditto		
37. Etticollam ...	Ditto		
38. Kavai ...	Ditto	*(d)* In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
39. Katkacheri ...	Ditto		
40. Bekal ...	Ditto		
41. Kásaragód ...	Ditto		
42. Kumbla ...	Ditto	*Coasting Vessels.*	
43. Manjeshwara ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
44. Mulki ...	Ditto		
45. Padubidri ...	Ditto	*(f)* In the case of a coasting steamer—	
46. Yermal ...	Ditto	(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
47. Uchil ...	Ditto		
48. Kap ...	Ditto		
49. Uddyavar ...	Ditto		
50. Malpe ...	Ditto	(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
51. Bárkúr, or Hangarkotta.	Ditto		
52. Kundapura ...	Ditto	(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.
53. Baindur ...	Ditto		
54. Naikinkatta ...	Ditto		
55. Serur ...	Ditto		

Definitions.

In this Part of the Schedule—

(1) "ship" means a sailing vessel, and "steamer" a steam-vessel:

(2) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the continent of India or in the island of Ceylon:

(3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

STATEMENT OF OBJECTS AND REASONS.

THE case which gives rise to this Bill is as follows. Certain steamers are engaged in the coasting trade of the Madras Presidency, but are not "coasting steamers" within the meaning of the expression as defined in Part III of the Schedule to the Indian Ports Act, 1875. Therefore they have to pay port-dues at every port they call at in a group instead of only paying them (at a rate which may be half as much again as an ordinary single rate) at the first port they call at and being free at every other port in the group for a period of thirty days. The owners of these steamers have represented to the Government that the levy of these full port-rates at every port the steamers call at is a considerable hardship and is detrimental to the trade which their steamers are fostering, and they have asked that their steamers may be treated as coasting steamers. The Government of India is of opinion that the law, as it stands at present, bears hardly not only on these steamers engaged in the coasting trade, but also on other steamers and sailing vessels, and that the law should be amended generally for all vessels calling at ports in the Madras Presidency. The present Bill has, therefore, been prepared in consultation with the local authorities and Chamber of Commerce. With the object of settling the port-dues on as fair and liberal a basis as is consistent with obtaining a sufficient income, the Bill recasts Part III of the First Schedule to the Indian Ports Act on the following lines:—

(1) It declares that the following rates of duty shall be paid in the case of vessels calling at one port only, namely:—

(*a*) in the case of foreign ships or steamers calling at Madras or at any port in the Eastern or Western group—a rate not exceeding three annas a ton;

(*b*) in the case of coasting ships calling at any port—a rate not exceeding one and a half annas a ton;

(*c*) in the case of coasting steamers calling at Madras (except within thirty days after visiting another port in either group, when the due is not to exceed one and a half annas a ton)—a due not exceeding four and a half annas a ton.

(2) It exempts, on payment of the above dues, foreign ships or steamers engaged in trade with the Straits Settlements and coasting ships from liability to pay dues again at the same port for a period of sixty days.

(3) It exempts the following vessels on payment of the dues specified from payment of any further due at the same or certain other ports for a fixed period:—

(*a*) foreign ships or steamers engaged in trade with the Straits Settlements, on payment of a due not exceeding four and a half annas a ton at the first port in the Eastern group or in the Western group called at by the ship or steamer, from liability to pay the due again at that or any other port in the group for a period of sixty days;

(*b*) coasting steamers, on payment of a due not exceeding three annas a ton at the first port in the Eastern group or in the Western group called at by the steamer, from liability to pay the due again at that or any other port in the group for a period of thirty days;

(*c*) coasting steamers, on payment of a due not exceeding four and a half annas a ton at Madras, from liability to pay the due again at Madras or at any port in the Eastern group for a period of thirty days.

A. COLVIN.

The 29th June, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 17, 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 7th July, 1886, and was referred to a Select Committee :—

NO. 12 OF 1886.

A Bill to amend the Indian Ports Act, 1875.

WHEREAS it is expedient to substitute a new Part for Part III of the First Schedule to the Indian Ports Act, 1875, of the nature hereinafter appearing; It is hereby enacted as follows :— XII of 1875.

Substitution of a new Part for Part III of the First Schedule to the Indian Ports Act, 1875.

1. For Part III of the First Schedule to the said Act, the Part in the Schedule to this Act shall be substituted.

Construction of documents referring to the superseded Part.

2. Any document referring to Part III of the First Schedule to the Indian Ports Act, 1875, shall, so far as the document is consistent with the Part in the Schedule to this Act, be construed to refer thereto. XII of 1875.

Repeal of Act IV of 1881.

3. The Madras Port-dues Act, 1881, is hereby repealed. IV of 1881.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Madras ...	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.*	
Eastern Group.		*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
1. Ganjam ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
2. Gopálpur ...	Ditto		
3. Calingapatam ...	Ditto		
4. Bimlipatam ...	Ditto		
5. Vizagapatam ...	Ditto		
6. Cocanada ...	Ditto		
7. Coringa ...	Ditto		
8. Masulipatam ...	Ditto		
9. Cuddalore ...	Ditto		
10. Porto Novo ...	Ditto		
11. Tranquebar ...	Ditto		
12. Negapatam ...	Ditto		
13. Nagore ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
14. Pámban ...	Ditto		
15. Tuticorin ...	Ditto		
16. Sonapore ...	Ditto		
17. Báruva ...	Ditto		
18. Púndi ...	Ditto		
19. Bapanapadu ...	Ditto		
20. Conada ...	Ditto		
21. Pudimadaka ...	Ditto		
22. Pentakota ...	Ditto		
23. Uppada ...	Ditto		
24. Bendamanlanka ...	Ditto		
25. Narsápur ...	Ditto		
26. Perupalem ...	Ditto		
27. Penumudi ...	Ditto		
28. Moratota ...	Ditto	*(d)* In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
29. Nagayalanka ...	Ditto		
30. Kottapalem ...	Ditto		
31. Gangadipalem ...	Ditto		
32. Nizampatam ...	Ditto		
33. Ipurupálem ...	Ditto		
34. Badduranipalem ...	Ditto		
35. Motupalli ...	Ditto		
36. Kanuparti ...	Ditto		
37. Kottapatam ...	Ditto		
38. Itamukkala ...	Ditto		
39. Pákala ...	Ditto		
40. Ramayapatam ...	Ditto		
41. Connayapalem ...	Ditto		
42. Tummalapenta ...	Ditto		
43. Juvaladinne ...	Ditto		
44. Iakapalle ...	Ditto		
45. Ponnapudi ...	Ditto		
46. Mypaud ...	Ditto		
47. Kistnapatam ...	Ditto		
48. Pamanji ...	Ditto		
49. Tupili ...	Ditto		
50. Dugarázpatnam ...	Ditto		
51. Púdi ...	Ditto		
52. Pulicat ...	Ditto	*Coasting Vessels.*	
53. Ennore ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
54. Covelong ...	Ditto		
55. Merkanam ...	Ditto		
56. Thirumalavasel ...	Ditto		
57. Kodimpalliem ...	Ditto		
58. Velangani ...	Ditto		
59. Thopputorai ...	Ditto		
60. Point Calimere ...	Ditto		
61. Muttupettai ...	Ditto		
62. Adirámpatnam ...	Ditto	*(f)* In the case of a coasting steamer— (1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
			The due is payable on each entry into the port.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*contd.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern group—contd.		*Foreign Vessels.*	
63. Ammapatam ...	Seagoing vessels of fifteen tons and upwards.	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
64. Kristnajipatam ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
65. Kattumavadi ...	Ditto		
66. Kottaipatam ...	Ditto		
67. Gopalapatam ...	Ditto		
68. Sundrapandiapatam	Ditto		
69. Pasipatam ...	Ditto		
70. Damodarapatam ...	Ditto		
71. Tondi ...	Ditto		
72. Nambidalai ...	Ditto		
73. Pudupatam ...	Ditto		
74. Carungudu ...	Ditto		
75. Tirupalakudi ...	Ditto		
76. Devipatam ...	Ditto		
77. Mudiapatam ...	Ditto		
78. Attangarai ...	Ditto		
79. Pillaimadam ...	Ditto		
80. Emanagudu ...	Ditto		
81. Rámesvaram ...	Ditto		
82. Mandapam ...	Ditto		
83. Vedalai ...	Ditto		
84. Marakayapatam ...	Ditto		
85. Muttupettai ...	Ditto		
86. Kilakarai ...	Ditto		
87. Eruvadi ...	Ditto		
88. Valinokam ...	Ditto		
89. Vaippár ...	Ditto		
90. Koilpatam ...	Ditto		
91. Kulasekharapatnam	Ditto		
Western Group.		*Coasting Vessels.*	
1. Mangalore ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
2. Cannanore ...	Ditto		
3. Tellicherry ...	Ditto		
4. Calicut ...	Ditto		
5. Beypore ...	Ditto		
6. Cochin ...	Ditto		
7. Badagara ...	Ditto		
8. Quilandi ...	Ditto		
9. Ponáni ...	Ditto		
10. Attaprom ...	Ditto		
11. Kurkuye ...	Ditto		
12. Madayi ...	Ditto		
13. Attukuye ...	Ditto		
14. Chowghat ...	Ditto		
15. Velliangode ...	Ditto		
16. Kuttayi ...	Ditto		
17. Parony ...	Ditto		
18. Tánúr ...	Ditto		
19. Parpanangádi ...	Ditto		
20. Cadalondi ...	Ditto		
21. Molankadava ...	Ditto		
22. Pudiangadi ...	Ditto		
23. Ellatur ...	Ditto		
24. Kapat ...	Ditto		
25. Kollam ...	Ditto		
26. Cuddalore ...	Ditto		
27. Trikodi ...	Ditto		
28. Kottakal ...	Ditto		
29. Muttungal ...	Ditto	*(f)* In the case of a coasting steamer— (1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
			The due is payable on each entry into the port.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*concld.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable respect of same vessel.
Western Group—contd.		*Foreign Vessels.*	
30. Chombayi ...	Seagoing vessels of fifteen tons and upwards.	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
31. Kallai ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
32. Talai ...	Ditto		
33. Dharmapatnam ...	Ditto		
34. Egara ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
35. Pudiangadi ...	Ditto		
36. Baliapatam ...	Ditto		
37. Etticollam ...	Ditto		
38. Kavai ...	Ditto		
39. Katkacheri ...	Ditto	*(d)* In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
40. Bekal ...	Ditto		
41. Kásaragód ...	Ditto		
42. Kumbla ...	Ditto	*Coasting Vessels.*	
43. Manjeshwara ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
44. Mulki ...	Ditto		
45. Padubidri ...	Ditto	*(f)* In the case of a coasting steamer—	
46. Yermal ...	Ditto	(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
47. Uchil ...	Ditto		
48. Kap ...	Ditto		
49. Uddyavar ...	Ditto		
50. Malpe ...	Ditto	(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
51. Bárkúr, or Hangarkotta.	Ditto		
52. Kundapura ...	Ditto		
53. Baindur ...	Ditto	(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.
54. Naikinkatta ...	Ditto		
55. Serur ...	Ditto		

Definitions.

In this Part of the Schedule—

(1) "ship" means a sailing vessel, and "steamer" a steam-vessel;

(2) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the continent of India or in the island of Ceylon:

(3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

STATEMENT OF OBJECTS AND REASONS.

THE case which gives rise to this Bill is as follows. Certain steamers are engaged in the coasting trade of the Madras Presidency, but are not "coasting steamers" within the meaning of the expression as defined in Part III of the Schedule to the Indian Ports Act, 1875. Therefore they have to pay port-dues at every port they call at in a group instead of only paying them (at a rate which may be half as much again as an ordinary single rate) at the first port they call at and being free at every other port in the group for a period of thirty days. The owners of these steamers have represented to the Government that the levy of these full port-rates at every port the steamers call at is a considerable hardship and is detrimental to the trade which their steamers are fostering, and they have asked that their steamers may be treated as coasting steamers. The Government of India is of opinion that the law, as it stands at present, bears hardly not only on these steamers engaged in the coasting trade, but also on other steamers and sailing vessels, and that the law should be amended generally for all vessels calling at ports in the Madras Presidency. The present Bill has, therefore, been prepared in consultation with the local authorities and Chamber of Commerce. With the object of settling the port-dues on as fair and liberal a basis as is consistent with obtaining a sufficient income, the Bill recasts Part III of the First Schedule to the Indian Ports Act on the following lines:—

(*1*) It declares that the following rates of duty shall be paid in the case of vessels calling at one port only, namely:—

(*a*) in the case of foreign ships or steamers calling at Madras or at any port in the Eastern or Western group—a rate not exceeding three annas a ton;

(*b*) in the case of coasting ships calling at any port—a rate not exceeding one and a half annas a ton;

(*c*) in the case of coasting steamers calling at Madras (except within thirty days after visiting another port in either group, when the due is not to exceed one and a half annas a ton)—a due not exceeding four and a half annas a ton.

(*2*) It exempts, on payment of the above dues, foreign ships or steamers engaged in trade with the Straits Settlements and coasting ships from liability to pay dues again at the same port for a period of sixty days.

(*3*) It exempts the following vessels on payment of the dues specified from payment of any further due at the same or certain other ports for a fixed period:—

(*a*) foreign ships or steamers engaged in trade with the Straits Settlements, on payment of a due not exceeding four and a half annas a ton at the first port in the Eastern group or in the Western group called at by the ship or steamer, from liability to pay the due again at that or any other port in the group for a period of sixty days;

(*b*) coasting steamers, on payment of a due not exceeding three annas a ton at the first port in the Eastern group or in the Western group called at by the steamer, from liability to pay the due again at that or any other port in the group for a period of thirty days;

(*c*) coasting steamers, on payment of a due not exceeding four and a half annas a ton at Madras, from liability to pay the due again at Madras or at any port in the Eastern group for a period of thirty days.

A. COLVIN.

The 29th June, 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 7th July, 1886, and was referred to a Select Committee on the 14th idem :—

NO. 13 OF 1886.

A Bill to amend the Indian Companies Act, 1882.

WHEREAS it is expedient to amend the Indian Companies Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows :— VI of 1882.

1. After section 200 of the Indian Companies Act, 1882, the following section shall be inserted, namely :— VI of 1882. Insertion of new section after section 200.

"200A. (1) In the distribution of the assets of any company being wound up under this Act, there shall be paid in priority to all other debts— [46 & 47 Vic., c. 28, s. 4.] Wages and salaries to be preferential claims and to rank equally.

"(a) all wages or salary of any clerk or servant in respect of services rendered to the company within the four months next before the commencement of the winding up, not exceeding five hundred rupees for each clerk or servant; and [Indian Bankruptcy Bill, s. 33, cls. (b) and (c): 55 Law J. Rep. Q. B. 288.]

"(b) 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 company within the four months next before the commencement of the winding up.

"(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

"(3) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise, the liquidator or liquidators or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when the assets come into the hands of the liquidator or liquidators or official liquidator." [46 & 47 Vic., c. 28, s. 6.]

STATEMENT OF OBJECTS AND REASONS.

THE attention of the Government of India has been drawn, by a recent decision of Mr. Justice Scott of the Bombay High Court (I. L. R. 10 Bom. 211), to the absence of any provision in the Indian Companies Act, 1882 (Act VI of 1882), similar to that contained in section 4 of the Statute 46 & 47 Vic., cap. 28, under which, in the distribution of the assets of any company being wound up, the wages of clerks and workmen are, subject to certain restrictions, given priority over other debts. With the view of remedying this defect in the Indian law, the present Bill has been prepared. While following generally the lines of the English Statute, the Bill adopts the modifications of the law regarding the priority of the wages of workmen, in the case of the bankruptcy of private employers, made by section 40 of the English Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52). As these provisions of the English Bankruptcy Act have been followed in the Indian Bankruptcy Bill now before the Legislative Council of the Governor General, it seems desirable that the amendment which this Bill makes in the Indian Companies Act should be drawn so far as possible in identical terms.

C. P. ILBERT.

The 7th July, 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 14th July, 1886, and was referred to a Select Committee:—

NO. 14 OF 1886.

THE PUNJAB LAND-REVENUE BILL.

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THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to declare and amend the Land-revenue Law of the Punjab.

WHEREAS it is expedient to amend the law in force in the Punjab with respect to the powers of Revenue-officers and Revenue Courts, the maintenance of records-of-rights in land, the assessment and collection of land-revenue, and other matters relating to land and the liabilities incident thereto; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Land-revenue Act, 1886. [Act XXXIII, 1871, s. 1.]

(*2*) It extends to the territories for the time being administered by the Lieutenant-Governor of the Punjab and its Dependencies, including the pargana of Spiti, but not so as to affect any Regulation made under the provisions of the Statute 33 Victoria, chapter 3, for any portion of those territories; and [Regulation I of 1873, s. 14.]

(*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 appoint in this behalf.

(*4*) Any power conferred on the Local Government or the Financial Commissioner to make rules, or on the Local Government to issue orders, make appointments or confer powers, may be exercised at any time after the passing of this Act; but a rule, order, appointment or power so made, issued or conferred shall not take effect till the commencement of this Act.

Repeal.

2. (*1*) The enactments mentioned in the schedule to this Act are repealed to the extent specified in the third column thereof.

(*2*) But all rules, appointments and assessments made, notifications and proclamations issued, authorities and powers conferred, farms and leases granted, records framed, revised or confirmed, rights acquired, liabilities incurred, and times and places appointed under any of the repealed enactments shall, so far as may be, be deemed to have been respectively made, issued, conferred, granted, framed, revised, confirmed, acquired, incurred and appointed under this Act; and

(*3*) All suits, appeals, applications and proceedings instituted, made or commenced under any of those enactments and pending at the commencement of this Act shall be deemed, so far as may be, to have been instituted, made and commenced under this Act.

Definitions.

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

(*1*) "land" means land assessed or liable to be assessed to land-revenue, or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village: [Act XVIII, 1884, s. 3.]

(*2*) "estate" means any area—

(*a*) for which a separate record-of-rights has been framed; or [Act XXXIII, 1871, s. 1; Act XIX, 1873, s. 3; and Act VIII, 1879, s. 2.]

(*b*) which has been separately assessed to land-revenue, or would have been so assessed if the land-revenue had not been released, compounded for or redeemed; or

(*c*) which the Local Government may, by general rule or special order, declare to be an estate:

(3) "tenant," "landlord," "rent," "arrear of rent" and "tenancy" have the meanings respectively assigned to those expressions in the Punjab Tenancy Act, 1887:

[Cf. Act VIII, 1879, ss. 11 and 12.]

(4) "landowner" includes any person, other than a tenant, in possession of an estate or any share or portion thereof, or in enjoyment of any part of the profits of an estate:

(5) "holding" means a share or portion of an estate held by one landowner or jointly by two or more landowners:

(6) "arrear of land-revenue" means land-revenue which remains unpaid after the date on which it becomes payable:

(7) "defaulter" means a landowner liable for an arrear of land-revenue, and includes a person who is responsible as surety for the payment of the arrear:

(8) "village-officer" includes a chief-headman, a headman and a patwári:

(9) "village-cess" includes any cess other than (*a*) the cess or other impost leviable under this Act for the maintenance of village-officers, and (*b*) any rate, tax or fees leviable under the Punjab Local Rates Act, 1878, or Punjab District Boards Act, 1883:

[Act XVIII, 1881, s. 5.]

(10) "agricultural year" means the year commencing on the sixteenth day of June, or on such other date as the Local Government may in the case of any local area appoint:

XIX, s. 3, and under XXXIII, F II

(11) "incumbrance" means a charge upon or claim against land arising out of a private grant or contract:

Act 1881,

(12) "recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in the proceeding, or belonging to any class which the Local Government may by notification authorize in this behalf:

Act 1881,

(13) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtár or revenue-agent: and

(14) "notification" means a notification published by authority of the Local Government in the official Gazette.

Power to vary limits and alter number of tahsils, districts and divisions.

4. The Local Government may vary the limits of the tahsils, districts and divisions into which the territories administered by it are divided, and may alter the number of those tahsils and, with the previous sanction of the Governor General in Council, the number of those districts and divisions.

CHAPTER II.

REVENUE-OFFICERS AND REVENUE COURTS.

Classes and Powers.

Classes and grades of Revenue-officers.

5. There shall be the following classes of Revenue-officers, namely:— [Act XXXIII, 1871, s. 2; Act XVIII, 1881, ss. 5 and 6.]

(*a*) the Financial Commissioner, who shall, subject to the control of the Local Government, be the chief controlling revenue-authority;

(*b*) the Commissioner, who shall be the chief revenue-authority within a division;

(*c*) the Deputy Commissioner, who shall be the chief revenue-authority within a district; and

(*d*) subordinate Revenue-officers, who may be ranged in the following grades, namely:—

(i) the Assistant Commissioner;
(ii) the Extra Assistant Commissioner;
(iii) the Tahsildar; and
(iv) the Naib-tahsildar.

Appointment of Financial Commissioner.

6. (*1*) The Financial Commissioner shall be appointed and may be removed by the Local Government with the previous sanction of the Governor General in Council. [Act XXXIII, 1871, s. 3.]

(*2*) The Local Government may, with the like sanction, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government. [Act XVIII, 1884, s. 52.]

(*3*) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners.

Appointment of Commissioners, Deputy Commissioners and Assistant Commissioners.

7. (*1*) Commissioners, Deputy Commissioners, Assistant Commissioners and Extra Assistant Commissioners shall be appointed and may be removed by the Local Government. [Act XXXIII, 1871, s. 4.]

(*2*) The Local Government may, if it thinks fit, appoint the same person to be Deputy Commissioner of two or more districts. [Act XVIII, 1884, s. 20.]

Appointment of Tahsildars and Naib-tahsildars.

8. The Local Government shall fix the number of Tahsildars and Naib-tahsildars to be appointed, and when there is a vacancy in that number the Financial Commissioner may, subject to rules made by him with the previous sanction of the Local Government, appoint such person to fill the vacancy as he thinks fit. [Cf. Act XVIII, 1884, s. 25.]

Applications and proceedings exclusively cognizable by Revenue-officers.

9. Applications and proceedings of the following classes shall be disposed of by Revenue-officers, and not otherwise:— [Cf. Act XXVIII, 1868, s. 42.]

(*a*) proceedings relating to the enhancement and reduction of rents under sections 10, 14, 15, 16 and 17 of the Punjab Tenancy Act, 1886;

(*b*) applications under sections 11 and 12 of that Act for the commutation and conversion of rents;

(*c*) proceedings relating to the remission and suspension of rent under section 19 of that Act;

(*d*) applications under sections 20, 21 and 22 of that Act with respect to the division of produce and the estimate and appraisement of crops;

(*e*) applications under section 23 of that Act with respect to relinquishment of tenancies;

(*f*) applications under section 25 of that Act for determination of rent payable for land occupied by crops uncut at the time of an order being made for the ejectment of a tenant;

(*g*) applications under sections 27 and 28 of that Act for ejectment of tenants having a right of occupancy;

(*h*) applications under section 29 of that Act for the service of notices of ejectment on, and the ejectment of, tenants not having a right of occupancy;

(*i*) applications under section 30 of that Act for the ejectment of tenants not having a right of occupancy;

(*j*) applications under section 34 of that Act for the fixing of the value of a right of occupancy;

(*k*) applications under sections 34 and 36 of that Act for the ejectment of a tenant or other person in occupation of land subject to a right of occupancy sought to be transferred;

(*l*) proceedings relating to the award of compensation for improvements or disturbance under Chapter VI of that Act; and

(*m*) applications and proceedings which a Revenue-officer is by this Act empowered to dispose of.

[Cf. Act XXVIII, 1868, s. 42.]

Suits exclusively cognizable by Revenue Courts.

10. (*1*) Suits of the classes described in sub-section (*3*) of this section shall be instituted before, and heard and determined by, Revenue-officers and not otherwise.

[Cf. 42 & 43 Vic., c. 49, s. 50.]

(*2*) When a Revenue-officer is exercising jurisdiction with respect to a suit of any of those classes, or with respect to an appeal or other proceeding arising out of any such suit, he shall be called a Revenue Court.

[Act XVIII, 1884, s. 45.]

(*3*) The classes of suits referred to in this section are the following, namely:—

(*a*) suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like;

(*b*) suits for the recovery of any over-payment of rent;

(*c*) suits for sums payable by co-sharers on account of land-revenue or of village-expenses or other dues for which the co-sharers in an estate or holding are, as such, responsible;

(*d*) suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses and other dues, or for a settlement of accounts;

(*e*) suits by assignees of land-revenue for arrears of land-revenue due to them as such;

(*f*) suits by superior proprietors for arrears of land-revenue or other sums due to them as such;

(*g*) suits to establish a claim to a right of occupancy, or to prove that a tenant has not a right of occupancy;

(*h*) suits to eject a tenant from land 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;

(*i*) suits under section 29 of the Punjab Tenancy Act, 1886, to contest liability to be ejected when notice of ejectment has been served;

(*j*) suits under section 9 of the Specific Relief Act, 1877, to recover possession of land, or by a tenant otherwise than under that Act to recover the occupancy of land of which he has been wrongfully dispossessed; I of 1877.

(*k*) suits for compensation for wrongful dispossession from a tenancy;

(*l*) suits relating to the alienation of, or succession to, a right of occupancy in a tenancy;

(*m*) suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer or defined in a record-of-rights; and

(*n*) suits between landlord and tenant, as such, or between tenant and tenant, as such, which have not been specified in the foregoing part of this section.

Power of Chief Court to validate proceedings had under mistake as to jurisdiction.

11. (*1*) In either of the following cases, namely:— [New. Cf. Act XII, 1881, s. 205.]

(*a*) if it appears to a Civil Court that a Court under its control has determined a suit of a class mentioned in section 10, which, under the provisions of that section, should have been heard and determined by a Revenue Court, or

(*b*) if it appears to a Revenue Court that a Court under its control has determined a suit which should have been heard by a Civil Court,

the Civil Court or Revenue Court, as the case may be, shall submit the record of the suit to the Chief Court.

(*2*) If on perusal of the record it appears to the Chief Court that the suit was so determined in good faith, and that the parties have not been prejudiced by the mistake as to jurisdiction, the Chief Court may direct that the decree be registered in the Court which had jurisdiction; and thereafter it shall have effect as if it had been made by that Court.

(*3*) With respect to any proceedings subsequent to the decree, the Chief Court may make such order for their registration in, or transfer to, a Revenue Court or Civil Court as in the circumstances appears to it to be just and convenient to the parties.

(*4*) If it appears to the Chief Court, otherwise than on submission of a record under this section, that a Civil Court under its control has determined a suit of a class mentioned in section 10, which, under the provisions of that section, should have been heard and determined by a Revenue Court, the Chief Court may pass any order which it might have passed if the record had been submitted to it under the foregoing provisions of this section.

Classes and grades of Revenue Courts.

12. There shall be the same classes and grades of Revenue Courts as of Revenue-officers, namely:— [Act XXXIII, 1871, s. 2; and Act XVIII, 1884, s. 3 (2).]

(*a*) the Court of the Financial Commissioner;

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(Chapter II.—Revenue-officers and Revenue Courts.—Sections 13-20.)

(*b*) the Court of the Commissioner;

(*c*) the Court of the Deputy Commissioner; and

(*d*) the Courts of subordinate Revenue-officers, which may be ranged in the following grades, namely:—

(i) the Court of the Assistant Commissioner;

(ii) the Court of the Extra Assistant Commissioner;

(iii) the Court of the Tahsildar; and

(iv) the Court of the Naib-tahsildar.

13. (*1*) Except where, in the case of a Revenue-officer, the class of the officer by whom any function is to be discharged is expressly stated in this Act, the Local Government may by rule or notification determine the powers to be exercised by any Revenue-officer or Revenue Court.

Conferment of powers on Revenue-officers and Revenue Courts.

[Cf. Act XVIII, 1884, s. 26 (*1*).]

(*2*) The powers may be determined with reference to the class or value of cases or otherwise as the Local Government thinks fit.

(*3*) The Local Government may confer powers on a person by name or by virtue of his office, and on any class or grade of Revenue-officers or Revenue Courts by designation of the class or grade.

[Cf. Act IX, 1868, s. 8 (*1*).]

(*4*) The expression "prescribed Revenue-officer" in any provision of this Act means a Revenue-officer empowered by the Local Government to discharge the functions of a Revenue-officer under that provision.

[Cf. Act XVIII, 1884, s. 28.]

14. (*1*) The Local Government may, with respect to particular classes of cases or cases generally in any local area, appoint any person to be a Revenue-officer of any class specified in clause (*b*), clause (*c*) or clause (*d*) of section 5, and may suspend or cancel the appointment.

Special Revenue-officers.

(*2*) When a person is so appointed to be a Revenue-officer of any one of those classes, he shall, subject to the orders of the Local Government, be deemed to be a Revenue-officer of that class for all purposes.

Administrative Control.

[Cf. Act XVIII, 1884, s. 56.]

15. (*1*) The general superintendence and control over all other Revenue-officers and Revenue Courts shall be vested in, and all such officers and Courts shall be subordinate to, the Financial Commissioner.

Superintendence and control of Revenue-officers and Revenue Courts.

[Act XVIII, 1884, s. 56.]

(*2*) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers and Revenue Courts in his division.

(*3*) Subject as aforesaid and to the control of the Commissioner, a Deputy Commissioner shall control all other Revenue-officers and Revenue Courts in his district.

[Cf. Act XVIII, 1884, s. 56.]

16. The Financial Commissioner or a Commissioner or Deputy Commissioner may by written order direct that any business cognizable by any Revenue-officer or Revenue Court under his control shall be distributed in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any officer or Court to exercise any powers or deal with any business beyond the limits of his or its proper jurisdiction.

[Act XVIII, 1884, s. 57.]

17. (*1*) The Financial Commissioner or a Commissioner or Deputy Commissioner may withdraw any case pending before any Revenue-officer under his control, and either dispose of it himself, or refer it for disposal to any other Revenue-officer under his control and having power to dispose of the same.

Power to withdraw and transfer cases.

(*2*) A Commissioner or Deputy Commissioner may exercise, as regards the Revenue Courts under his control, the same powers as he may exercise under sub-section (*1*) as regards the Revenue-officers under his control.

[Act XVIII, 1884, s. 61.]

18. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in his district the powers conferred on the Deputy Commissioner by sections 15, 16 and 17, to be exercised by the Assistant Commissioner in any specified part of the district, subject to the control of the Deputy Commissioner.

Delegation of powers by Deputy Commissioner.

Appeal, Review and Revision.

[Act XXXIII, 1871, ss. 65 (5) and 66 (2); Act XIX, 1873, ss. 243 to 244 and 249; Act XVIII, 1881, s. 22.]

19. An appeal shall lie from any order made on an application or other proceeding mentioned in section 9, or from any decree or order made in a suit described in section 10—

Appeals.

(*a*) to the Deputy Commissioner when the order or decree is made by a subordinate Revenue-officer;

(*b*) to the Commissioner when the order or decree is made by a Deputy Commissioner;

(*c*) to the Financial Commissioner when the order or decree is made by a Commissioner:

Provided that—

(*a*) when the original order or decree of a Revenue-officer or Revenue Court is confirmed on appeal, a further appeal shall not lie;

(*b*) when any such order or decree is modified or reversed on appeal, a further appeal shall lie to the Financial Commissioner; and

(*c*) an appeal shall not lie from a decree or order made in a suit under section 9 of the Specific Relief Act, 1877, to recover possession of land.

[Act XVIII, 1884, s. 47.] I of 1877.

[Act XIX, 1873, ss. 245 to 247; Act XVIII, 1881, s. 23.]

20. (*1*) Except as provided by sub-section (*2*) of this section, an appeal shall not lie—

Limitation of appeals.

(*a*) in the Court of the Deputy Commissioner—after the expiration of thirty days from the date of the order or decree complained of;

[See rules under Act XXXIII, 1871, rule G II 1, which only allows 30 days for appeal to Commissioner.]

(*b*) in the Court of the Commissioner—after the expiration of sixty days from that date; or

(*c*) in the Court of the Financial Commissioner—after the expiration of ninety days from that date.

[Act XVIII, 1884, s. 50.]

(*2*) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

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(Chapter II.—Revenue-officers and Revenue Courts.—Sections 21-28.)

[Act XVIII, 1881, s. 26.]

21. (*1*) Subject to the other provisions of this Chapter, the Financial Commissioner may modify or reverse any order passed by himself or his predecessor in office, and

Review by Revenue-officers and Revenue Courts.

any other Revenue-officer may, with the previous sanction of the Revenue-officer to whose control he is immediately subject, modify or reverse any order passed by himself or his predecessor in office.

(*2*) A decree or order of a Revenue Court may be reviewed in accordance with the procedure prescribed for that Court by or under this Act, and not otherwise.

[Act XXXIII, 1871, s. 65; Act XIX, 1873, ss. 253 o 255; Act XVII, 1881, s. 24 and 5.]

22. (*1*) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any Revenue-officer or Revenue Court subordinate to him.

Power to call for, examine and revise proceedings of Revenue-officers and Revenue Courts.

(*2*) A Commissioner or Deputy Commissioner may call for the record of any case pending before, or disposed of by, any Revenue-officer or Revenue Court under his control.

(*3*) If in any case in which a Commissioner or Deputy Commissioner has called for a record he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(*4*) The Financial Commissioner may in any case called for by himself under sub-section (*1*) or reported to him under sub-section (*3*) pass such order as he thinks fit:

Provided that he shall not under this section pass an order affecting any question of right between private persons without having given the parties interested an opportunity of being heard.

Procedure.

[Act XIX, 1873, s. 208.]

23. (*1*) A Revenue-officer or Revenue Court may summon any person whose attendance he or it considers necessary for the purpose of any application, suit or other business.

Power of Revenue-officer or Revenue Court to summon persons, and mode of service of summons.

(*2*) A person so summoned shall be bound to attend at the time and place mentioned in the summons, either in person or by his recognized agent or a legal practitioner, as the Revenue-officer or Revenue Court may direct, and to state the truth upon any subject respecting which he is examined or makes statements, and to produce such documents and other things as the Revenue-officer or Revenue Court may require.

(*3*) A summons issued by a Revenue-officer or Revenue Court shall, if practicable, be served (*a*) personally on the person to whom it is addressed, or failing him (*b*) on his recognized agent or the manager or agent through whom he usually transacts business, or (*c*) on an adult male member of his family usually residing with him.

(*4*) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by fixing up a copy thereof at the usual place of residence of the person to whom it is addressed, or, if he does not reside in the district but has an interest in land therein, by posting a copy in some conspicuous place in the village in which the land is situate.

(*5*) If the summons relates to a case in which two or more persons are jointly concerned, the service may, if the Revenue-officer or Revenue Court so directs, be made on one of those persons for himself and for the other or others.

(*6*) If the Revenue-officer or Revenue Court is satisfied that service can be more conveniently made through the post by registered letter, or by any other method prescribed in the Code of Civil Procedure for the service of a summons, the summons may be so served.

XIV of 1882.

24. A notice or order issued by a Revenue-officer or Revenue Court for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

Mode of service of notice or order.

25. In addition to any other mode of publication which may be prescribed in any provision of this Act, a proclamation issued by a Revenue-officer or Revenue Court shall be made by beat of drum or other customary method, and by the posting of a copy of the proclamation, in the language of the office or Court, in a conspicuous place on the property to which the proclamation relates.

Mode of making proclamation.

[Act XVIII, 1881, s. 20.]

26. Appearances before a Revenue-officer or Revenue Court, and applications to, and acts to be done before, any such officer or Court, may be made or done—

Persons by whom appearances and applications may be made before and to Revenue-officers and Revenue Courts.

(*a*) by the parties themselves, or

(*b*) with the permission of the officer or Court, by their recognized agents or a legal practitioner:

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer or Court.

[Act XVIII, 1881, s. 21.]

27. The fees of a legal practitioner shall not be allowed as costs before any Revenue-officer or Revenue Court, unless that officer or Court considers, for reasons to be recorded by him or it in writing, that the fees should be allowed.

Legal practitioners' fees not to be allowed unless for special reasons.

[Act XVIII, 1881, ss. 18 and 19.]

28. (*1*) Subject to the other provisions of this Act, the Local Government may by order invest any Revenue-officer with any powers exerciseable by a Civil Court under the Code of Civil Procedure, and may direct that any provisions of that Code shall apply with or without modification to all or any classes of cases before Revenue-officers.

Procedure of Revenue-officers.

XIV of 1882.

[Act XXXIII, 1871, s. 66 (*1*); Act XVIII, 1881, s. 19.]

(*2*) Subject to any orders made by the Local Government under sub-section (*1*), that Government may make rules consistent with this Act for regulating the procedure of Revenue-officers in cases in which a procedure is not prescribed by this Act.

[Act XVIII, 1881, s. 16.]

(*3*) Subject to any orders or rules made under sub-section (*1*) or sub-section (*2*), a Revenue-officer may refer any case which he is empowered to dispose of under section 9 to any Revenue-officer under his control for investigation and report, and may decide the case upon the report.

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(Chapter IV.—Records.—Sections 29-38.)

[Act XVIII, 1884, s. 53.]

Procedure of Revenue Courts.

29. (*1*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this Act for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

XIV of 1882.

(*2*) Until rules are made under this section, and subject to those rules when made and to the provisions of this Act,—

(*a*) the Code of Civil Procedure shall, so far as it is applicable, apply to all proceedings in Revenue Courts whether before or after decree; and

(*b*) the Court of the Financial Commissioner shall, in respect of those cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under that Code.

[Act XVIII 1884, s. 54.]

Power to refer party to Civil Court.

30. (*1*) If, in any suit pending before a Revenue Court exercising original, appellate or revisional jurisdiction, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may decide the question as it thinks fit.

(*2*) If the party institutes the suit in compliance with the requisition, the Revenue Court shall, in disposing of the suit pending before it, be guided by the final decision of the Civil Court of first instance or appeal, as the case may be, on that question.

Supplemental Provisions.

Sittings of Revenue-officers and Revenue Courts.

31. (*1*) The Local Government may fix the place or places at which any Revenue-officer or Revenue Court is to transact business.

(*2*) The place or places so fixed may be beyond the local limits of the jurisdiction of the officer or Court.

(*3*) Except as may be otherwise provided by an order under this section, a Revenue-officer or Revenue Court may transact business at any place within those limits.

Holidays.

32. The Financial Commissioner, with the approval of the Local Government, shall publish in the local official Gazette before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any Revenue-officers and Revenue Courts.

[Act XIX, 1873, s. 21; Act XVIII, 1881, s. 19.]

Revenue-officers when transferred to retain their powers.

33. When a Revenue-officer, not being a person appointed under section 14, is transferred from one local area in which he has jurisdiction to another, he shall, unless the Local Government otherwise directs, exercise in the local area to which he is transferred all the powers which he was legally competent to exercise as a Revenue-officer or Revenue Court in the local area from which he is transferred.

[Act XIX, 1873, s. 20; Act XVIII, 1881, s. 13.]

Discharge of the duties of Deputy Commissioner dying or being disabled.

34. When a Deputy Commissioner dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf shall be deemed to be a Deputy Commissioner under this Act.

CHAPTER III.

KÁNÚNGOS, ZAILDÁRS AND VILLAGE-OFFICERS.

[Act XXXIII, 1871, s. 6.]

Rules respecting kánúngos, zaildárs and village-officers.

35. The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the appointment, duties, remuneration, punishment, suspension and removal of kánúngos, zaildárs and village-officers.

[Act XXXIII, 1871, s. 6.]

Village-officers' cess.

36. (*1*) The Local Government may by notification impose on any estate, or on all or any estates in any local area, a cess, to be called the village-officers' cess, at a rate not exceeding one anna for every rupee of the annual value for the remuneration of village-officers and for the defrayment of other expenditure directly connected with the supervision of those officers or with the performance of their duties:

Provided that all arrangements now in force in any local area for the purposes mentioned in this sub-section shall be deemed to have been lawfully made, and shall be maintained until the Local Government imposes the village-officers' cess in that local area under this section.

(*2*) "Annual value" in this section has the meaning assigned to that expression in the Punjab District Boards Act, 1883.

XX of 1883.

(*3*) The Financial Commissioner, with the previous sanction of the Local Government, may make rules for the administration of the proceeds of the village-officers' cess.

Remuneration of zaildárs and village-officers not liable to be attached or capable of being assigned.

37. (*1*) The remuneration of a zaildár or village-officer shall not be liable to attachment in execution of a decree or order of any Civil or Revenue Court.

(*2*) Every assignment of, and every charge on, and every agreement to assign or charge, any such remuneration shall be void.

[Cf. 44 & 45 Vic., c. 58, s. 141.]

CHAPTER IV.

RECORDS.

Record-of-rights.

[Act XXXIII, 1871, s. 1; Act XIX, 1873, ss. [illegible] et seqq.; Act VIII, 1876, s. 7; Act XVIII, 1881, s. 79.]

Record-of-rights.

38. Save as otherwise provided by this Chapter, a separate record-of-rights shall be made and maintained for each estate.

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 39-46.)

[Act XXXIII, 1871, s. 14.]

Documents to be included in record-of-rights.

39. The record-of-rights for an estate shall include the following documents:—

(*a*) statements showing, so far as may be practicable,—

(i) the persons who have rights in the estate or in any share or portion thereof, whether as landowners or tenants or in any other capacity, and the persons who are entitled to enjoy the rent, land-revenue or produce of the estate or of any share or portion thereof;

(ii) the extent and limits of the interests of those persons, and the conditions and liabilities attaching to those interests; and

(iii) the rent, land-revenue, rates, cesses or other payments due from and to each of those persons and to the Government;

(*b*) a statement of customs respecting joint rights and liabilities in the estate;

(*c*) a map of the estate in sufficient detail to illustrate the foregoing statements; and

(*d*) such other documents as the Financial Commissioner, with the previous sanction of the Local Government may prescribe.

[Act XXXIII, 1871, s. 15; Act XIX, 1873, s. 90; Act XVIII, 1881, s. 80.]

Language, form and attestation of record-of-rights.

40. The Financial Commissioner shall prescribe the language in which the record-of-rights is to be made, the form of the documents included in it, and the manner in which those documents are to be prepared, signed and attested.

[Act XXXIII, 1871, ss. 7 and 11.]

Local Government may direct record-of-rights to be made or revised.

41. (*1*) When it appears to the Local Government that a record-of-rights for an estate does not exist, or that the existing record-of-rights for an estate requires revision, it may by notification direct that a record-of-rights be made or that the record-of-rights be revised, as the case may be, and may further direct by the notification that for that purpose a survey be made.

(*2*) The notification may be with respect to records-of-rights generally for all or any estates for which they are to be made or revised in any local area.

XVIII of 1884.

(*3*) The notification shall, with respect to the local area to which it relates, be held, for the purposes of section 62 of the Punjab Courts Act, 1884, to be a notification declaring a settlement of land-revenue to be in progress in that local area.

[Act XIX, 1873, s. 67.]

Determination of disputes.

42. If during the making or revision of a record-of-rights a dispute arises as to any matter of which an entry is to be made therein, the prescribed Revenue-officer may of his own motion, but subject to the provisions of the next following section, and after such inquiry, if any, as he thinks fit, determine the entry to be made as to that matter.

[Act XXXIII, 1871, s. 19.]

Revision of record-of-rights.

43. When a record-of-rights is under revision it shall not be altered otherwise than by—

(*a*) making an entry in accordance with facts which have occurred since the record under revision was made or last revised;

(*b*) making such entries as are agreed to by all the parties interested therein, or are supported by a judicial decision;

(*c*) making new maps, where it is necessary to make them, and so amending such of the documents included in the record as are affected thereby that they may accord with those maps:

Provided that an entry as to the rights, interests or liabilities of a person shall not be altered except in the circumstances referred to in clause (*a*) or clause (*b*) of this section.

[Act XXXIII, 1871, s. 17; Act XVIII, 1881, s. 81.]

Confirmation of record of-rights and presumption as to entries therein.

44. (*1*) A report of the completion of every record-of-rights made or revised under this Chapter shall be submitted to the Local Government, and, when the Local Government has by notification confirmed the record, all entries therein shall be presumed to be true until the contrary is proved or the record has been revised under this Chapter.

(*2*) The report and the notification may be with respect to the records-of-rights generally for all or any estates for which they have been made or revised in any local area.

[Act XXXIII, 1871, ss. 26 and 28.]

Presumption of ownership of forests and waste lands.

45. (*1*) When in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land belongs to the landowners, it shall be presumed to belong to the Government.

(*2*) When in any record-of-rights completed after that date it is not expressly provided that any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land belongs to the Government, it shall be presumed to belong to the landowners.

(*3*) The presumption created by sub-section (*1*) may be rebutted by showing—

(*a*) from the report made by the assessing officer at the time of assessment, or

(*b*) if the report is silent, then from a comparison between the assessment of villages in which any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land did exist, and the assessment of villages of similar character in which any such accessory interest did not exist,

that the forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest was taken into account in the assessment of the land-revenue.

(*4*) Until the presumption is so rebutted, the accessory interest shall be held to belong to the Government.

(*5*) When the presumption is so rebutted, the accessory interest taken into account in the assessment shall be held to belong to the landowners.

[Act XXXIII, 1871, s. 29; and Act XVIII, 1881, s. 151.]

Rights of Government in mines, minerals, quarries and fisheries.

46. (*1*) Unless it is otherwise expressly provided in a record-of-rights or by the terms of a grant made by the Government, the right to all mines, minerals, coals, earth-oil, quarries and gold-washings, and to all fisheries in navigable rivers, shall, notwithstanding anything contained in the last foregoing section, be deemed

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 47-53.)

to be the property of the Government, and the Government shall have all powers necessary for the proper enjoyment of the right.

(2) Whenever, in the exercise of the right by the Government, the rights of any persons are infringed by the occupation or disturbance of the surface of any land, the Government shall pay to those persons compensation for the infringement.

(3) Subject to any rules made in this behalf by the Local Government, the amount of the compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

X of 1870.

Exceptional Provision with respect to Record-of-rights.

[Act VIII, 1881, s. 79.]

47. (1) The Financial Commissioner may direct that a record-of-rights shall be made for any group of neighbouring estates instead of separately for each of the estates.

Record-of-rights for group of estates.

(2) The provisions of this Chapter with respect to a record-of-rights for an estate shall then apply so far as they can be made applicable to a record-of-rights for a group of estates.

Other Record Operations.

(i) VILLAGE-CESSES.

[Act XVIII, 1881, s. 76; Act XIX, 1873, s. 66.]

48. (1) At any time while a record-of-rights is being made or revised and before it is confirmed the Local Government may regulate the rate and conditions of any village-cess, or altogether forbid the levy thereof, and may direct that the record be framed accordingly.

Regulation of village-cesses.

(2) A village-cess shall not be recoverable in any Court unless it is entered in the record-of-rights last made or revised, and confirmed, for the estate in which it is claimed to levy the cess.

(3) The Local Government may direct that the whole or any portion of a village-cess entered in the record-of-rights of an estate shall be expended upon conservancy, police or other objects declared by it to be for the benefit of the estate.

(4) In case of doubt the Local Government may declare what shall be deemed to be a village-cess within the meaning of this section.

(ii) PARTITION PROCEEDINGS.

49. Except with the express consent of the Financial Commissioner, to be obtained in each case, no agreement or proceedings for the partition of land held in joint ownership shall affect the joint liability of the land or of the owners thereof for the land-revenue assessed thereon, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties interested.

Restrictions on partition of estates.

[Rules under Act XXXIII, 1871, Rule 21.]

50. (1) Any joint owner of land, or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to the prescribed Revenue-officer for partition of his share in the land or tenancy, as the case may be.

Procedure in partitions.

(2) The Revenue-officer shall admit the application if it is in accordance with—

(a) a decree of Court, or
(b) an agreement of the sharers, or
(c) an entry in the record-of-rights :

Provided that, if either or any of the sharers objects that any entry in the record-of-rights relating to their shares is incorrect or not in accord with existing facts, the Revenue-officer shall defer for three months making an order on the application.

(3) If within the period of three months the objector institutes a suit for the purpose of establishing his objection, the proceedings shall be further stayed till the final disposal of the suit.

(4) If within that period the objector does not institute a suit for that purpose, the Revenue-officer may admit the application.

(5) Subject to the foregoing provisions of this section, the Revenue-officer may dispose of any question arising in the proceedings.

(6) The Revenue-officer may for sufficient reason disallow a partition in whole or in part.

(7) The fact that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the land comprised in the tenancy of a tenant having a right of occupancy may be a sufficient reason for the disallowance of the partition unless the tenant assents to the severance. [Punjab draft of Tenancy Bill, s. 40.]

(8) A person to whom any land or portion of a tenancy is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and persons deriving title from them.

[Act XIX, 1873, s. 47; Act XVIII, 1881, s. 67.]

51. When by established custom the land held by each landowner in an estate is subject to periodical re-distribution, the prescribed Revenue-officer may on the application of the landowners enforce the re-distribution according to the custom, and for this purpose may exercise all the powers of a Revenue-officer in proceedings for partition.

Re-distribution of land according to custom.

(iii) OTHER CHANGES SUBSEQUENT TO MAKING OR REVISION OF RECORD-OF-RIGHTS.

52. (1) Within six months after any person other than a tenant from year to year has entered into possession of any land, either as landowner or tenant, he shall report the event to the village-officer appointed by the Financial Commissioner in this behalf.

Report of entry into possession of land.

(2) If that person fails to make the report within the six months, he shall be liable, in the discretion of the prescribed Revenue-officer, to fine which may extend to one rupee for every day during which the default continues after the expiration of that period, but is not to exceed fifty rupees in any case.

[Act XXXIII, 1871, ss. 30 to 41.]

53. (1) For each estate or group of estates for which a record-of-rights has been prepared, a register of all changes affecting entries in that record with respect to rights of landowners and of tenants having a right of occupancy shall be kept by such person and in such form, and be attested by such authority and at such times and in such manner, as the Financial Commissioner may by rules in this behalf prescribe.

Register of mutations.

(2) The Local Government may fix a scale of fees for the attestation of all or any classes of entries in the register.

The Punjab Land-revenue Bill.
(Chapter V.—Assessment.—Sections 54-60.)

(3) The fee fixed in that scale for the attestation of an entry shall be payable by the person entering into possession of the land to which the entry relates.

[Act XXXIII, 1871, ss. 39 to 41.]

54. (1) Annual records shall be prepared for each estate by the village-officer appointed by the Financial Commissioner in this behalf.

Preparation of annual records.

(2) An entry at variance with the record-of-rights respecting the rights of a landowner or of a tenant having a right of occupancy shall not be made in the annual records unless an entry of the change which forms the subject of the entry in those records has been made and attested in the register kept under the last foregoing section.

(3) The Financial Commissioner may issue rules for the preparation of the annual records, for the survey of estates so far as may be necessary for the preparation of those records, for the correction of village-maps, for the survey by village-officers of land which is affected by the action of water or sand or of which the maps are found to be incorrect, and, generally, for the guidance of Revenue-officers and village-officers in these matters.

CHAPTER V.

ASSESSMENT.

Rules of General Application.

[Act XVIII, 1881, s. 46.]

55. Land-revenue shall be assessed on each estate in cash or in kind for such period and in such form as, subject to confirmation by the Governor General in Council of any orders made in this behalf, the Local Government may, with respect to any estate or any class of estates or estates generally in any district or tahsil, direct.

Assessment of each estate to land-revenue.

[Act XIX, 1873, s. 146.]

56. In the case of every estate, the entire estate and the landowner, or all the landowners jointly and severally, as the case may be, shall be liable for the land-revenue for the time being assessed on the estate :

Security for payment of land-revenue.

Provided that—

[New.]

(a) with respect to any estate or to any class of estates or estates generally in any local area, the Local Government, with the previous sanction of the Governor General in Council, may by notification declare that neither the land of a landowner nor the landowner himself shall be liable for the land-revenue assessed on a holding of which he is not a landowner; and

(b) when there are superior and inferior landowners in the same estate, the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior landowners shall be liable for the land-revenue, or whether both shall be so liable, and, if so, in what proportions.

[Cf. Bom. Act V of 1879, s. 138.]

57. (1) The land-revenue for the time being assessed on an estate or holding shall be the first charge upon the rents and produce thereof.

Further security for payment of land-revenue.

[Cf. Bom. Act V of 1879, s. 140.]

(2) Without the previous consent of the Deputy Commissioner, the rents or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the instalment of land-revenue next falling due in respect of the estate or holding, and any arrear of land-revenue due in respect thereof, have been paid, or be liable to continue to be so taken unless the land-revenue payable in respect of the estate or holding is paid in advance of the collection of the rents or the removal of the produce.

[Cf. Bom. Act V of 1879, s. 140.]

(3) The Deputy Commissioner may prevent any produce from being removed from the land on which it was grown until the instalment of land-revenue next falling due in respect of that land, and any arrear of land-revenue due in respect thereof, have been paid.

[Act XXXIII, 1871, ss. 9 and 11; Act XIX, 1873, ss. 36 and 39; Act XVIII, 1881, ss. 28 and 47.]

58. (1) A general re-assessment of the land-revenue of a district or tahsil shall not be undertaken without the previous sanction of the Governor General in Council.

Notification of intended re-assessment and instructions as to principles of assessment.

(2) The Local Government shall notify that sanction in the official Gazette, and the notification shall, with respect to the district or tahsil to which it relates, be held, for the purposes of section 62 of the Punjab Courts Act, 1884, to be a notification declaring a settlement of land-revenue to be in progress in the local area comprised in that district or tahsil. XVIII of 1884.

(3) In granting the sanction, the Governor General in Council may prescribe such principles of assessment and give such other instructions as he thinks fit.

[Act XXXIII, 1871, ss. 31, 32 and 66 (5); Act XIX, 1873, ss. 45 and 257 (c); Act XVIII, 1881, s. 52.]

59. (1) The assessment shall be made by the Deputy Commissioner.

Mode of determining assessment.

(2) Before making it the Deputy Commissioner shall report his proposed rates and method of assessment for the sanction of the Financial Commissioner in such form as the Financial Commissioner, with the previous sanction of the Local Government, may prescribe.

(3) The rates and method of assessment proposed by the Deputy Commissioner shall be consistent with the principles prescribed, and the other instructions given, by the Governor General in Council.

[Act XXXIII, 1871, s. 30; Act XIX, 1873, ss. 43 and 44; Act XXVIII, 1881, s. 49.]

60. (1) When the Deputy Commissioner has obtained the sanction of the Financial Commissioner to his proposed rates and method of assessment, he shall make an order determining the assessment proper for each estate and announce it to the landowner or landowners of the estate in such manner as the Local Government may prescribe.

Announcement of assessment.

[Act XVIII, 1881, s. 53.]

(2) At the time of announcing the assessment he shall also declare the date from which it will have effect.

(3) An assessment thus announced shall be subject to confirmation by the Local Government.

The Punjab Land-revenue Bill.
(Chapter V.—Assessment.—Sections 61-69.)

61. (*1*) A landowner may, within thirty days from the date of the announcement of the assessment, present a petition to the Deputy Commissioner praying for a re-consideration of the amount, form or conditions of the assessment, and stating the grounds of his objection.

Application for re-consideration of assessment.

(*2*) Where the land-revenue is assigned, the assignee thereof may within thirty days from that date present a like petition to the Deputy Commissioner.

(*3*) When the Deputy Commissioner receives a petition under this section, he shall pass an order granting or refusing the petition, and stating his reasons for the order.

62. At any time before the assessment is confirmed by the Local Government, the Commissioner, Financial Commissioner or Local Government may modify it or direct its modification.

Assessment liable to be modified at any time before confirmation.

63. Subject to any modification under either of the two last foregoing sections, the assessment announced under section 60 shall be the assessment of the estate with effect from the date declared under that section, and, subject to the other provisions of this Act, shall continue in force until it is revised.

Enforcement of assessment.

64. (*1*) At any time before the expiration of thirty days from the date on which the assessment of an estate takes effect, the land-owner or, where there are two or more landowners, their headman or all their headmen, as the case may be, may give notice to the Deputy Commissioner of refusal to be liable for the assessment.

Refusal to be liable for assessment and consequences thereof.

[Cf. Act XXXIII, 1871, s. 36.]

(*2*) When the Deputy Commissioner receives a notice under sub-section (*1*), he may take possession of the estate and deal with it as nearly as may be as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land-revenue due thereon.

(*3*) While the estate is in the possession of the Deputy Commissioner, the landowner or landowners shall be entitled to receive from the Government an allowance, to be fixed by the Financial Commissioner, which shall not be less than five or more than ten per cent. of the net income realised by the Government from the estate.

65. (*1*) The Deputy Commissioner shall, after the assessment of an estate has been announced, cause a record to be made and published showing, according to the nature of the ownership of the estate, the amount or share of the land-revenue for the payment of which each landowner is liable, and the rents, rates, cesses or other payments due from and to the persons who have rights in the estate or in any share or portion thereof, whether as landowners or tenants or in any other capacity, or who are entitled to enjoy the rent, land-revenue or produce of the estate or of any share or portion thereof.

Preparation of record of liabilities of holdings and tenancies.

(*2*) The Deputy Commissioner may for sufficient reason revise the record at any time during the currency of the assessment.

(*3*) In making or revising the record the wishes of the landowners shall be followed as far as may be practicable and equitable.

(*4*) The Financial Commissioner may make rules for the guidance of Deputy Commissioners acting under this section.

66. (*1*) Any person liable for or entitled to any payment under the record made under the last foregoing section may, within thirty days from the date of the publication of the record under that section, present a petition to the Deputy Commissioner praying for a re-consideration of the record so far as it affects him, and stating the grounds of his objection.

Application for revision of that record.

(*2*) When the Deputy Commissioner receives a petition under this section, he shall pass an order granting or refusing the petition, and stating his reasons for the order.

67. (*1*) Where a superior landowner is entitled to receive from an inferior landowner dues in kind or in cash of fluctuating quantity or amount, the Deputy Commissioner may commute those dues into a fixed percentage on the assessment. [New.]

Commutation and collection of dues payable to superior landowners.

(*2*) The Financial Commissioner may by special order direct that payments due to a superior landowner shall be collected on his behalf as land-revenue.

Rules with respect to excess Waste-land.

68. (*1*) If, in the opinion of the Financial Commissioner, the waste-land of an estate exceeds the requirements of the landowner or landowners for purposes of pasture or agriculture, the Financial Commissioner may direct any portion of that waste-land to be formed into a separate estate. [Act XXXIII, 1871, s. 27.]

Formation of waste-land into separate estate.

(*2*) When a separate estate has been formed under sub-section (*1*), the Deputy Commissioner shall assess it to land revenue and announce the assessment in the manner prescribed under section 60.

(*3*) Notice of refusal to be liable for the assessment may be given in the manner mentioned in section 64 within thirty days from the date on which the assessment was announced.

(*4*) If notice is so given, the Deputy Commissioner may take possession of the estate so formed and declare the estate to be at the disposal of the Government.

(*5*) When the estate has been declared to be at the disposal of the Government, there shall be allowed to the person who was the landowner thereof such annual sum as the Financial Commissioner may direct, being not less than five or more than ten per cent. of the net income realised by the Government from the estate.

Miscellaneous Revenue.

69. Subject to any rules made by the Financial Commissioner with the previous sanction of the Local Government, land added by alluvion to an estate is liable to assessment, and may be assessed by the prescribed Revenue-officer. [Act XIX, 1873, s. 104.]

Liability of land added by alluvion to be assessed.

[Cf. Mad., Act II, 1864, s. 7.]

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 70-79.)

70. (*1*) The provisions of section 58 shall not apply to any case for which provision is elsewhere made in this Act or to any of the following cases, namely :—

Assessment of land added by alluvion and of resumed and other lands, and assessment of miscellaneous revenue.

(i) the assessment of land-revenue on estates formed under section 68;

[Act XXXIII, 1871, s. 41. Act XVIII, 1881, s. 132.]

(ii) the assessment of land-revenue on lands of which the land-revenue was released or assigned and has been resumed;

(iii) the assessment of land-revenue on waste-lands sold, leased or granted by the Government, or on other isolated areas;

(iv) the revision of assessments of land-revenue due to the action of water or sand or to calamity of season;

(v) the assessment of revenue due to the Government on account of pasturage or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other interests or rights described in section 45 or section 46, in cases in which the revenue so due has not been included in an assessment made under the foregoing provisions of this Chapter.

[Act XIX, 1873, s. 257.]

(*2*) The Financial Commissioner may, with the previous sanction of the Local Government, make rules for the guidance of the prescribed Revenue-officers in making and revising assessments under this section, and may confirm assessments so made and revised.

(*3*) The Financial Commissioner may incorporate in rules under sub-section (*2*) any of the provisions of this Chapter with such modifications as he deems necessary.

CHAPTER VI.

COLLECTION OF LAND-REVENUE.

[Act XXXIII, 1871, s. 42; Act XIX, 1873, s. 147; Act XVIII, 1881, s. 90.]

71. (*1*) Notwithstanding anything contained in the record-of-rights of any estate or group of estates, the Financial Commissioner may fix the number and amount of the instalments, and the times, places and manner, by, at and in which land-revenue, whether payable direct to the Government or not, is to be paid.

Rules to regulate payment of land-revenue.

(*2*) Until the Financial Commissioner otherwise directs, land-revenue shall be payable by the instalments, at the times and places and in the manner, by, at and in which it is payable when this Act comes into force.

72. The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the collection, remission and suspension of land-revenue, whether assigned or unassigned, and may by those rules determine the circumstances and terms in and on which assigned land-revenue may be collected by the assignee, and fix the costs to be charged in respect of any process under this Chapter and in respect of the collection by the Government of assigned land-revenue.

Rules to regulate collection, remission and suspension of land-revenue.

73. An arrear of land-revenue shall bear such interest as the Governor General in Council may from time to time prescribe.

Interest on arrears of land-revenue.

74. The costs of any process issued under this Chapter, and any interest chargeable on an arrear of land-revenue, shall be recoverable as part of the arrear of land-revenue in respect of which the process was issued or the interest is chargeable. [Act XVIII, 1881, s. 112.]

Costs and interest recoverable as part of arrear.

75. A statement of account certified by the prescribed Revenue-officer shall be conclusive evidence of the existence of an arrear of land-revenue, of its amount, and of the person who is the defaulter. [Act XIX, 1873, s. 149; Act XVIII, 1881, s. 92.]

Certified account to be evidence as to arrear.

76. Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by the following processes :— [Act XIX, 1873, s. 150.]

Processes for recovery of arrears.

(*a*) by service of a writ of demand on the defaulter;

(*b*) by arrest and detention of his person;

(*c*) by distress and sale of his moveable property and crops, including any produce of which the Deputy Commissioner may under section 57 prevent the removal;

(*d*) by transfer of the holding in respect of which the arrear is due;

(*e*) by attachment of the estate or holding in respect of which the arrear is due;

(*f*) by annulment of the assessment of that estate or holding;

(*g*) by sale of that estate or holding;

(*h*) by proceedings against other immoveable property of the defaulter.

77. A writ of demand may be issued by the prescribed Revenue-officer on or after the day following that on which an arrear of land-revenue accrues. [Act XIX, 1873, s. 151.]

Writ of demand.

78. (*1*) At any time after an arrear of land-revenue has accrued the prescribed Revenue-officer may issue a warrant directing an officer to be named therein to arrest the defaulter and to bring him before the Revenue-officer. [Act XXXIII, 1871, s. 43; Act XIX, 1873, s. 153; Act XVIII, 1881, s. 95.]

Arrest and detention of defaulter.

(*2*) The Revenue-officer may thereupon order the defaulter to be taken before the Deputy Commissioner, or may keep him under personal restraint for a period not exceeding ten days and shall then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

(*3*) When the defaulter is brought before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Deputy Commissioner thinks fit. [Act XXXIII, 1871, s. 43; Act XVIII, 1881, s. 95.]

(*4*) The process of arrest and detention shall not be executed against a defaulter who is a female, minor, lunatic or idiot.

79. (*1*) At any time after an arrear of land-revenue has accrued, the moveable property or crops of the defaulter may be distrained and sold. [Act XXXIII, 1871, s. 43.]

Distress and sale of moveable property and crops.

(*2*) The distress and sale shall be conducted, as nearly as may be, in accordance with the law for the time being in force for the attachment and

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 80-82.)

sale of moveable property under the decree of a Revenue Court:

Provided that, in addition to the particulars exempted by that law from liability to sale, seed-grain belonging to the defaulter, and so much of the produce of his land as the Deputy Commissioner thinks necessary for the subsistence, until the harvest next following, of the defaulter and his family and of any cattle exempted by that law, shall be exempted from sale under this section.

[Act XIX, 1873, s. 157; Act VIII, 1879, s. 14.]

Transfer of holding.

80. (*1*) At any time after an arrear of land-revenue has accrued on a holding, the Deputy Commissioner may transfer the holding, for a term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer to any person being a landowner of the estate in which the holding is situate and not being himself a defaulter, on condition of his paying the arrear before being put in possession of the holding, and on such further conditions as the Deputy Commissioner may see fit to prescribe.

(*2*) The Deputy Commissioner shall report to the Financial Commissioner any transfer made by him under this section, and the Financial Commissioner may set aside the transfer or alter the conditions thereof, or pass such other order as he thinks fit.

(*3*) The transferee shall not either before or after the expiration of the term of the transfer be entitled to compensation for any improvements made by him on the holding or for any losses sustained by him by reason of the transfer.

(*4*) A transfer under this section shall not affect the joint and several liability of the landowners of the estate in which it is enforced.

(*5*) In respect of all rights and liabilities arising under this Act the person to whom the holding is transferred shall, subject to the conditions of the transfer, stand in the same position as that in which the defaulter would have stood if the holding had not been transferred.

[Act XIX, 1873, ss. 154, 155 and 156.]

Attachment of estate or holding.

81. (*1*) At any time after an arrear of land-revenue has accrued, the Deputy Commissioner may cause the estate or holding in respect of which the arrear is due to be attached and taken under the management of himself or of an agent appointed by him for that purpose.

(*2*) The Deputy Commissioner or the agent shall be bound by all the engagements which existed between the person who immediately before the attachment was in possession of the land attached, and the inferior landowners or tenants, if any, and shall be entitled to manage the land and to receive all rents and profits accruing therefrom to the exclusion of that person until the arrear has been satisfied, or until the Deputy Commissioner restores the land to the person whose interest was attached.

(*3*) All surplus profits of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land-revenue and rates and cesses shall be applied in defraying the arrear.

(*4*) Land shall not be attached for the same arrear for a longer term than five years from the commencement of the agricultural year next following the date of the attachment, but, if the arrear is sooner liquidated, the land shall be released and the surplus receipts (if any) made over to the landowner.

[Act XIX, 1873, ss. 158, 159, 164 and 165, and Act XXXIII, 1871, s. 51.]

Annulment of assessment of estate or holding.

82. (*1*) When an arrear of land-revenue has been due for a longer period than one month, and the Deputy Commissioner is of opinion that the foregoing processes are not sufficient for the recovery of the arrear, he may, in addition to or instead of all or any of those processes, report the matter to the Financial Commissioner, and the Financial Commissioner may thereupon order the existing assessment of the estate or holding in respect of which the arrear is due to be annulled.

(*2*) The provisions of this section shall not be put in force for the recovery of an arrear of land-revenue which has accrued on land—

(*a*) while under attachment under the last foregoing section, or

(*b*) while under the charge of the Court of Wards.

(*3*) When the assessment of any land has been annulled, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in farm to any person willing to accept the farm, for such term and on such conditions as may be sanctioned by the Financial Commissioner:

Provided that the term for which land may be so managed or farmed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of the annulment.

(*4*) After the expiration of that term the Deputy Commissioner shall assess the estate or holding at such sum as the Financial Commissioner approves for the remainder of the term of the current assessment of the district or tahsil, and shall announce the assessment in the manner prescribed in section 60.

(*5*) Notice of refusal to be liable for the assessment may be given in the manner mentioned in section 64 within thirty days from the date on which the assessment was announced.

(*6*) If notice is so given, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management or farm it for the remainder of the term of the current assessment of the district or tahsil, or for any period within that term which the Financial Commissioner may fix. [Act VIII, 1879, s. 15.]

(*7*) When the assessment of a holding is annulled, the joint responsibility of the other landowners of the estate for the land-revenue of that holding becoming due after the annulment shall be in abeyance until a new assessment takes effect.

(*8*) The Financial Commissioner may direct that any contract made by the person who immediately before the annulment of the assessment of an estate or holding was in possession of the lands comprised therein, or any contract made by any person through whom that person claims, relating to those lands, shall not be binding on the Deputy Commissioner or his agent or farmer during the term of the management or farm.

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 83-88.)

[Act XIX, 1873, ss. 160, 161 and 162.]

Proclamation of attachment or annulment of assessment, and consequences of the proclamation.

83. (*1*) When any land is attached under section 81, or when the assessment of any land has been annulled under the last foregoing section, the Deputy Commissioner shall make proclamation thereof.

(*2*) No payment made after the making of the proclamation on account of rent or any other asset of the estate or holding to any person other than the Deputy Commissioner or his agent or farmer shall be credited to the person making the payment, or relieve him from liability to make the payment again to the Deputy Commissioner or his agent or farmer.

(*3*) No payment made before the making of the proclamation on account of rent or any other asset in anticipation of the usual time for the payment shall, without the special sanction of the Deputy Commissioner, be credited to the person making the payment in account with the Deputy Commissioner or his agent or farmer.

[Act XIX, 1873, s. 166.]

Sale of estate or holding.

84. When an arrear of land-revenue has accrued and the Deputy Commissioner is of opinion that the foregoing processes are not sufficient for the recovery of the arrear, he may, in addition to, or instead of, all or any of those processes, and subject to the provisions hereinafter contained and with the previous sanction of the Financial Commissioner, sell the estate or holding in respect of which the arrear is due:

Provided that land shall not be sold—

(*a*) for any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section 35 of the Punjab Laws Act, 1872, clause (*a*), (*b*), (*c*) or (*d*); or

[...IV of 1872.]

(*b*) for any arrear which has accrued while the land was under attachment under section 81 of this Act; or

(*c*) for any arrear which has accrued while the land was held under direct management by the Deputy Commissioner, or in farm by any other person, under section 82, after either an annulment of assessment or a refusal to be liable therefor.

[...XIX, ...s. 167; ... XVIII, 1881, s. 108.]

Sale free of incumbrances.

85. (*1*) Land sold under the last foregoing section shall be sold free of all incumbrances; and all grants and contracts previously made by any person other than the purchaser in respect of the land shall become void as against the purchaser at the sale.

(*2*) Nothing in sub-section (*1*) shall affect—

(*a*) the right of occupancy of a tenant having that right in the land; or

(*b*) any lease at a fair rent, temporary or perpetual, for the erection of a dwelling-house or manufactory, or for a mine, garden, tank, canal, place of worship or burial-ground, so long as the land continues to be used for the purpose specified in the lease; or

(*c*) any incumbrance specially saved by order of the Financial Commissioner and proclaimed as hereinafter provided.

[Act XIX, 1873, s. 168.]

Proceedings against other immoveable property of defaulter.

86. (*1*) If the arrear cannot be recovered by any of the processes hereinbefore provided, or if the Financial Commissioner considers the enforcement of any of those processes to be inexpedient, the Deputy Commissioner may, where the defaulter owns any other estate or holding, or any share in any other estate or holding, or any other immoveable property, proceed under the provisions of this Act against that property as if it were the land in respect of which the arrear is due:

Provided that no interests save those of the defaulter alone shall be so proceeded against, and no incumbrances created or contracts entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(*2*) When the Deputy Commissioner determines to proceed under this section against immoveable property other than the land in respect of which the arrear is due, he shall issue a proclamation prohibiting the transfer or charging of the property.

(*3*) The Deputy Commissioner may at any time by order in writing withdraw the proclamation, and it shall be deemed to be withdrawn when either the arrear has been paid or the interests of the defaulter in the property have been sold for the recovery of the arrear.

(*4*) Any private alienation of the property, whether by sale, gift, mortgage or otherwise, made after the making of the proclamation and before the withdrawal thereof shall be void.

(*5*) In proceeding against property under this section, the Deputy Commissioner shall follow, as nearly as the nature of the property will admit, the procedure prescribed for the enforcement of process against land on which an arrear of land-revenue is due.

[Act XVIII, 1881, s. 114.]

Remedies open to person denying that sum demanded as an arrear is due.

87. Notwithstanding anything contained in section 75, when proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies that the arrear or any part thereof is due, pay the same under protest made at the time of payment and signed by him or his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Procedure in Sales.

[Act XX... 1871, s. ...]

Proclamation of sale.

88. (*1*) On the receipt of the sanction of the Financial Commissioner to the sale of any immoveable property, the Deputy Commissioner shall issue a proclamation of the intended sale, stating—

(*a*) the date, time and place of the sale;

(*b*) the property to be sold, and, if it is an estate or holding, the land-revenue assessed thereon;

(*c*) whether the property is to be sold under section 84 or under section 86, and, when in the former case the property is to be sold subject to an incumbrance specially saved by order of the Financial Commissioner under section 85, what that incumbrance is; and

(*d*) the amount for the recovery of which the sale is ordered.

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 89-104.)

(2) The proclamation shall also state that any person claiming a right of pre-emption must, on penalty of forfeiting the right, give notice of his claim to the Deputy Commissioner before the commencement of the sale.

[Act XIV, 1882, s. 288.]

89. Indemnity to Revenue-officer with respect to contents of proclamation. A Revenue-officer shall not be answerable for any error, mis-statement or omission in any proclamation under the last foregoing section, unless the same has been committed or made dishonestly.

[Act XIV, 1882, s. 289.]

90. Publication of proclamation. *(1)* A copy of the proclamation shall be served on the defaulter, and be fixed up in a conspicuous part of the office of the Tahsildár of the tahsil in which the property to be sold is situate.

(2) After a copy of the proclamation has been so fixed up in the office of the Tahsildár, a copy thereof shall be fixed up in the office of the Deputy Commissioner.

(3) The proclamation shall be further published in manner prescribed in section 25 and in such other manner as the Deputy Commissioner thinks expedient.

[Act XIV, 1882, s. 290.]

91. Time and conduct of sale. *(1)* The sale shall not take place on a Sunday or other holiday, or until after the expiration of at least thirty days from the date on which the copy of the proclamation was fixed up in the office of the Deputy Commissioner.

(2) The sale shall be by public auction at the office of the Deputy Commissioner, and shall be conducted either by the Deputy Commissioner in person or by a Revenue-officer specially appointed by him in this behalf.

(3) The Deputy Commissioner may from time to time postpone the sale.

[Act XIX, 1873, s. 173.]

92. Stay of sale. If before the day fixed for the sale the defaulter pays, either at the place and in the manner prescribed under section 71 or to the officer in charge of the Government treasury of the district, the arrear in respect of which the land has been proclaimed for sale, the sale shall be stayed.

[Cf. Act XLV, 1860, s. 185.]

93. Defaulter incapable of being purchaser. A defaulter shall be incapable of purchasing land at a sale under this Chapter.

[Act XIX, 1873, s. 188; Act XVIII, 1881, s. 110.]

94. Exercise of right of pre-emption. *(1)* At any time before the close of the day on which the sale is concluded any person who before the commencement of the sale has given notice of his claim to a right of pre-emption may claim to take the property at the sum last bid.

(2) If the right is not disputed, he shall be declared to be the purchaser.

(3) If the right is disputed, the Deputy Commissioner shall decide the dispute and declare the purchaser.

[Act XIV, 1882, s. 306.]

95. Deposit by purchaser. The person declared to be the purchaser shall pay immediately after the declaration a deposit of twenty-five per centum on the amount of the purchase-money to the officer conducting the sale, and, in default of that deposit, the property shall forthwith be put up again and sold.

96. Time for payment in full. The full amount of the purchase-money shall be paid by the purchaser before the close of the fifteenth day from that on which the sale took place, or, if the fifteenth day is a Sunday or other holiday, then on the first office-day after the fifteenth day. [Act XIV 1882, s. 30.]

97. Procedure in default of payment. In default of payment within the period mentioned in the last foregoing section, the deposit, after defrayment of the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold. [Act XIV, 1882, s. 308.]

98. Defaulting purchaser answerable for loss by re-sale. The deficiency of price (if any) which may happen on a re-sale consequent on a purchaser's default under this Chapter, and all expenses attending that re-sale, shall be recoverable from the defaulting purchaser as if the same were an arrear of land-revenue. [Act XIV, 1882, s. 293.]

99. Report of sale to Commissioner. Every sale of immoveable property under this Chapter shall be reported by the Deputy Commissioner to the Commissioner. [Act XIX, 1873, s. 178.]

100. Application to set aside sale. *(1)* At any time within thirty days from the date of the sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it; [Act XIX, 1873, s. 179.]

(2) But a sale shall not be set aside on that ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake.

101. Order confirming or setting aside sale. *(1)* After the expiration of thirty days from the date of the sale, if such application as is mentioned in the last foregoing section has not been made, or if such application has been made and rejected, the Commissioner shall make an order confirming the sale; and, if such application has been made and allowed, the Commissioner shall make an order setting aside the sale. [Act XIX, 1873, s. 180.]

(2) An order made under this section shall be final.

102. Refund of purchase-money on setting aside of sale. Whenever the sale of any property is set aside, the purchaser shall be entitled to receive back his purchase-money. [Act XIX, 1873, s. 182.]

103. Proclamation after postponement or on re-sale. A sale made after a postponement, and a re-sale consequent on a purchaser's default under section 97 or on the setting aside of a sale, shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale. [Act XIV, 1882, ss. 291 and 309.]

104. On confirmation of sale, possession and certificate to be granted to purchaser. *(1)* After a sale has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property. [Act XIX, 1873, s. 183.]

The Punjab Land-revenue Bill.
(Chapter VIII.—Village Waste-lands.—Sections 105-109.)

(2) The certificate shall state whether the property was sold under section 84 or under section 85, and, when in the former case it was sold subject to an incumbrance specially saved by order of the Financial Commissioner under section 85, what that incumbrance is.

[Act XIX, 1873, s. 183, as amended by Schedule III, Act I, 1879.]

(3) The certificate shall be deemed to be a valid transfer of the property but need not be registered as a conveyance.

[Act XIX, 1873, s. 184.]

(4) Any suit brought, whether in a Civil or Revenue Court, against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

[Act XIX, 1873, s. 187.]

(5) The person named in the certificate as purchaser of any land shall be liable for all instalments of land-revenue falling due in respect of the land after the date of the confirmation of the sale.

[Act XIX, 1873, s. 185.]

105. Application of proceeds of sale. *(1)* When a sale of immoveable property under this Chapter has been confirmed, the proceeds of the sale shall be applied in the first place to the payment of any arrears due from the defaulter at the date of the confirmation of the sale, whether the arrears are of land-revenue or of sums recoverable as arrears of land-revenue, and the surplus (if any) shall be paid to the person whose property has been sold, or, if the property sold was owned by more than one landowner, then to the landowners either collectively or according to the amount of their recorded interests, as the Deputy Commissioner thinks fit.

[Act XIX, 1873, s. 186.]

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

CHAPTER VII.

RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

[Act XVIII, 1881, s. 116.]

106. Recovery of certain arrears through Deputy Commissioner instead of by suit. *(1)* When a village officer, required by rules made under section 35 to collect land-revenue or other payments recorded under section 65, satisfies the Deputy Commissioner that those payments have not been made to him, the Deputy Commissioner may, subject to rules made by the Financial Commissioner in this behalf, recover them as if they were arrears of land-revenue.

(2) When the Deputy Commissioner enforces the payment of sums due to a village-officer under this section, he may refuse to consider any set-off claimed by the person against whom or whose property he issues process.

[Act XXXIII, 1871, s. 64; *Cf.* Act XIX, 1873, s. 145; and Bombay Act V, 1879, s. 187.]

107. Sums recoverable as arrears of land-revenue. In addition to any sums recoverable as arrears of land-revenue under this Act or any other enactment for the time being in force, the following sums may be so recovered, namely:—

(*a*) sums payable in respect of land assessed or assessable to land-revenue of the nature of quit-rent or commutation for service, and fees, fines, costs and other charges, including the village-officers' cess, payable under this Act;

(*b*) village-cesses, so far as they are applicable to conservancy, police or other objects declared by the Local Government to be for the benefit of an estate; [See section 69 of this Bill.]

(*c*) revenue due to the Government on account of pasturage or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other interests or rights described in section 45 or section 46 in cases in which the revenue so due has not been included in the assessment of an estate; [See section 70 of this Bill.]

(*d*) sums due to the Government from an agent appointed by the Deputy Commissioner to manage the land of a defaulter, or of a landowner who has refused to be liable for an assessment, or from the farmer of such land, or from the surety of the agent or farmer;

(*e*) fees leviable under section 33 of the Punjab District Boards Act, 1883; and XX of 1883.

(*f*) sums leviable by or under the authority of the Government as water-rates, or on account of the maintenance or management of canals, embankments or other irrigation-works, not being sums recoverable as arrears of land-revenue under any enactment for the time being in force.

[Act XII, 1881, s. 56; Act IX, 1883, s. 22.]

108. Recovery of rent by sale of produce under attachment. *(1)* If an order is made by any Court for the attachment of the produce of a tenancy or of any part of a tenancy, the landlord may apply to the Deputy Commissioner to sell the produce and to pay to him out of the proceeds of the sale thereof the amount or value of—

(*a*) any arrear of rent legally exigible by him in respect of the tenancy; and

(*b*) the rent falling due next after the time at which in the ordinary course of agriculture the produce would be harvested.

(2) If the Deputy Commissioner finds the whole or any part of the landlord's claim to be proper, he shall cause the produce, or such portion thereof as he thinks necessary, to be sold, and the proceeds of the sale to be applied in the first instance to satisfy the claim or the part thereof found to be proper, and shall give information of his proceedings to the Court which ordered the attachment.

(3) The finding of the Deputy Commissioner under this section shall be deemed to be a decree of a Revenue Court in a suit between the landlord and the tenant.

CHAPTER VIII.

VILLAGE WASTE-LANDS.

109. Notification of waste-land to be managed for production of timber, fuel or fodder. *(1)* When the majority of the landowners desire, or the Local Government considers it expedient, that a part of the common waste-lands of an estate or holding should be managed for the production of timber, fuel or fodder, the Local Government may by proclamation propose to notify that any part of those waste-lands not exceeding one-fifth of the whole shall be so managed. [New. See Circular of the Government of India, Department of Revenue and Agriculture, No. 16A., dated the 1st March, 1883.]

The Punjab Land-revenue Bill.
(Chapter IX.—Surveys and Boundaries.—Sections 110-117.)

(2) The proclamation shall define the area to which the proposed notification is to apply, and state the purpose for which the area is to be managed, and shall call upon any person objecting to the proposed notification to show cause before the Deputy Commissioner, within three months from the date of the making of the proclamation, why the area should not be notified.

(3) Any objection made under sub-section (2) shall be recorded by the Deputy Commissioner, and be submitted to, and considered by, the Local Government.

(4) When three months from the date of the making of the proclamation have expired, and the Local Government has considered any objection which may have been submitted to it, the Local Government may notify the area and the purpose for which it is to be managed.

(5) The Local Government may withdraw any area from the operation of a notification under this section.

Suspension of rights during management.

110. (1) While an area is notified, all rights existing therein shall be suspended, and the area shall be managed in accordance with rules to be made in this behalf by the Local Government.

(2) When any area is withdrawn from the operation of a notification, the rights suspended under sub-section (1) shall revive and the management under this Act shall cease.

(3) In making any rule under sub-section (1) the Local Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

Management where assessment is made to meet the cost.

111. (1) The persons who before the publication of the notification were entitled to the profits of the notified area may assess themselves by the vote of a majority of their body for the purposes of the management of the area.

(2) The assessment may be in labour or in cash or in both, and shall be subject to the approval of the Deputy Commissioner.

(3) When the assessment, or any part of the assessment, of any person consists of labour, the sum to be paid by him in cash in default of performance of the labour shall be determinable by the Deputy Commissioner as an alternative to the assessment or part.

(4) Any sum assessed or determinable under this section may be recovered by the Deputy Commissioner as an arrear of land-revenue.

(5) When an assessment is made under this section, the Deputy Commissioner may permit the notified area to be managed, under the superintendence of the prescribed Revenue-officer, by the persons paying the assessment, and the profits of the area shall be divisible among those persons in such manner as, subject to any rules under the last foregoing section, the Deputy Commissioner deems just.

Management where assessment is not made to meet the cost.

112. When an assessment is not made under the last foregoing section, the following consequences shall ensue, namely:—

(a) the notified area shall be managed by the prescribed Revenue-officer;

(b) the cost of management shall be defrayed from the proceeds of the produce of the area; and

(c) only the balance, if any, of those proceeds shall be divisible in manner aforesaid among the persons who before the publication of the notification were entitled to the profits of the area.

Prevention of cattle-trespass.

113. While an area is notified, the provisions of Chapter XI of the Indian Forest Act, 1878, shall apply to any part of that area which is closed to grazing. VII of 1878.

CHAPTER IX.

SURVEYS AND BOUNDARIES.

Power of Financial Commissioner to make rules for demarcation of boundaries and erection of survey-marks.

114. (1) The Financial Commissioner may, with the previous sanction of the Local Government, make rules as to the manner in which the boundaries of all or any estates in any local area are to be demarcated and as to the survey-marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters, the form of boundary-marks and survey-marks and the material to be used in their construction.

Power of Revenue-officers to define boundaries.

115. (1) The prescribed Revenue-officer may, for the purpose of framing any record or making any assessment under this Act, define the limits of any estate, holding or field, and, for the purpose of indicating those limits, require boundary-marks and survey-marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1), the Revenue-officer may lay down or restore any boundary or any boundary-mark or survey-mark already determined or set up by, or by order of, any Court, Revenue-officer or Forest-settlement-officer.

Cost of erection and repair of boundary-marks and survey-marks.

116. Subject to any rules made by the Financial Commissioner in this behalf with the previous sanction of the Local Government, boundary-marks and survey-marks shall be erected and kept in repair by and at the cost of the persons interested in the land for the indication of the limits of which they are required:

Provided that the Local Government may in any case direct that the cost of erection in the first instance shall be borne by the Government or be a charge on the proceeds of the village-officers' cess.

Recovery of cost incurred by the Government.

117. (1) If the persons interested in the land fail to erect or repair a boundary-mark or survey-mark within fifteen days from the date of their being required by the prescribed Revenue-officer to do so, [Act XIX 1873, s. 144.

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 118-125.)

the Revenue-officer may cause it to be erected or repaired.

(2) Where the Revenue-officer causes a boundary-mark or survey-mark to be erected or repaired, he shall, subject to any rules made under the last foregoing section, apportion the cost among those persons in such manner as he deems just, and certify the same to the Deputy Commissioner.

(3) The Deputy Commissioner may recover the cost as if it were an arrear of land-revenue.

[Act XXI 1871, s. 25; Act XVIII, 1881, s. 18.]

Power of Revenue-officers to enter on land for purposes of survey and demarcation.

118. Any Revenue-officer, and any person acting under the orders of a Revenue-officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey-marks thereon and demarcate the boundaries thereof, and do all other acts necessary for the proper performance of that duty.

[Act XIX, 1873, s. 40.]

Surveys for purpose of preparation of records.

119. (1) When any land is being surveyed in pursuance of a direction of the Local Government or of rules under Chapter IV of this Act, any Revenue-officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

[Cf. Act V, 1880, s. 30.]

(2) If a person to whom the notice or proclamation is addressed fails to comply with the requisition, he shall be liable, at the discretion of the prescribed Revenue-officer, to fine which may extend to ten rupees.

[Bom. Act V, 1879, s. 97.]

Provision of flag-holders and chainmen for those surveys.

120. (1) For the purposes of the survey of any land under Chapter IV of this Act, the landowners shall be bound to provide persons to act as flag-holders and chainmen.

(2) If the landowners fail to provide persons for that purpose or to provide them in sufficient number, such other persons as the Revenue-officer considers necessary may be employed and the cost of employing them recovered from the landowners as if it were an arrear of land-revenue.

Professional surveys.

121. (1) If it is necessary to make a survey by other agency than that of Revenue-officers or village-officers, the Local Government may publish a notification stating—

(a) the local area to be surveyed and the nature of the survey;

(b) the names or official designations of the officers by whom the survey is to be made; and

(c) the survey-marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under their orders, shall have for the purposes of the survey the powers conferred on Revenue-officers by section 118.

[Act XIX, 1873, s. 143.]

Penalty for destruction, injury or removal of marks.

122. (1) If any person wilfully destroys, injures or removes without lawful authority a boundary-mark or survey-mark lawfully erected, or if a landowner negligently suffers any such mark to be destroyed, injured or removed without lawful authority, that person or landowner may be ordered by the prescribed Revenue-officer to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Revenue-officer, be necessary to defray the expense of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code. XLV of 1860.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Rent and Revenue Deposits.

[Rules under Act XXXIII of 1871, F. II 9; Compare Act XII of 1881, s. 50.]

Deposit of sum tendered and refused.

123. If a person liable to pay any sum to a headman or other landowner on account of rent, or of any liability to which that person is subject under this Act, tenders that sum to the headman or other landowner, and the sum is refused or a receipt therefor not forthwith granted, or if that person is doubtful as to the person entitled to receive the sum, he may apply to the prescribed Revenue-officer for leave to deposit the amount with the Government, and the Revenue-officer shall receive the deposit if, after such enquiry as he thinks fit, he is satisfied that the applicant has sufficient ground for making the application.

[Compare Act XII of 1881, s. 52, ss. 55.]

Effect of deposit.

124. (1) If the deposit purports to be made on account of any payment due to the Government, it may be credited accordingly.

(2) If it purports to be made on any other account, the Revenue-officer shall issue a notice of the deposit to the person to whose credit the sum has been deposited.

(3) If within three years from the date of the service of the notice that person appears and claims the sum, the Revenue-officer, if satisfied as to his title to receive it, may pay it to him.

(4) If the Revenue-officer is not so satisfied, he may retain the deposit pending the decision of a Court of competent jurisdiction, and shall then pay the deposit in accordance with that decision.

(5) If the deposit is not so paid within three years, it shall be repaid to the depositor or disposed of as he may desire.

(6) When a deposit has been received it shall, in any question between the depositor and the person to whose credit the deposit was placed, be deemed, while it remains with the Government or after it has been paid under sub-section (3) or sub-section (4), to be a payment made by the depositor to that person.

[Act XII, 1881, s. 55A.]

Saving of liability of Secretary of State and public officers.

125. No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything lawfully done by a Revenue-officer under the last foregoing section, but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a Revenue-officer.

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 126-132.)

Execution of Decrees by Revenue-officers.

126. Orders issued by any Civil or Criminal Court for the attachment, sale or delivery of any land or interest in land shall be addressed to the Deputy Commissioner, or such Revenue-officer as the Deputy Commissioner may appoint in this behalf, and be executed by the Deputy Commissioner or that Revenue-officer in accordance with the provisions of the law applicable to the Court and with any rules consistent therewith made by the Local Government with the concurrence of the Chief Court.

Orders of Civil and Criminal Courts for attachment, sale or delivery of land to be addressed to the Deputy Commissioner.

127. (*1*) Orders issued by any Civil or Criminal Court for the attachment of the rents or for the attachment or sale of the produce of any land shall be addressed to the Deputy Commissioner or such Revenue-officer as the Deputy Commissioner may appoint in this behalf, and shall be executed under the Deputy Commissioner's direction and control.

Orders of Civil and Criminal Courts for attachment of rents or produce to be addressed to the Deputy Commissioner.

[Cf. C. P. T. Act, s. 20.]

(*2*) Subject to the other provisions of this Act the attachment of the produce of any land shall not prevent any person from reaping, gathering or storing the produce, or doing any other act necessary for its preservation.

(*3*) The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the procedure of Revenue-officers in attaching the rents or attaching and selling the produce of land.

Division of Produce.

Division of produce.

128. In either of the following cases, namely:—

(*a*) where two or more landowners, or two or more tenants, are jointly interested in any produce, and either or any of the landowners or of the tenants, as the case may be, desires the assistance of a Revenue-officer for the purpose of dividing the produce, or

(*b*) where it is necessary to divide any produce for the purposes of this Act,

the rules contained in sections 20 to 22 (both inclusive) of the Punjab Tenancy Act, 1886, shall apply so far as they can be made applicable.

Power to make Rules.

Power to make rules.

129. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the Financial Commissioner, with the previous sanction of the Local Government, may make rules, consistent with this Act and any other enactment for the time being in force,—

(*a*) fixing the number and amount of the instalments of rent and rates and of cesses and other sums of which a record has been made under this Act, and the dates for the payment of those instalments;

(*b*) fixing the dates on which profits shall be divisible by headmen or other persons by whom they are realised on behalf of co-sharers;

(*c*) regulating the procedure in cases where persons are entitled to inspect records of Revenue-offices or Revenue Courts, or records or papers in the custody of village-officers, or to obtain copies of the same, and prescribing the fees payable for searches and copies;

(*d*) prescribing forms for such books, entries, statistics and accounts as he thinks necessary to be kept, made or compiled in Revenue-offices or Revenue Courts or submitted to any authority;

(*e*) declaring what shall be the language of any of those offices and Courts, and determining in what cases persons practising in those offices and Courts shall be permitted to address the presiding officers thereof in English;

(*f*) providing for the inspection of those offices and Courts and the supervision of the working thereof;

(*g*) regulating all such matters as he thinks fit, with a view to promoting the efficiency of the establishments of those offices and Courts, and maintaining proper discipline among the ministerial officers of those establishments; and

(*h*) generally for carrying out the purposes of this Act.

(*2*) Rules under clauses (*a*), (*b*) and (*h*) may be of general or special application, and may be expressed to supersede anything contained in any record-of-rights.

(*3*) Until rules are made under clauses (*a*) and (*b*) the sums therein referred to shall be payable in the instalments and at the times in and at which they are now payable.

(*4*) Rules made under clause (*g*) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary which may be or become due to the officers fined.

130. All powers to make rules under this Act shall be exercised subject to the control of the Governor General in Council.

Powers to make rules subject to the control of the Governor General in Council.

131. (*1*) The Local Government and the Financial Commissioner shall, before making any rules under this Act, publish, in such manner as may in its or his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with notice of the date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before that date.

Procedure for making rules.

(*2*) Every rule made by the Local Government or the Financial Commissioner shall be published in the local official Gazette, and that publication shall be conclusive proof that the rule has been made as required by this section.

Jurisdiction with respect to Revenue matters and fluvial Lands.

132. (*1*) Except as otherwise provided by this Act, a Civil Court shall not have jurisdiction in any matter which the Local Government or a Revenue-officer or Revenue Court is empowered by this Act or by the Punjab Tenancy Act, 1886, to dispose of or to hear and determine, or take cognizance of the manner in which the Local Government or any Revenue-officer or Revenue Court exercises any powers vested in it or him by or under those Acts; and in particular—

Jurisdiction of Civil Courts barred in matters within the jurisdiction of Revenue-officers and Revenue Courts.

[Act XXXIII 1871, ss. 9 and 65; Act XIX 1873, ss. 136 and 241; Act XVIII, 1876, s. 219; Act XVIII, 1881, s. 152.]

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 133-135.)

(*2*) A Civil Court shall not exercise jurisdiction with respect to—

(*a*) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any Revenue-officer, as such;

(*b*) any claim to the office of kánúngo, zaildár or village-officer, or in respect of any injury caused by exclusion from the office, or to compel the performance of the duties thereof;

(*c*) any notification directing the making or revision of a record-of-rights;

(*d*) the framing of a record-of-rights, or the preparation, signing or attestation of any of the documents included therein;

(*e*) the correction of any entry in a record-of-rights;

(*f*) any claim for partition of an estate, holding or tenancy, or any dispute connected with, or arising out of, proceedings for partition, not being a dispute as to the extent of the shares belonging to the parties to the proceedings;

(*g*) any question as to the distribution of land at the partition of an estate or holding, or as to the distribution of land subject by established custom to periodical re-distribution;

(*h*) any notification of the undertaking of the general re-assessment of a district or tahsil having been sanctioned by the Governor General in Council;

(*i*) the claim of any person to be liable for an assessment of land-revenue or of any other revenue assessed under this Act;

(*j*) the amount of land-revenue to be assessed on any estate or holding under this Act;

(*k*) the amount of any other revenue to be assessed under this Act, or of any cess or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force;

(*l*) the amount of, or the liability of any person to pay, any fees, fines, costs or other charges imposed under this Act;

(*m*) any claim relating to the allowance to be received by a landowner who has given notice of his refusal to be liable for an assessment, or any claim connected with, or arising out of, any proceedings taken in consequence of the refusal of any person to be liable for an assessment under this Act;

(*n*) the liability of any person to pay a sum appearing from the record prepared under section 65 to be payable by him;

(*o*) the formation of an estate out of excess waste-land, or the declaration of an estate so formed to be at the disposal of the Government;

(*p*) any claim to hold free of revenue any land, mills, fisheries or natural products of land or water;

(*q*) any claim connected with, or arising out of, the collection by the Government, or the enforcement by the Government of any process for the recovery, of land-revenue or any sum recoverable as an arrear of land-revenue;

(*r*) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land-revenue or any sum recoverable as an arrear of land-revenue; or

(*s*) any claim connected with, or arising out of, proceedings for the management of any area for the production of timber, fuel or fodder.

133. (*1*) When it is alleged to be uncertain within the local limits of the jurisdiction of which of two Civil or Revenue Courts or of two Revenue-officers any land subject to fluvial action is situate, either of those Courts or officers may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and entertain and dispose of any suit or proceeding relating to that land, with respect to which the Court or officer is competent as regards the nature of the suit or proceeding, and the value of its subject-matter, to exercise jurisdiction.

Jurisdiction with respect to land subject to fluvial action.

[illegible] Court or officer appointed in that behalf to make the inquiry mentioned in sub-section (*1*), an objection that the suit or proceeding was instituted or had before a Court or officer not having jurisdiction in the place where the land is situate shall not be allowed by any appellate or revisional Court or officer.

(*3*) Where a statement has not been recorded under sub-section (*1*), and an objection is taken before an appellate or revisional Court or officer that a decree or order in a suit or proceeding relating to such land as aforesaid was made by a Court or officer not having jurisdiction in the place where the land is situate, the appellate or revisional Court or officer shall not allow the objection if in its or his opinion there was, at the time of the institution of the suit or proceeding, any reasonable ground for uncertainty as to the Court or officer having jurisdiction with respect thereto.

Miscellaneous.

134. (*1*) Any record or paper which a village-officer is required by law or by any rule under this Act to prepare or keep shall be deemed to be the property of the Government.

[Act I, 1872, s. 76.]

Papers kept by village-officers to be deemed public documents.

(*2*) A village-officer shall, with respect to any such record or paper in his custody, be deemed for the purposes of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect.

[I of 1872.

135. All persons whose rights, interests or liabilities are required by this Act to be entered in a record-of-rights or other record prepared under this Act shall be

Obligation to furnish information necessary for the preparation of records.

The Punjab Land-revenue Bill.
(The Schedule.—Enactments repealed.)

bound to furnish on the requisition of the Revenue-officers or village-officers engaged in preparing the record all information necessary for the correct preparation thereof.

Penalty for failure to attend within limits of estate in obedience to order of Revenue-officer.

136. If a person required by a summons, notice, order or proclamation proceeding from a Revenue-officer to attend at a certain time within the limits of the estate in which he ordinarily resides fails to comply with the requisition, he shall be liable at the discretion of the Revenue-officer to fine which may extend to fifty rupees.

Payment for service by a percentage from land-revenue.

137. When service is paid for by a percentage deducted from the land-revenue, assignments of land-revenue shall, unless the Local Government in any case otherwise determines, be reduced by the same percentage.

[Act XII, 1881, s. 29.]

Treatment of leases for period exceeding or equal to term of assessment of land-revenue.

138. *(1)* Where a lease has been granted, or an agreement has been entered into, by a landowner, fixing for a period exceeding the term of the assessment the rent of any land assessed to land-revenue, and that term has expired, the lease or agreement shall be voidable—

(a) at the option of the landlord if the land-revenue of the land has been enhanced and the tenant refuses to pay such rent as the prescribed Revenue-officer, on the application of the landlord, determines to be fair and reasonable; and

(b) at the option of the tenant if the land-revenue of the land has been reduced and the landlord refuses to accept such rent as the prescribed Revenue-officer, on the application of the tenant, determines to be fair and reasonable.

[Cf. Act XXXIII, 1871, s. 38.]

(2) Any contract or agreement relative to the occupation, rent or produce of any land which has been entered into for the term of the currency of an assessment shall, unless a contrary intention clearly appears in the contract or agreement, or unless the contract or agreement is otherwise terminated by consent of parties or course of law, continue in force until a revised assessment takes effect.

[Act XVIII, 1881, s. 155.]

Restriction on Revenue-officers trading or holding land.

139. *(1)* A Revenue-officer, or a person employed in a Revenue-office, shall not, except with the express permission of the Local Government,—

[Act XLV, 1860, s. 168.]

(a) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the acquisition, except for public purposes, of any land or interest in land by purchase, mortgage or otherwise, in the district to which he is appointed or in which he is employed; or

[Act XLV, 1860, s. 169.]

(b) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-officer or Revenue Court in that district.

(2) The Local Government may delegate to Commissioners or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class or grade of Revenue-officers.

(3) Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1882, or other law.

VI of 1882.

Powers exercisable from time to time.

140. All powers conferred by this Act on the Local Government or on the Financial Commissioner may be exercised from time to time as occasion requires.

THE SCHEDULE.

(See section 2.)

ENACTMENTS REPEALED.

Number and year.	Title or subject of Act.	Extent of repeal.
1	2	3
Act VI of 1867	To enable the Lieutenant-Governor of the Punjab to alter the limits of existing districts in any part of the territories under his government.	The whole.
Act XXXIII of 1871.	The Punjab Land-revenue Act, 1871.	The whole.
Act IV of 1872	The Punjab Laws Act, 1872.	Section 21.
Act XIV of 1875.	The Punjab Judicial Administration Act, 1875.	So much as has not been repealed.
Act XVIII of 1884.	The Punjab Courts Act, 1884.	Section 3 (*1*), (*2*), (*4*), (*5*), (*6*) and (*7*); the whole of Chapter V; the last seventeen words of sub-section (*1*) of section 67; and section 75.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to the assessment and collection of the land-revenue and other connected subjects is contained in Act XXXIII of 1871. This Act was the first attempt to express in clear and concise language the various rules and orders—based on the "spirit" of the Bengal Regulations—by which the proceedings of Revenue and Settlement officials in the Punjab had,

up to that time, been regulated, and which had acquired the force of law under section 25 of the Indian Councils Act, 1861.

The Act under consideration was framed with great care by Sir James Stephen in consultation with the Financial Commissioner, Mr. (afterwards Sir. R.) Egerton, and the then Lieutenant-Governor, Sir R. H. Davies, both officers of large revenue and settlement experience. But subsequent experience has shown that it is incomplete in some respects and requires amendment in others. Some of the defects in it have recently formed the subject of correspondence with the Government of India, and others have been supplied in the enactments on the same subject which have since been framed for other parts of India. Moreover, the recent orders of the Government of India, based on recommendations of the Famine Commissioners, require that the continuous operations by which village-records are maintained correct to date shall be disconnected from those other occasional proceedings by which the assessment of the land-revenue is revised. And in the endeavour to recast the body of rules which have been issued under the authority of the existing law, with a view to the carrying out of those orders, technical difficulties have arisen which render the amendment of the Act a matter of necessity. The Punjab Tenancy Act, 1868, being under revision at the same time, the Bill has been so framed as to cover the entire jurisdiction of Revenue-officers, whether of a judicial, fiscal or executive character.

CHAPTER I.—PRELIMINARY.

This Chapter contains the necessary definitions—some of which are new and others have been incorporated from the Land-revenue Acts recently passed for other provinces—and a few other preliminary provisions.

CHAPTER II.—REVENUE-OFFICERS AND REVENUE COURTS.

The classification of Revenue-officers and Revenue Courts, the powers taken for the appointment of the former, and the provisions for the superintendence and control of both, differ little from the corresponding provisions of the existing law, which are scattered over three enactments—the Land-revenue Act, 1871, the Judicial Administration Act, 1875, and the Courts Act, 1884.

Section 9 gives a detail of the applications and proceedings which can be disposed of by Revenue-officers as such, and section 10 of those cases which they will deal with in their judicial capacity as Revenue Courts. The classes of cases of which particulars are given in this latter section are, with some not very important variations suggested by the experience of the last two years, taken from section 45 of the Courts Act, 1884; but the list has been supplemented by including in it suits under several new sections of the Bill now before the legislature for the amendment of the Punjab Tenancy [illegible] the Courts Act. The latter are divided into two groups, the first or more important group being reserved exclusively for trial by Deputy Commissioners. But as no such distinction existed before the passing of that Act, and as it has been found to be productive of serious inconvenience, it has been omitted from this Bill. The Local Government will by rule or notification under section 13 determine by what officers or classes of officers these cases will be heard, and the rule adopted will ordinarily, as in former years, be based mainly on the value of the suits.

Experience since the passing of the Courts Act having shown that the subordinate Civil and Revenue Courts do not always succeed in avoiding mistakes as to the respective limits of their jurisdictions, provision has been made in section 11 for obviating by a reference to the Chief Court the inconvenience and expense to the parties of setting aside the proceedings in cases where a Court has acted without jurisdiction, when neither party has been prejudiced by the mistake.

The other provisions of this Chapter which call for special notice are those relating to appeal and revision. The change in jurisdiction to try original revenue suits noted above has necessitated an alteration in the course of appeal, and in place of the somewhat complicated system of appeal laid down in sections 47 and 48 of the Courts Act, the more simple system provided in sections 19 and 20 of the Bill has been devised. Where the order in appeal confirms the original decision, there will be no further appeal; in other cases there will be a further appeal to the Financial Commissioner. By section 22 power has been given to the Financial Commissioner to call for and revise the proceedings of both Revenue-officers and Revenue Courts; as regards the former class of proceedings, this merely continues an authority which he already possesses under section 65 of the Land-revenue Act of 1871. The remaining sections of this Chapter relate to procedure, and for the most part reproduce provisions on the subjects in the Courts Act; where additions have been made, they have been taken from the revenue laws of other provinces.

CHAPTER III.—KÁNÚNGOS, ZAILDÁRS AND VILLAGE-OFFICERS.

The provisions of the existing law respecting these officers are contained in one short section. Those of the Bill are in greater detail, and provide expressly for the levy of a cess for the payment of village-officers, for the administration of the cess so levied, and for the control of these officers. Section 36, which authorizes the levy of this cess, also cures a defect

in the present law by enabling the cess to be charged on the owner's and water-advantage rates.

CHAPTER IV.—RECORDS.

In framing this and the following chapter, the language of the existing law, which describes the framing of a record-of-rights and the assessment of the land-revenue by the term "settlement," has been departed from. These two chapters speak (i) of the preparation and maintenance of certain records for each village, and (ii) of the assessment of land-revenue on the basis furnished by those records. The powers necessary for these purposes are taken in the name of the ordinary Revenue-officers; and it is left open to Government to decide from time to time, as occasion arises, how much of these operations can be carried out by the ordinary district staff, and for what operations special and additional officers should be appointed under the authority provided in section 14.

A record-of-rights has now been provided for every district in the Province. Additions to these records are required from time to time as new estates come into existence. And their occasional revision is necessary, usually in connection with re-assessment operations. Under section 41 of the Bill it will be in the discretion of the Local Government to direct the undertaking of record-operations as occasion arises.

The tendency of recent experience is towards a much greater simplification of these records than any that was aimed at when the Act of 1871 was enacted, and therefore the definition of the contents of the record in section 39 of the Bill is briefer and less elaborate than that set out in section 14 of the existing Act. The existing limitations on the alteration of entries are continued by section 43. Section 44 provides for the prompt confirmation of the record. At present this confirmation is often delayed for a long time, because the operations of record and assessment cannot be dealt with separately.

The presumptions in favour of the title of the Government to waste-lands, forests, mines and minerals, which are asserted by the present law, are continued in sections 45 and 46, and words have been added to the latter section which assert the right of the Government to fisheries in navigable rivers, a right which the State has always possessed.

The provisions relating to village-cesses in section 48 give legal sanction to an authority which the Local Government often exercised in connection with the earlier settlements in the Punjab, which is still occasionally needed, and which is provided in the Land-revenue Acts of other Provinces of Upper India.

The rest of the Chapter relates to partition-proceedings, the record of mutations, and the preparation of the annual papers, and in these respects re-produces for the most part the provisions of the existing law and of the rules made under its authority. The only change of importance is the proposal to discontinue the system prescribed by section 21 of the Punjab Laws Act, 1872, by which all Courts are required to send to the Deputy Commissioner copies of decrees affecting rights in land or the possession thereof. No inconvenience has, it is understood, been experienced in the North-Western Provinces during the last twelve years in consequence of the removal of a provision of this kind from the law applicable to those provinces; and it is believed that, as there the reports of changes of possession which are required to be made by sections 97 and 99 of Act XIX of 1873 have produced the desired effect, so here the somewhat similar provision in section 52 of the Bill will prove equally effective.

CHAPTER V.—ASSESSMENT.

This Chapter is so drafted that while continuing all the provisions of the existing law, it supplies some important omissions in that law and expresses with clearness the procedure which has grown up under it. The opening sections of the Chapter expressly declare that the land-revenue is the first charge on the land, its rents and its produce, and they further provide security against the alienation of the rents and produce until this charge has been satisfied. The absence of any clear provision of this nature has been the cause of some inconvenience during past years. It has not uncommonly happened that a decree-holder has succeeded in attaching rents or produce due to a landowner before the latter has paid his revenue, leaving the Revenue-officers no remedy except that of proceeding against the produce of the next harvest, or against the land itself.

By the procedure laid down in sections 60 to 63 the formality of demanding from the landowners of every estate or their representatives a written engagement accepting the new assessment is dispensed with. But the landowners will still be at liberty to refuse to be liable for the assessment fixed by the Deputy Commissioner, and the consequences of refusal will be the same as those which follow from refusal to accept an assessment under the present law. Refusals of this kind, however, occur so seldom in the Punjab that the really important point in the procedure connected with the giving of effect to revised assessments lies less in the provisions dealing with these refusals than in those contained in sections 61 and 62 of the Bill, which provide for the hearing of objections and appeals, and for the modification of assessments prior to confirmation. In a country of small holdings cultivated by the owners themselves—and this is the prevailing character of Punjab tenures—an owner is very rarely in a position to decline to pay the new assessment; if he thinks that it is too heavy, the only

remedy practically open to him is to appeal against it, and this is the remedy which he has almost invariably adopted.

Section 67 gives a power of converting the dues of a superior landowner, when leviable in kind or cash of varying quantity or amount, into a fixed percentage on the land-revenue. This authority existed prior to the enactment of the present law, and, in a case of some importance which recently came under consideration and was adjusted by compromise in the manner provided for in this section, the absence of this authority caused serious embarassment both to the Revenue-officers and to those who were liable for the revenue.

CHAPTER VI.—COLLECTION OF LAND-REVENUE.

No very material change has been made in this Chapter in the law relating to the recovery of arrears, but in drafting the sections which deal with this subject an attempt has been made to set forth the several processes which can be resorted to for this purpose and their results in as simple a form as possible. The following are the principal alterations made:—(*a*) the period during which a defaulter may be imprisoned has been reduced by section 78 from one year to one month; (*b*) the exemptions from attachment and sale specified in section 266 of the Code of Civil Procedure have been extended by section 79 in the case of revenue defaulters to seed-grain, and to so much of the produce of a defaulter's land as is necessary for the support of himself and his family and the maintenance of his cattle until the harvest next following the execution of the process; (*c*) in order to render the Chapter complete in itself, the procedure for the sale of a defaulter's land, instead of being dealt with, as in the present Act, by reference to the sections of the Code of Civil Procedure relating to the sale of immoveable property, has been set out in full by the incorporation of those sections, with some necessary modifications, in the Bill.

CHAPTER VII.—RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

This Chapter contains provisions for the recovery as arrears of land-revenue of sums due to [illegible] and other village-officers, and of a number of items of miscellaneous revenue. Almost [illegible] new in this Chapter is taken from the Revenue and Rent Acts of other provinces.

CHAPTER VIII.—VILLAGE WASTE-LANDS.

The provisions of this Chapter are altogether new, but their general policy is believed to be entirely in accordance with the views of the Government of India. They have been framed with the object of securing in suitable estates the management of a portion of the waste-land for the production of timber, fuel and fodder. The area to be [illegible] treated is not to exceed one-fifth of the waste, and power is taken by section 110 to make rules for its management on the part of the landowners. Both the order directing that certain areas shall be reserved for these purposes and the rules for their [illegible] are to be issued by the Local Government, and provision is made that, before the issue of any such order, objections shall be invited and considered.

CHAPTER IX.—SURVEYS AND BOUNDARIES.

This Chapter contains the usual provisions for facilitating the survey of land for revenue purposes. Similar provisions are to be found in all the Land-revenue Acts of other provinces of Upper India, and these do not therefore seem to call for special notice. Some of the remedies for failure on the part of the landowners to erect and maintain boundary-marks, and the penalties for wilfully destroying, injuring or removing such marks after they have been set up, are of a summary nature, the object being to avoid the necessity for the institution of criminal proceedings except where really required by the gravity of the case.

CHAPTER X.—SUPPLEMENTAL PROVISIONS.

This Chapter deals with matters for which provision could not conveniently be made in other parts of the Bill. Of these the following are the most important. The first is that contained in sections 126 and 127. So long as civil, criminal and revenue jurisdiction was vested in the same officers, the subordinate revenue establishments, from the Tahsildars downwards, were at the disposal of the Courts for the execution of processes relating to land and its produce. But civil and revenue jurisdiction now vests, for the most part, in separate officers; and consequently the officers presiding over Civil Courts have no longer at their command any organized agency by which those processes can be executed. The object of these sections is to supply this deficiency by continuing the practice which existed before the passing of the Courts Act of 1884. By them the orders of Civil Courts relating to land and the rents and produce thereof will, as before, be executed by the Revenue-officers and their establishments, and the necessity for creating a separate agency for this purpose will be avoided.

By another section (128) the same power is given to a Revenue-officer, in cases of dispute, of dividing produce between co-sharers, as that which has always been possessed by him for the division of produce between landlord and tenant.

Section 129 confers the powers to make rules which are necessary for the proper working of the Act, and section 132 defines the matters in regard to which the jurisdiction of the Civil Courts will be barred. No material change has been made in respect of either of these subjects.

In section 133 provision has been made to meet the uncertainties attaching to jurisdiction in cases relating to alluvial lands on the larger rivers where they form the boundary between districts.

Lastly, section 134 declares that all records and papers which a village-officer is required by law to prepare and keep shall be the property of Government, and makes suitable provision for their production and proof. The object of this section is to render unnecessary the inconvenient practice of summoning patwáris merely for the purpose of proving the authenticity of papers prepared or kept by them.

The 12th July, 1886.

W. G. DAVIES.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 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 7th July, 1886, and was referred to a Select Committee :—

NO. 12 OF 1886.

A Bill to amend the Indian Ports Act, 1875.

WHEREAS it is expedient to substitute a new Part for Part III of the First Schedule to the Indian Ports Act, 1875, of the nature hereinafter appearing; It is hereby enacted as follows :— XII of 1875.

Substitution of a new Part for Part III of the First Schedule to the Indian Ports Act, 1875.

1. For Part III of the First Schedule to the said Act the Part in the Schedule to this Act shall be substituted.

Construction of documents referring to the superseded Part.

2. Any document referring to Part III of the First Schedule to the Indian Ports Act, 1875, shall, so far as the document is consistent with the Part in the Schedule to this Act, be construed to refer thereto. XII of 1875.

Repeal of Act IV of 1881.

3. The Madras Port-dues Act, 1881, is hereby repealed. IV of 1881.

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Madras ...	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.*	
Eastern Group.			
1. Ganjam ...	Ditto	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
2. Gopálpur ...	Ditto		
3. Calingapatam ...	Ditto		
4. Bimlipatam ...	Ditto		
5. Vizagapatam ...	Ditto		
6. Cocanada ...	Ditto		
7. Coringa ...	Ditto		
8. Masulipatam ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
9. Cuddalore ...	Ditto		
10. Porto Novo ...	Ditto		
11. Tranquebar ...	Ditto		
12. Negapatam ...	Ditto		
13. Nagore ...	Ditto		
14. Pámban ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
15. Tuticorin ...	Ditto		
16. Sonapore ...	Ditto		
17. Báruva ...	Ditto		
18. Púndi ...	Ditto		
19. Bapanapadu ...	Ditto		
20. Conada ...	Ditto		
21. Pudimadaka ...	Ditto		
22. Pentakota ...	Ditto		
23. Uppada ...	Ditto		
24. Bendamanlanka ...	Ditto		
25. Narsápur ...	Ditto		
26. Perupalem ...	Ditto		
27. Penumudi ...	Ditto		
28. Moratota ...	Ditto		
29. Nagayalanka ...	Ditto		
30. Kottapalem ...	Ditto		
31. Gangadipalem ...	Ditto		
32. Nizampatam ...	Ditto		
33. Ipurupálem ...	Ditto		
34. Baddurunipalem ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
35. Motupalli ...	Ditto		
36. Kanuparti ...	Ditto		
37. Kottapatam ...	Ditto		
38. Itamukkala ...	Ditto		
39. Pákala ...	Ditto		
40. Ramayapatam ...	Ditto		
41. Connayapalem ...	Ditto		
42. Tummalapenta ...	Ditto		
43. Juvaladinne ...	Ditto		
44. Iskapalle ...	Ditto		
45. Ponnapudi ...	Ditto		
46. Mypaud ...	Ditto		
47. Kistnapatam ...	Ditto		
48. Pamanji ...	Ditto		
49. Tupili ...	Ditto		
50. Dugarázpatnam ...	Ditto	*(f)* In the case of a coasting steamer—	
51. Púdi ...	Ditto		
52. Pulicat ...	Ditto		
53. Ennore ...	Ditto		
54. Covelong ...	Ditto		
55. Merkanam ...	Ditto		
56. Thirumalavasel ...	Ditto		
57. Kodimpalliem ...	Ditto		
58. Velangani ...	Ditto		
59. Thopputorai ...	Ditto		
60. Point Calimere ...	Ditto		
61. Muttupettai ...	Ditto		
62. Adirámpatnam ...	Ditto		
		(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton:	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*contd.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern group—contd.		*Foreign Vessels.*	
63. Ammapatam ...	Seagoing vessels of fifteen tons and upwards.	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
64. Kristnajipatam ...	Ditto		
65. Kattumavadi ...	Ditto		
66. Kottaipatam ...	Ditto		
67. Gopalapatam ...	Ditto		
68. Sundrapandiapatam	Ditto		
69. Pasipatam ...	Ditto		
70. Damodarapatam ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
71. Tondi ...	Ditto		
72. Nambidalai ...	Ditto		
73. Pudupatam ...	Ditto		
74. Carungudu ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
75. Tirupalakudi ...	Ditto		
76. Devipatam ...	Ditto		
77. Mudiapatam ...	Ditto		
78. Attangarai ...	Ditto		
79. Pillaimadam ...	Ditto		
80. Emanagudu ...	Ditto		
81. Rámesvaram ...	Ditto		
82. Mandapam ...	Ditto		
83. Vedalai ...	Ditto	*(d)* In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and half a annas a ton.	The due is payable once for the voyage.
84. Marakayapatam ...	Ditto		
85. Muttupettai ...	Ditto		
86. Kilakarai ...	Ditto		
87. Eruvadi ...	Ditto		
88. Valinokam ...	Ditto		
89. Vaippár ...	Ditto		
90. Koilpatam ...	Ditto		
91. Kulasekharapatnam	Ditto		
Western Group.		*Coasting Vessels.*	
1. Mangalore ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
2. Cannanore ...	Ditto		
3. Tellicherry ...	Ditto		
4. Calicut ...	Ditto		
5. Beypore ...	Ditto		
6. Cochin ...	Ditto		
7. Badagara ...	Ditto	*(f)* In the case of a coasting steamer—	
8. Quilandi ...	Ditto		
9. Ponáni ...	Ditto		
10. Attaprom ...	Ditto		
11. Kurkuye ...	Ditto		
12. Madayi ...	Ditto		
13. Attukuye ...	Ditto		
14. Chowghat ...	Ditto		
15. Velliangode ...	Ditto		
16. Kuttayi ...	Ditto		
17. Parony ...	Ditto		
18. Tánúr ...	Ditto		
19. Parpanangádi ...	Ditto		
20. Cadalondi ...	Ditto		
21. Molankadava ...	Ditto		
22. Pudiangadi ...	Ditto		
23. Ellatur ...	Ditto		
24. Kapat ...	Ditto		
25. Kollam ...	Ditto		
26. Cuddalore ...	Ditto		
27. Trikodi ...	Ditto		
28. Kottakal ...	Ditto		
29. Muttungal ...	Ditto		
		(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
		(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
		(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

PART III.—THE MADRAS PRESIDENCY—*concld.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Western Group—contd.		*Foreign Vessels.*	
30. Chombayi ...	Seagoing vessels of fifteen tons and upwards.	*(a)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
31. Kallai ...	Ditto	*(b)* In the case of any other foreign ship or steamer calling at Madras, or at any one port in the Eastern group, or at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
32. Talai ...	Ditto		
33. Dharmapatnam ...	Ditto		
34. Egara ...	Ditto		
35. Pudiangadi ...	Ditto	*(c)* In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
36. Baliapatam ...	Ditto		
37. Etticollam ...	Ditto		
38. Kavai ...	Ditto		
39. Katkacheri ...	Ditto	*(d)* In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, or at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
40. Bekal ...	Ditto		
41. Kásaragód ...	Ditto		
42. Kumbla ...	Ditto	*Coasting Vessels.*	
43. Manjeshwara ...	Ditto	*(e)* In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
44. Mulki ...	Ditto		
45. Padubidri ...	Ditto		
46. Yermal ...	Ditto	*(f)* In the case of a coasting steamer—	
47. Uchil ...	Ditto	(1) calling at one or more ports in the Eastern group (save as provided by sub-clause (3) of this clause), or at one or more ports in the Western group, not exceeding three annas a ton;	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
48. Kap ...	Ditto		
49. Uddyavar ...	Ditto		
50. Malpe ...	Ditto		
51. Bárkúr, or Hangarkotta.	Ditto	(2) calling at Madras within thirty days after payment of a due in either group, not exceeding one and a half annas a ton;	The due is payable on each entry into the port.
52. Kundapura ...	Ditto		
53. Baindur. ...	Ditto		
54. Naikinkatta ...	Ditto		
55. Serur ...	Ditto	(3) calling at Madras otherwise than as provided in sub-clause (2) of this clause, not exceeding four and a half annas a ton.	The payment of the due will exempt the steamer for a period of thirty days from liability to pay the due again at Madras or at any port in the Eastern group.

Definitions.

In this Part of the Schedule—

(1) "ship" means a sailing vessel, and "steamer" a steam-vessel;

(2) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the continent of India or in the island of Ceylon:

(3) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely), Cocanada and Coringa, Negapatam and Nagore, Calicut and Beypore, shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

STATEMENT OF OBJECTS AND REASONS.

THE case which gives rise to this Bill is as follows. Certain steamers are engaged in the coasting trade of the Madras Presidency, but are not "coasting steamers" within the meaning of the expression as defined in Part III of the Schedule to the Indian Ports Act, 1875. Therefore they have to pay port-dues at every port they call at in a group instead of only paying them (at a rate which may be half as much again as an ordinary single rate) at the first port they call at and being free at every other port in the group for a period of thirty days. The owners of these steamers have represented to the Government that the levy of these full port-rates at every port the steamers call at is a considerable hardship and is detrimental to the trade which their steamers are fostering, and they have asked that their steamers may be treated as coasting steamers. The Government of India is of opinion that the law, as it stands at present, bears hardly not only on these steamers engaged in the coasting trade, but also on other steamers and sailing vessels, and that the law should be amended generally for all vessels calling at ports in the Madras Presidency. The present Bill has, therefore, been prepared in consultation with the local authorities and Chamber of Commerce. With the object of settling the port-dues on as fair and liberal a basis as is consistent with obtaining a sufficient income, the Bill recasts Part III of the First Schedule to the Indian Ports Act on the following lines:—

(1) It declares that the following rates of duty shall be paid in the case of vessels calling at one port only, namely:—

(*a*) in the case of foreign ships or steamers calling at Madras or at any port in the Eastern or Western group—a rate not exceeding three annas a ton;

(*b*) in the case of coasting ships calling at any port—a rate not exceeding one and a half annas a ton;

(*c*) in the case of coasting steamers calling at Madras (except within thirty days after visiting another port in either group, when the due is not to exceed one and a half annas a ton)—a due not exceeding four and a half annas a ton.

(2) It exempts, on payment of the above dues, foreign ships or steamers engaged in trade with the Straits Settlements and coasting ships from liability to pay dues again at the same port for a period of sixty days.

(3) It exempts the following vessels on payment of the dues specified from payment of any further due at the same or certain other ports for a fixed period:—

(*a*) foreign ships or steamers engaged in trade with the Straits Settlements, on payment of a due not exceeding four and a half annas a ton at the first port in the Eastern group or in the Western group called at by the ship or steamer, from liability to pay the due again at that or any other port in the group for a period of sixty days;

(*b*) coasting steamers, on payment of a due not exceeding three annas a ton at the first port in the Eastern group or in the Western group called at by the steamer, from liability to pay the due again at that or any other port in the group for a period of thirty days;

(*c*) coasting steamers, on payment of a due not exceeding four and a half annas a ton at Madras, from liability to pay the due again at Madras or at any port in the Eastern group for a period of thirty days.

A. COLVIN.

The 29th 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 7th July, 1886, and was referred to a Select Committee on the 14th idem :—

No. 13 OF 1886.

A Bill to amend the Indian Companies Act, 1882.

WHEREAS it is expedient to amend the Indian Companies Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows :— VI of 1882.

1. After section 200 of the Indian Companies Act, 1882, the following section shall be inserted, namely :— VI of 1882. Insertion of new section after section 200.

"200A. (1) In the distribution of the assets of any company being wound up under this Act, there shall be paid in priority to all other debts— [46 & 47 Vic., c. 28, s. 4.] Wages and salaries to be preferential claims and to rank equally.

"(a) all wages or salary of any clerk or servant in respect of services rendered to the company within the four months next before the commencement of the winding up, not exceeding five hundred rupees for each clerk or servant; and [Indian Bankruptcy Bill, s. 33, cls. (b) and (c): 55 Law J. Rep. Q. B. 288.]

"(b) 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 company within the four months next before the commencement of the winding up.

"(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

"(3) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise, the liquidator or liquidators or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when the assets come into the hands of the liquidator or liquidators or official liquidator." [46 & 47 Vic., c. 28, s. 6.]

STATEMENT OF OBJECTS AND REASONS.

THE attention of the Government of India has been drawn, by a recent decision of Mr. Justice Scott of the Bombay High Court (I. L. R. 10 Bom. 211), to the absence of any provision in the Indian Companies Act, 1882 (Act VI of 1882), similar to that contained in section 4 of the Statute 46 & 47 Vic., cap. 28, under which, in the distribution of the assets of any company being wound up, the wages of clerks and workmen are, subject to certain restrictions, given priority over other debts. With the view of remedying this defect in the Indian law, the present Bill has been prepared. While following generally the lines of the English Statute, the Bill adopts the modifications of the law regarding the priority of the wages of workmen, in the case of the bankruptcy of private employers, made by section 40 of the English Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52). As these provisions of the English Bankruptcy Act have been followed in the Indian Bankruptcy Bill now before the Legislative Council of the Governor General, it seems desirable that the amendment which this Bill makes in the Indian Companies Act should be drawn so far as possible in identical terms.

C. P. ILBERT.

The 7th July, 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 14th July, 1886, and was referred to a Select Committee :—

NO. 14 OF 1886.

THE PUNJAB LAND-REVENUE BILL.

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THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to declare and amend the Land-revenue Law of the Punjab.

WHEREAS it is expedient to amend the law in force in the Punjab with respect to the powers of Revenue-officers and Revenue Courts, the maintenance of records-of-rights in land, the assessment and collection of land-revenue, and other matters relating to land and the liabilities incident thereto; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Land-revenue Act, 1886. [Act XXXIII, 1871, s. 1.]

(*2*) It extends to the territories for the time being administered by the Lieutenant-Governor of the Punjab and its Dependencies, including the pargana of Spiti, but not so as to affect any Regulation made under the provisions of the Statute 33 Victoria, chapter 3, for any portion of those territories; and [Regulation I of 1873, s. 14.]

(*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 appoint in this behalf.

(*4*) Any power conferred on the Local Government or the Financial Commissioner to make rules, or on the Local Government to issue orders, make appointments or confer powers, may be exercised at any time after the passing of this Act; but a rule, order, appointment or power so made, issued or conferred shall not take effect till the commencement of this Act.

Repeal.

2. (*1*) The enactments mentioned in the schedule to this Act are repealed to the extent specified in the third column thereof.

(*2*) But all rules, appointments and assessments made, notifications and proclamations issued, authorities and powers conferred, farms and leases granted, records framed, revised or confirmed, rights acquired, liabilities incurred, and times and places appointed under any of the repealed enactments shall, so far as may be, be deemed to have been respectively made, issued, conferred, granted, framed, revised, confirmed, acquired, incurred and appointed under this Act; and

(*3*) All suits, appeals, applications and proceedings instituted, made or commenced under any of those enactments and pending at the commencement of this Act shall be deemed, so far as may be, to have been instituted, made and commenced under this Act.

Definitions.

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

(*1*) "land" means land assessed or liable to be assessed to land-revenue, or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village: [Act XVIII, 1884, s. 3.]

(*2*) "estate" means any area—

(*a*) for which a separate record-of-rights has been framed; or [Act XXXIII, 1871, s. 1; Act XIX, 1873, s. 3; and Act VIII, 1879, s. 2.]

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(*b*) which has been separately assessed to land-revenue, or would have been so assessed if the land-revenue had not been released, compounded for or redeemed; or

(*c*) which the Local Government may, by general rule or special order, declare to be an estate:

(3) "tenant," "landlord," "rent," "arrear of rent" and "tenancy" have the meanings respectively assigned to those expressions in the Punjab Tenancy Act, 1887:

[Cf. Act VIII, 1879, ss. 11 and 12.] (4) "landowner" includes any person, other than a tenant, in possession of an estate or any share or portion thereof, or in enjoyment of any part of the profits of an estate:

(5) "holding" means a share or portion of an estate held by one landowner or jointly by two or more landowners:

(6) "arrear of land-revenue" means land-revenue which remains unpaid after the date on which it becomes payable:

(7) "defaulter" means a landowner liable for an arrear of land-revenue, and includes a person who is responsible as surety for the payment of the arrear:

(8) "village-officer" includes a chief-headman, a headman and a patwári:

V of 1878. XX of 1883. (9) "village-cess" includes any cess other than (*a*) the cess or other impost leviable under this Act for the maintenance of village-officers, and (*b*) any rate, tax or fees leviable under the Punjab Local Rates Act, 1878, or Punjab District Boards Act, 1883:

[Act XVIII, 1881, s. 4.] (10) "agricultural year" means the year commencing on the sixteenth day of June, or on such other date as the Local Government may in the case of any local area appoint:

[Act XIX, 1873, s. 3, and rules under Act XXXIII, 1871, F II 28.] (11) "incumbrance" means a charge upon or claim against land arising out of a private grant or contract:

[Cf. Act XVIII, 1881, s. 4.] (12) "recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in the proceeding, or belonging to any class which the Local Government may by notification authorize in this behalf:

[Cf. Act XVIII, 1881, s. 4.] (13) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtár or revenue-agent: and

(14) "notification" means a notification published by authority of the Local Government in the official Gazette.

[Act VI, 1867; Act XIX, 1873, s. 13; and Act X, 1882, s. 7.]

4. The Local Government may vary the limits of the tahsils, districts and divisions into which the territories administered by it are divided, and may alter the number of those tahsils and, with the previous sanction of the Governor General in Council, the number of those districts and divisions.

Power to vary limits and alter number of tahsils, districts and divisions.

CHAPTER II.

REVENUE-OFFICERS AND REVENUE COURTS.

Classes and Powers.

5. There shall be the following classes of Revenue-officers, namely:— [Act XXXIII, 1871, s. 2; Act XVIII, 1881, ss. 5 and 6.]

Classes and grades of Revenue-officers.

(*a*) the Financial Commissioner, who shall, subject to the control of the Local Government, be the chief controlling revenue-authority;

(*b*) the Commissioner, who shall be the chief revenue-authority within a division;

(*c*) the Deputy Commissioner, who shall be the chief revenue-authority within a district; and

(*d*) subordinate Revenue-officers, who may be ranged in the following grades, namely:—

(i) the Assistant Commissioner;
(ii) the Extra Assistant Commissioner;
(iii) the Tahsildar; and
(iv) the Naib-tahsildar.

6. (1) The Financial Commissioner shall be appointed and may be removed by the Local Government with the previous sanction of the Governor General in Council. [Act XXXIII, 1871, s. 3.]

Appointment of Financial Commissioner.

(2) The Local Government may, with the like sanction, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government. [Act XVIII, 1884, s. 52.]

(3) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners.

7. (1) Commissioners, Deputy Commissioners, Assistant Commissioners and Extra Assistant Commissioners shall be appointed and may be removed by the Local Government. [Act XXXIII, 1871, s. 4.]

Appointment of Commissioners, Deputy Commissioners and Assistant Commissioners.

(2) The Local Government may, if it thinks fit, appoint the same person to be Deputy Commissioner of two or more districts. [Act XVIII, 1884, s. 20.]

8. The Local Government shall fix the number of Tahsildars and Naib-tahsildars to be appointed, and when there is a vacancy in that number the Financial Commissioner may, subject to rules made by him with the previous sanction of the Local Government, appoint such person to fill the vacancy as he thinks fit. [Cf. Act XVIII, 1884, s. 25.]

Appointment of Tahsildars and Naib-tahsildars.

9. Applications and proceedings of the following classes shall be disposed of by Revenue-officers, and not otherwise:— [Cf. Act XXVIII, 1868, s. 42.]

Applications and proceedings exclusively cognizable by Revenue-officers.

(*a*) proceedings relating to the enhancement and reduction of rents under sections 10, 14, 15, 16 and 17 of the Punjab Tenancy Act, 1886;

(*b*) applications under sections 11 and 12 of that Act for the commutation and conversion of rents;

(*c*) proceedings relating to the remission and suspension of rent under section 19 of that Act;

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(*d*) applications under sections 20, 21 and 22 of that Act with respect to the division of produce and the estimate and appraisement of crops;

(*e*) applications under section 23 of that Act with respect to relinquishment of tenancies;

(*f*) applications under section 25 of that Act for determination of rent payable for land occupied by crops uncut at the time of an order being made for the ejectment of a tenant;

(*g*) applications under sections 27 and 28 of that Act for ejectment of tenants having a right of occupancy;

(*h*) applications under section 29 of that Act for the service of notices of ejectment on, and the ejectment of, tenants not having a right of occupancy;

(*i*) applications under section 30 of that Act for the ejectment of tenants not having a right of occupancy;

(*j*) applications under section 34 of that Act for the fixing of the value of a right of occupancy;

(*k*) applications under sections 34 and 36 of that Act for the ejectment of a tenant or other person in occupation of land subject to a right of occupancy sought to be transferred;

(*l*) proceedings relating to the award of compensation for improvements or disturbance under Chapter VI of that Act; and

(*m*) applications and proceedings which a Revenue-officer is by this Act empowered to dispose of.

[Cf. Act XXVIII, 1868, s. 43.]

10. (1) Suits of the classes described in sub-section (3) of this section shall be instituted before, and heard and determined by, Revenue-officers and not otherwise.

Suits exclusively cognizable by Revenue Courts.

[Cf. ss. 4 & 43 Bo. Act, s. 40.]

(2) When a Revenue-officer is exercising jurisdiction with respect to a suit of any of those classes, or with respect to an appeal or other proceeding arising out of any such suit, he shall be called a Revenue Court.

[Act XVIII, 1884, s. 45.]

(3) The classes of suits referred to in this section are the following, namely:—

(*a*) suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like;

(*b*) suits for the recovery of any over-payment of rent;

(*c*) suits for rents payable by co-sharers on account of land-revenue or of village-expenses or other dues for which the co-sharers in an estate or holding are, as such, responsible;

(*d*) suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses and other dues, or for a settlement of accounts;

(*e*) suits by assignees of land-revenue for arrears of land-revenue due to them as such;

(*f*) suits by superior proprietors for arrears of land-revenue or other sums due to them as such;

(*g*) suits to establish a claim to a right of occupancy, or to prove that a tenant has not a right of occupancy;

(*h*) suits to eject a tenant from land 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;

(*i*) suits under section 29 of the Punjab Tenancy Act, 1886, to contest liability to be ejected when notice of ejectment has been served;

(*j*) suits under section 9 of the Specific Relief Act, 1877, to recover possession of land, or by a tenant otherwise than under that Act to recover the occupancy of land of which he has been wrongfully dispossessed; I of 1877.

(*k*) suits for compensation for wrongful dispossession from a tenancy;

(*l*) suits relating to the alienation of, or succession to, a right of occupancy in a tenancy;

(*m*) suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer or defined in a record-of-rights; and

(*n*) suits between landlord and tenant, as such, or between tenant and tenant, as such, which have not been specified in the foregoing part of this section.

[New. Cf. Act XII, 1881, s. 206.]

11. (1) In either of the following cases, namely:—

Power of Chief Court to validate proceedings had under mistake as to jurisdiction.

(*a*) if it appears to a Civil Court that a Court under its control has determined a suit of a class mentioned in section 10, which, under the provisions of that section, should have been heard and determined by a Revenue Court; or

(*b*) if it appears to a Revenue Court that a Court under its control has determined a suit which should have been heard by a Civil Court,

the Civil Court or Revenue Court, as the case may be, shall submit the record of the suit to the Chief Court.

(2) If on perusal of the record it appears to the Chief Court that the suit was so determined in good faith, and that the parties have not been prejudiced by the mistake as to jurisdiction, the Chief Court may direct that the decree be registered in the Court which had jurisdiction; and thereafter it shall have effect as if it had been made by that Court.

(3) With respect to any proceedings subsequent to the decree, the Chief Court may make such order for their registration in, or transfer to, a Revenue Court or Civil Court as in the circumstances appears to it to be just and convenient to the parties.

(4) If it appears to the Chief Court, otherwise than on submission of a record under this section, that a Civil Court under its control has determined a suit of a class mentioned in section 10, which, under the provisions of that section, should have been heard and determined by a Revenue Court, the Chief Court may pass any order which it might have passed if the record had been submitted to it under the foregoing provisions of this section.

12. There shall be the same classes and grades of Revenue Courts as of [illegible] Revenue-officers, namely:— [Act XVIII, 1884, s. 3 (3).]

Classes and grades of Revenue Courts.

(*a*) the Court of the Financial Commissioner;

The Punjab Land-revenue Bill.
(Chapter II.—Revenue-officers and Revenue Courts.—Sections 13-20.)

(*b*) the Court of the Commissioner;

(*c*) the Court of the Deputy Commissioner; and

(*d*) the Courts of subordinate Revenue-officers, which may be ranged in the following grades, namely:—

(i) the Court of the Assistant Commissioner;
(ii) the Court of the Extra Assistant Commissioner;
(iii) the Court of the Tahsildar; and
(iv) the Court of the Naib-tahsildar.

Conferment of powers on Revenue-officers and Revenue Courts.

13. (*1*) Except where, in the case of a Revenue-officer, the class of the officer by whom any function is to be discharged is expressly stated in this Act, the Local Government may by rule or notification determine the powers to be exercised by any Revenue-officer or Revenue Court.

[Cf. Act XVIII, 1884, s. 26 (*1*).]

(*2*) The powers may be determined with reference to the class or value of cases or otherwise as the Local Government thinks fit.

(*3*) The Local Government may confer powers on a person by name or by virtue of his office, and on any class or grade of Revenue-officers or Revenue Courts by designation of the class or grade.

[Cf. Act IX, 1883, s. 3 (9).]

(*4*) The expression "prescribed Revenue-officer" in any provision of this Act means a Revenue-officer empowered by the Local Government to discharge the functions of a Revenue-officer under that provision.

[Cf. Act XVIII, 1884, s. 28.]

Special Revenue-officers.

14. (*1*) The Local Government may, with respect to particular classes of cases or cases generally in any local area, appoint any person to be a Revenue-officer of any class specified in clause (*b*), clause (*c*) or clause (*d*) of section 5, and may suspend or cancel the appointment.

(*2*) When a person is so appointed to be a Revenue-officer of any one of those classes, he shall, subject to the orders of the Local Government, be deemed to be a Revenue-officer of that class for all purposes.

Administrative Control.

[Cf. Act XVIII, 1884, s. 56.]

Superintendence and control of Revenue-officers and Revenue Courts.

15. (*1*) The general superintendence and control over all other Revenue-officers and Revenue Courts shall be vested in, and all such officers and Courts shall be subordinate to, the Financial Commissioner.

[Act XVIII, 1884, s. 56.]

(*2*) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers and Revenue Courts in his division.

(*3*) Subject as aforesaid and to the control of the Commissioner, a Deputy Commissioner shall control all other Revenue-officers and Revenue Courts in his district.

[Cf. Act XVIII, 1884, s. 59.]

Power to distribute business.

16. The Financial Commissioner or a Commissioner or Deputy Commissioner may by written order direct that any business cognizable by any Revenue-officer or Revenue Court under his control shall be distributed in such manner as he thinks fit:

Provided that no direction issued under this section shall empower any officer or Court to exercise any powers or deal with any business beyond the limits of his or its proper jurisdiction.

[Act XVIII, 1884, s. 57.]

Power to withdraw and transfer cases.

17. (*1*) The Financial Commissioner or a Commissioner or Deputy Commissioner may withdraw any case pending before any Revenue-officer under his control, and either dispose of it himself, or refer it for disposal to any other Revenue-officer under his control and having power to dispose of the same.

(*2*) A Commissioner or Deputy Commissioner may exercise, as regards the Revenue Courts under his control, the same powers as he may exercise under sub-section (*1*) as regards the Revenue-officers under his control.

[Act XVIII, 1884, s. 61.]

Delegation of powers by Deputy Commissioner.

18. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in his district the powers conferred on the Deputy Commissioner by sections 15, 16 and 17, to be exercised by the Assistant Commissioner in any specified part of the district, subject to the control of the Deputy Commissioner.

Appeal, Review and Revision.

[Act XXXIII, 1871, ss. 65 (5) and 66 (2); Act XIX, 1873, ss. 242 to 244 and 249; Act XVIII, 1881, s. 22.]

Appeals.

19. An appeal shall lie from any order made on an application or other proceeding mentioned in section 9, or from any decree or order made in a suit described in section 10—

(*a*) to the Deputy Commissioner when the order or decree is made by a subordinate Revenue-officer;

(*b*) to the Commissioner when the order or decree is made by a Deputy Commissioner;

(*c*) to the Financial Commissioner when the order or decree is made by a Commissioner:

Provided that—

(*a*) when the original order or decree of a Revenue-officer or Revenue Court is confirmed on appeal, a further appeal shall not lie;

(*b*) when any such order or decree is modified or reversed on appeal, a further appeal shall lie to the Financial Commissioner; and

(*c*) an appeal shall not lie from a decree or order made in a suit under section 9 of the Specific Relief Act, 1877, to recover possession of land.

[Act XVIII, 1884, s. 47.]

I of 1877.

Limitation of appeals.

20. (*1*) Except as provided by sub-section (*2*) of this section, an appeal shall not lie—

[Act XIX, 1873, ss. 245 to 247; Act XVIII, 1881, s. 23.]

(*a*) in the Court of the Deputy Commissioner—after the expiration of thirty days from the date of the order or decree complained of;

[See rules under Act XXXIII, 1871, rule G II 1, which only allows 30 days for appeal to Commissioner.]

(*b*) in the Court of the Commissioner—after the expiration of sixty days from that date; or

(*c*) in the Court of the Financial Commissioner—after the expiration of ninety days from that date.

[Act XVIII, 1884, s. 50.]

(*2*) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

The Punjab Land-revenue Bill.
(Chapter II.—Revenue-officers and Revenue Courts.—Sections 21-28.)

[Act XVIII, 1881, s. 26.]

Review by Revenue-officers and Revenue Courts.

21. (*1*) Subject to the other provisions of this Chapter, the Financial Commissioner may modify or reverse any order passed by himself or his predecessor in office, and

any other Revenue-officer may, with the previous sanction of the Revenue-officer to whose control he is immediately subject, modify or reverse any order passed by himself or his predecessor in office.

(*2*) A decree or order of a Revenue Court may be reviewed in accordance with the procedure prescribed for that Court by or under this Act, and not otherwise.

[Act XXXIII, 1871, s. 65; Act XIX, 1873, ss. 253 to 255; Act XVII, 1881, ss. 24 and 25.]

Power to call for, examine and revise proceedings of Revenue-officers and Revenue Courts.

22. (*1*) The Financial Commissioner may at any time call for the record of any case pending before or disposed of by, any Revenue-officer or Revenue Court subordinate to him.

(*2*) A Commissioner or Deputy Commissioner may call for the record of any case pending before, or disposed of by, any Revenue-officer or Revenue Court under his control.

(*3*) If in any case in which a Commissioner or Deputy Commissioner has called for a record he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(*4*) The Financial Commissioner may in any case called for by himself under sub-section (*1*) or reported to him under sub-section (*3*) pass such order as he thinks fit:

Provided that he shall not under this section pass an order affecting any question of right between private persons without having given the parties interested an opportunity of being heard.

Procedure.

[Act XIX, 1873, s. 208.]

Power of Revenue-officer or Revenue Court to summon persons, and mode of service of summons.

23. (*1*) A Revenue-officer or Revenue Court may summon any person whose attendance he or it considers necessary for the purpose of any application, suit or other business.

(*2*) A person so summoned shall be bound to attend at the time and place mentioned in the summons, either in person or by his recognized agent or a legal practitioner, as the Revenue-officer or Revenue Court may direct, and to state the truth upon any subject respecting which he is examined or makes statements, and to produce such documents and other things as the Revenue-officer or Revenue Court may require.

(*3*) A summons issued by a Revenue-officer or Revenue Court shall, if practicable, be served (*a*) personally on the person to whom it is addressed, or failing him (*b*) on his recognized agent or the manager or agent through whom he usually transacts business, or (*c*) on an adult male member of his family usually residing with him.

(*4*) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by fixing up a copy thereof at the usual place of residence of the person to whom it is addressed, or, if he does not reside in the district but has an interest in land therein, by posting a copy in some conspicuous place in the village in which the land is situate.

(*5*) If the summons relates to a case in which two or more persons are jointly concerned, the service may, if the Revenue-officer or Revenue Court so directs, be made on one of those persons for himself and for the other or others.

(*6*) If the Revenue-officer or Revenue Court is satisfied that service can be more conveniently made through the post by registered letter, or by any other method prescribed in the Code of Civil Procedure for the service of a summons, the summons may be so served.

XIV of 1882.

Mode of service of notice or order.

24. A notice or order issued by a Revenue-officer or Revenue Court for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

Mode of making proclamation.

25. In addition to any other mode of publication which may be prescribed in any provision of this Act, a proclamation issued by a Revenue-officer or Revenue Court shall be made by beat of drum or other customary method, and by the posting of a copy of the proclamation, in the language of the office or Court, in a conspicuous place on the property to which the proclamation relates.

[Act XVIII, 1881, s. 20.]

Persons by whom appearances and applications may be made before and to Revenue-officers and Revenue Courts.

26. Appearances before a Revenue-officer or Revenue Court, and applications to, and acts to be done before, any such officer or Court, may be made or done—

(*a*) by the parties themselves, or

(*b*) with the permission of the officer or Court, by their recognized agents or a legal practitioner:

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer or Court.

[Act XVIII, 1881, s. 21.]

Legal practitioners' fees not to be allowed unless for special reasons.

27. The fees of a legal practitioner shall not be allowed as costs before any Revenue-officer or Revenue Court, unless that officer or Court considers, for reasons to be recorded by him or it in writing, that the fees should be allowed.

[Act XVIII, 1881, ss. 15 and 19.]

Procedure of Revenue-officers.

28. (*1*) Subject to the other provisions of this Act, the Local Government may by order invest any Revenue-officer with any powers exercisable by a Civil Court under the Code of Civil Procedure, and may direct that any provisions of that Code shall apply with or without modification to all or any classes of cases before Revenue-officers.

XIV of 1882.

[Act XXXIII, 1871, s. 66 (*1*); Act XVIII, 1881, s. 19.]

(*2*) Subject to any orders made by the Local Government under sub-section (*1*), that Government may make rules consistent with this Act for regulating the procedure of Revenue-officers in cases in which a procedure is not prescribed by this Act.

[Act XVIII, 1881, s. 16.]

(*3*) Subject to any orders or rules made under sub-section (*1*) or sub-section (*2*), a Revenue-officer may refer any case which he is empowered to dispose of under section 9 to any Revenue-officer under his control for investigation and report, and may decide the case upon the report.

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 29-38.)

[Act XVIII, 1884, s. 53.]

29. (*1*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this Act for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

Procedure of Revenue Courts.

XIV of 1882.

(*2*) Until rules are made under this section, and subject to those rules when made and to the provisions of this Act,—

(*a*) the Code of Civil Procedure shall, so far as it is applicable, apply to all proceedings in Revenue Courts whether before or after decree; and

(*b*) the Court of the Financial Commissioner shall, in respect of those cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under that Code.

[Act XVIII 1884, s. 54.]

30. (*1*) If, in any suit pending before a Revenue Court exercising original, appellate or revisional jurisdiction, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may decide the question as it thinks fit.

Power to refer party to Civil Court.

(*2*) If the party institutes the suit in compliance with the requisition, the Revenue Court shall, in disposing of the suit pending before it, be guided by the final decision of the Civil Court of first instance or appeal, as the case may be, on that question.

Supplemental Provisions.

31. (*1*) The Local Government may fix the place or places at which any Revenue-officer or Revenue Court is to transact business.

Sittings of Revenue-officers and Revenue Courts.

(*2*) The place or places so fixed may be beyond the local limits of the jurisdiction of the officer or Court.

(*3*) Except as may be otherwise provided by an order under this section, a Revenue-officer or Revenue Court may transact business at any place within those limits.

32. The Financial Commissioner, with the approval of the Local Government, shall publish in the local official Gazette before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any Revenue-officers and Revenue Courts.

Holidays.

[Act XIX, 1873, s. 21; Act XVIII, 1881, s. 12.]

33. When a Revenue-officer, not being a person appointed under section 14, is transferred from one local area in which he has jurisdiction to another, he shall, unless the Local Government otherwise directs, exercise in the local area to which he is transferred all the powers which he was legally competent to exercise as a Revenue-officer or Revenue Court in the local area from which he is transferred.

Revenue-officers when transferred to retain their powers.

[Act XIX, 1873, s. 20; Act XVIII, 1881, s. 13.]

34. When a Deputy Commissioner dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf shall be deemed to be a Deputy Commissioner under this Act.

Discharge of the duties of Deputy Commissioner dying or being disabled.

CHAPTER III.

KÁNÚNGOS, ZAILDÁRS AND VILLAGE-OFFICERS.

[Act XXXIII, 1871, s. 6.]

35. The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the appointment, duties, remuneration, punishment, suspension and removal of kánúngos, zaildárs and village-officers.

Rules respecting kánúngos, zaildárs and village-officers.

[Act XXXIII, 1871, s. 6.]

36. (*1*) The Local Government may by notification impose on any estate, or on all or any estates in any local area, a cess, to be called the village-officers' cess, at a rate not exceeding one anna for every rupee of the annual value for the remuneration of village-officers and for the defrayment of other expenditure directly connected with the supervision of those officers or with the performance of their duties:

Village-officers' cess.

Provided that all arrangements now in force in any local area for the purposes mentioned in this sub-section shall be deemed to have been lawfully made, and shall be maintained until the Local Government imposes the village-officers' cess in that local area under this section.

(*2*) "Annual value" in this section has the meaning assigned to that expression in the Punjab District Boards Act, 1883.

XX of 1883.

(*3*) The Financial Commissioner, with the previous sanction of the Local Government, may make rules for the administration of the proceeds of the village-officers' cess.

37. (*1*) The remuneration of a zaildár or village-officer shall not be liable to attachment in execution of a decree or order of any Civil or Revenue Court.

Remuneration of zaildárs and village-officers not liable to be attached or capable of being assigned.

[Cf. 44 & 45 Vict., c. 59, s. 141.]

(*2*) Every assignment of, and every charge on, and every agreement to assign or charge, any such remuneration shall be void.

CHAPTER IV.

RECORDS.

Record-of-rights.

[Act XIX, 1873, s. 21; Act XVIII, 1881, s. 14; Act XVIII, 1884, s. 7; Act XIV, 1886, s. 2.]

38. Save as otherwise provided by this Chapter, a separate record-of-rights shall be made and maintained for each estate.

Record-of-rights.

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 39-46.)

[Act XXXIII, 1871, s. 14.]

39. The record-of-rights for an estate shall include the following documents:—

Documents to be included in record-of-rights.

(*a*) statements showing, so far as may be practicable,—

(i) the persons who have rights in the estate or in any share or portion thereof, whether as landowners or tenants or in any other capacity, and the persons who are entitled to enjoy the rent, land-revenue or produce of the estate or of any share or portion thereof;

(ii) the extent and limits of the interests of those persons, and the conditions and liabilities attaching to those interests; and

(iii) the rent, land-revenue, rates, cesses or other payments due from and to each of those persons and to the Government;

(*b*) a statement of customs respecting joint rights and liabilities in the estate;

(*c*) a map of the estate in sufficient detail to illustrate the foregoing statements; and

(*d*) such other documents as the Financial Commissioner, with the previous sanction of the Local Government may prescribe.

[Act XXXIII, 1871, s. 15; Act XIX, 1873, s. 90; Act XVIII, 1881, s. 80.]

40. The Financial Commissioner shall prescribe the language in which the record-of-rights is to be made, the form of the documents included in it, and the manner in which these documents are to be prepared, signed and attested.

Language, form and attestation of record-of-rights.

[Act XXXIII, 1871, ss. 7 and 11.]

41. (*1*) When it appears to the Local Government that a record-of-rights for an estate does not exist, or that the existing record-of-rights for an estate requires revision, it may by notification direct that a record-of-rights be made or that the record-of-rights be revised, as the case may be, and may further direct by the notification that for that purpose a survey be made.

Local Government may direct record-of-rights to be made or revised.

(*2*) The notification may be with respect to records-of-rights generally for all or any estates for which they are to be made or revised in any local area.

(*3*) The notification shall, with respect to the local area to which it relates, be held, for the purposes of section 62 of the Punjab Courts Act, 1884, to be a notification declaring a settlement of land-revenue to be in progress in that local area.

XVIII of 1884.

[Act XIX, 1873, s. 67.]

42. If during the making or revision of a record-of-rights a dispute arises as to any matter of which an entry is to be made therein, the prescribed Revenue-officer may of his own motion, but subject to the provisions of the next following section, and after such inquiry, if any, as he thinks fit, determine the entry to be made as to that matter.

Determination of disputes.

[Act XXXIII, 1871, s. 19.]

43. When a record-of-rights is under revision it shall not be altered otherwise than by—

Revision of record-of-rights.

(*a*) making an entry in accordance with facts which have occurred since the record under revision was made or last revised;

(*b*) making such entries as are agreed to by all the parties interested therein, or are supported by a judicial decision;

(*c*) making new maps, where it is necessary to make them, and so amending such of the documents included in the record as are affected thereby that they may accord with those maps:

Provided that an entry as to the rights, interests or liabilities of a person shall not be altered except in the circumstances referred to in clause (*a*) or clause (*b*) of this section.

[Act XXXIII, 1871, s. 17; Act XVIII, 1881, s. 81.]

44. (*1*) A report of the completion of every record-of-rights made or revised under this Chapter shall be submitted to the Local Government, and, when the Local Government has by notification confirmed the record, all entries therein shall be presumed to be true until the contrary is proved or the record has been revised under this Chapter.

Confirmation of record of-rights and presumption as to entries therein.

(*2*) The report and the notification may be with respect to the records-of-rights generally for all or any estates for which they have been made or revised in any local area.

[Act XXXIII, 1871, ss. 26 and 28.]

45. (*1*) When in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land belongs to the landowners, it shall be presumed to belong to the Government.

Presumption of ownership of forests and waste lands.

(*2*) When in any record-of-rights completed after that date it is not expressly provided that any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land belongs to the Government, it shall be presumed to belong to the landowners.

(*3*) The presumption created by sub-section (*1*) may be rebutted by showing—

(*a*) from the report made by the assessing officer at the time of assessment, or

(*b*) if the report is silent, then from a comparison between the assessment of villages in which any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land did exist, and the assessment of villages of similar character in which any such accessory interest did not exist,

that the forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest was taken into account in the assessment of the land-revenue.

(*4*) Until the presumption is so rebutted, the accessory interest shall be held to belong to the Government.

(*5*) When the presumption is so rebutted, the accessory interest taken into account in the assessment shall be held to belong to the landowners.

[Act XXXIII, 1871, s. 29; and Act XVIII, 1881, s. 151.]

46. (*1*) Unless it is otherwise expressly provided in a record-of-rights or by the terms of a grant made by the Government, the right to all mines, minerals, coals, earth-oil, quarries and gold-washings, and to all fisheries in navigable rivers, shall, notwithstanding anything contained in the last foregoing section, be deemed

Rights of Government in mines, minerals, quarries and fisheries.

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 47-53.)

to be the property of the Government, and the Government shall have all powers necessary for the proper enjoyment of the right.

(2) Whenever, in the exercise of the right by the Government, the rights of any persons are infringed by the occupation or disturbance of the surface of any land, the Government shall pay to those persons compensation for the infringement.

(3) Subject to any rules made in this behalf by the Local Government, the amount of the compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

X of 1870.

Exceptional Provision with respect to Record-of-rights.

[Act VIII, 1881, s. 79.]

47. (1) The Financial Commissioner may direct that a record-of-rights shall be made for any group of neighbouring estates instead of separately for each of the estates.

Record-of-rights for group of estates.

(2) The provisions of this Chapter with respect to a record-of-rights for an estate shall then apply so far as they can be made applicable to a record-of-rights for a group of estates.

Other Record Operations.

(i) VILLAGE-CESSES.

[Act XVIII, 1881, s. 76; Act XIX, 1878, s. 66.]

48. (1) At any time while a record-of-rights is being made or revised and before it is confirmed the Local Government may regulate the rate and conditions of any village-cess, or altogether forbid the levy thereof, and may direct that the record be framed accordingly.

Regulation of village-cesses.

(2) A village-cess shall not be recoverable in any Court unless it is entered in the record-of-rights last made or revised, and confirmed, for the estate in which it is claimed to levy the cess.

(3) The Local Government may direct that the whole or any portion of a village-cess entered in the record-of-rights of an estate shall be expended upon conservancy, police or other objects declared by it to be for the benefit of the estate.

(4) In case of doubt the Local Government may declare what shall be deemed to be a village-cess within the meaning of this section.

(ii) PARTITION PROCEEDINGS.

49. Except with the express consent of the Financial Commissioner, to be obtained in each case, no agreement or proceedings for the partition of land held in joint ownership shall affect the joint liability of the land or of the owners thereof for the land-revenue assessed thereon, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties interested.

Restrictions on partition of estates.

[Rules under Act XXXIII, 1871, Rule E 11.]

50. (1) Any joint owner of land, or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to the prescribed Revenue-officer for partition of his share in the land or tenancy, as the case may be.

Procedure in partitions.

(2) The Revenue-officer shall admit the application if it is in accordance with—

(a) a decree of Court, or
(b) an agreement of the sharers, or
(c) an entry in the record-of-rights :

Provided that, if either or any of the sharers objects that any entry in the record-of-rights relating to their shares is incorrect or not in accord with existing facts, the Revenue-officer shall defer for three months making an order on the application.

(3) If within the period of three months the objector institutes a suit for the purpose of establishing his objection, the proceedings shall be further stayed till the final disposal of the suit.

(4) If within that period the objector does not institute a suit for that purpose, the Revenue-officer may admit the application.

(5) Subject to the foregoing provisions of this section, the Revenue-officer may dispose of any question arising in the proceedings.

(6) The Revenue-officer may for sufficient reason disallow a partition in whole or in part.

[Punjab draft of Tenancy Bill, s. 40.]

(7) The fact that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the land comprised in the tenancy of a tenant having a right of occupancy may be a sufficient reason for the disallowance of the partition unless the tenant assents to the severance.

(8) A person to whom any land or portion of a tenancy is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and persons deriving title from them.

[Act XIX, 1873, s. 47; Act XVIII, 1881, s. 67.]

51. When by established custom the land held by each landowner in an estate is subject to periodical re-distribution, the prescribed Revenue-officer may on the application of the landowners enforce the re-distribution according to the custom, and for this purpose may exercise all the powers of a Revenue-officer in proceedings for partition.

Re-distribution of land according to custom.

(iii) OTHER CHANGES SUBSEQUENT TO MAKING OR REVISION OF RECORD-OF-RIGHTS.

52. (1) Within six months after any person other than a tenant from year to year has entered into possession of any land, either as landowner or tenant, he shall report the event to the village-officer appointed by the Financial Commissioner in this behalf.

Report of entry into possession of land.

(2) If that person fails to make the report within the six months, he shall be liable, in the discretion of the prescribed Revenue-officer, to fine which may extend to one rupee for every day during which the default continues after the expiration of that period, but is not to exceed fifty rupees in any case.

[Act XXXIII, 1871, ss. 39 to 41.]

53. (1) For each estate or group of estates for which a record-of-rights has been prepared, a register of all changes affecting entries in that record with respect to rights of landowners and of tenants having a right of occupancy shall be kept by such person and in such form, and be attested by such authority and at such times and in such manner, as the Financial Commissioner may by rules in this behalf prescribe.

Register of mutations.

(2) The Local Government may fix a scale of fees for the attestation of all or any classes of entries in the register.

The Punjab Land-revenue Bill.
(Chapter V.—Assessment.—Sections 54-60.)

(3) The fee fixed in that scale for the attestation of an entry shall be payable by the person entering into possession of the land to which the entry relates.

[Act XXXIII, 1871, ss. 39 to 41.]

54. (1) Annual records shall be prepared for each estate by the village-officer appointed by the Financial Commissioner in this behalf.

Preparation of annual records.

(2) An entry at variance with the record-of-rights respecting the rights of a landowner or of a tenant having a right of occupancy shall not be made in the annual records unless an entry of the change which forms the subject of the entry in those records has been made and attested in the register kept under the last foregoing section.

(3) The Financial Commissioner may issue rules for the preparation of the annual records, for the survey of estates so far as may be necessary for the preparation of those records, for the correction of village-maps, for the survey by village-officers of land which is affected by the action of water or sand or of which the maps are found to be incorrect, and, generally, for the guidance of Revenue-officers and village-officers in these matters.

CHAPTER V.

ASSESSMENT.

Rules of General Application.

[Act XVIII, 1881, s. 46.]

55. Land-revenue shall be assessed on each estate in cash or in kind for such period and in such form as, subject to confirmation by the Governor General in Council of any orders made in this behalf, the Local Government may, with respect to any estate or any class of estates or estates generally in any district or tahsil, direct.

Assessment of each estate to land-revenue.

[Act XIX, 1873, s. 146.]

56. In the case of every estate, the entire estate and the landowner, or all the landowners jointly and severally, as the case may be, shall be liable for the land-revenue for the time being assessed on the estate :

Security for payment of land-revenue.

Provided that—

[New.]

(a) with respect to any estate or to any class of estates or estates generally in any local area, the Local Government, with the previous sanction of the Governor General in Council, may by notification declare that neither the land of a landowner nor the landowner himself shall be liable for the land-revenue assessed on a holding of which he is not a landowner; and

(b) when there are superior and inferior landowners in the same estate, the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior landowners shall be liable for the land-revenue, or whether both shall be so liable, and, if so, in what proportions.

[Cf. Bom. Act V of 1879, s. 138.]

57. (1) The land-revenue for the time being assessed on an estate or holding shall be the first charge upon the rents and produce thereof.

Further security for payment of land-revenue.

(2) Without the previous consent of the Deputy Commissioner, the rents or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the instalment of land-revenue next falling due in respect of the estate or holding, and any arrear of land-revenue due in respect thereof, have been paid, or be liable to continue to be so taken unless the land-revenue payable in respect of the estate or holding is paid in advance of the collection of the rents or the removal of the produce.

[Cf. Bom. Act V of 1879, s. 140.]

(3) The Deputy Commissioner may prevent any produce from being removed from the land on which it was grown until the instalment of land-revenue next falling due in respect of that land, and any arrear of land-revenue due in respect thereof, have been paid.

[Cf. Bom. Act V of 1879, s. 140.]

[Act XXXIII, 1871, ss. 9 and 11; Act XIX, 1873, ss. 36 and 39; Act XVIII, 1881, ss. 28 and 47.]

58. (1) A general re-assessment of the land-revenue of a district or tahsil shall not be undertaken without the previous sanction of the Governor General in Council.

Notification of intended re-assessment and instructions as to principles of assessment.

(2) The Local Government shall notify that sanction in the official Gazette, and the notification shall, with respect to the district or tahsil to which it relates, be held, for the purposes of section 62 of the Punjab Courts Act, 1884, to be a notification declaring a settlement of land-revenue to be in progress in the local area comprised in that district or tahsil.

XVIII of 1884.

(3) In granting the sanction, the Governor General in Council may prescribe such principles of assessment and give such other instructions as he thinks fit.

[Act XXXIII, 1871, ss. 31, 32 and 66 (5); Act XIX, 1873, ss. 45 and 257 (e); Act XVIII, 1881, s. 52.]

59. (1) The assessment shall be made by the Deputy Commissioner.

Mode of determining assessment.

(2) Before making it the Deputy Commissioner shall report his proposed rates and method of assessment for the sanction of the Financial Commissioner in such form as the Financial Commissioner, with the previous sanction of the Local Government, may prescribe.

(3) The rates and method of assessment proposed by the Deputy Commissioner shall be consistent with the principles prescribed, and the other instructions given, by the Governor General in Council.

[Act XXXIII, 1871, s. 30; Act XIX, 1873, ss. 43 and 44; Act XXVIII, 1881, s. 49.]

60. (1) When the Deputy Commissioner has obtained the sanction of the Financial Commissioner to his proposed rates and method of assessment, he shall make an order determining the assessment proper for each estate and announce it to the landowner or landowners of the estate in such manner as the Local Government may prescribe.

Announcement of assessment.

[Act XVIII, 1881, s. 53.]

(2) At the time of announcing the assessment he shall also declare the date from which it will have effect.

(3) An assessment thus announced shall be subject to confirmation by the Local Government.

The Punjab Land-revenue Bill.
(Chapter V.—Assessment.—Sections 61-69.)

Application for re-consideration of assessment.

61. (*1*) A landowner may, within thirty days from the date of the announcement of the assessment, present a petition to the Deputy Commissioner praying for a re-consideration of the amount, form or conditions of the assessment, and stating the grounds of his objection.

(*2*) Where the land-revenue is assigned, the assignee thereof may within thirty days from that date present a like petition to the Deputy Commissioner.

(*3*) When the Deputy Commissioner receives a petition under this section, he shall pass an order granting or refusing the petition, and stating his reasons for the order.

Assessment liable to be modified at any time before confirmation.

62. At any time before the assessment is confirmed by the Local Government, the Commissioner, Financial Commissioner or Local Government may modify it or direct its modification.

Enforcement of assessment.

63. Subject to any modification under either of the two last foregoing sections, the assessment announced under section 60 shall be the assessment of the estate with effect from the date declared under that section, and, subject to the other provisions of this Act, shall continue in force until it is revised.

Refusal to be liable for assessment and consequences thereof.

[Cf. Act XXXIII, 1871, s. 36.]

64. (*1*) At any time before the expiration of thirty days from the date on which the assessment of an estate takes effect, the landowner or, where there are two or more landowners, their headman or all their headmen, as the case may be, may give notice to the Deputy Commissioner of refusal to be liable for the assessment.

(*2*) When the Deputy Commissioner receives a notice under sub-section (*1*), he may take possession of the estate and deal with it as nearly as may be as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land-revenue due thereon.

(*3*) While the estate is in the possession of the Deputy Commissioner, the landowner or landowners shall be entitled to receive from the Government an allowance, to be fixed by the Financial Commissioner, which shall not be less than five or more than ten per cent. of the net income realised by the Government from the estate.

Preparation of record of liabilities of holdings and tenancies.

65. (*1*) The Deputy Commissioner shall, after the assessment of an estate has been announced, cause a record to be made and published showing, according to the nature of the ownership of the estate, the amount or share of the land-revenue for the payment of which each landowner is liable, and the rents, rates, cesses or other payments due from and to the persons who have rights in the estate or in any share or portion thereof, whether as landowners or tenants or in any other capacity, or who are entitled to enjoy the rent, land-revenue or produce of the estate or of any share or portion thereof.

(*2*) The Deputy Commissioner may for sufficient reason revise the record at any time during the currency of the assessment.

(*3*) In making or revising the record the wishes of the landowners shall be followed as far as may be practicable and equitable.

(*4*) The Financial Commissioner may make rules for the guidance of Deputy Commissioners acting under this section.

Application for revision of that record.

66. (*1*) Any person liable for or entitled to any payment under the record made under the last foregoing section may, within thirty days from the date of the publication of the record under that section, present a petition to the Deputy Commissioner praying for a re-consideration of the record so far as it affects him, and stating the grounds of his objection.

(*2*) When the Deputy Commissioner receives a petition under this section, he shall pass an order granting or refusing the petition, and stating his reasons for the order.

Commutation and collection of dues payable to superior landowners.

[New.]

67. (*1*) Where a superior landowner is entitled to receive from an inferior landowner dues in kind or in cash of fluctuating quantity or amount, the Deputy Commissioner may commute those dues into a fixed percentage on the assessment.

(*2*) The Financial Commissioner may by special order direct that payments due to a superior landowner shall be collected on his behalf as land-revenue.

Rules with respect to excess Waste-land.

Formation of waste-land into separate estate.

[Act XXXIII, 1871, s. 27.]

68. (*1*) If, in the opinion of the Financial Commissioner, the waste-land of an estate exceeds the requirements of the landowner or landowners for purposes of pasture or agriculture, the Financial Commissioner may direct any portion of that waste-land to be formed into a separate estate.

(*2*) When a separate estate has been formed under sub-section (*1*), the Deputy Commissioner shall assess it to land-revenue and announce the assessment in the manner prescribed under section 60.

(*3*) Notice of refusal to be liable for the assessment may be given in the manner mentioned in section 64 within thirty days from the date on which the assessment was announced.

(*4*) If notice is so given, the Deputy Commissioner may take possession of the estate so formed and declare the estate to be at the disposal of the Government.

(*5*) When the estate has been declared to be at the disposal of the Government, there shall be allowed to the person who was the landowner thereof such annual sum as the Financial Commissioner may direct, being not less than five or more than ten per cent. of the net income realised by the Government from the estate.

Miscellaneous Revenue.

Liability of land added by alluvion to be assessed.

[Act XIX, 1873, s. 104.]

69. Subject to any rules made by the Financial Commissioner with the previous sanction of the Local Government, land added by alluvion to an estate is liable to assessment, and may be assessed by the prescribed Revenue-officer.

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 70-79.)

Assessment of land added by alluvion and of resumed and other lands, and assessment of miscellaneous revenue.

70. (*1*) The provisions of section 58 shall not apply to any case for which provision is elsewhere made in this Act or to any of the following cases, namely :—

[Act XXXIII, 1871, s. 41. Act XVIII, 1881, s. 132.]

(i) the assessment of land-revenue on estates formed under section 68 ;

(ii) the assessment of land-revenue on lands of which the land-revenue was released or assigned and has been resumed ;

(iii) the assessment of land-revenue on waste-lands sold, leased or granted by the Government, or on other isolated areas ;

(iv) the revision of assessments of land-revenue due to the action of water or sand or to calamity of season ;

(v) the assessment of revenue due to the Government on account of pasturage or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other interests or rights described in section 45 or section 46, in cases in which the revenue so due has not been included in an assessment made under the foregoing provisions of this Chapter.

[Act XIX, 1873, s. 257.]

(*2*) The Financial Commissioner may, with the previous sanction of the Local Government, make rules for the guidance of the prescribed Revenue-officers in making and revising assessments under this section, and may confirm assessments so made and revised.

(*3*) The Financial Commissioner may incorporate in rules under sub-section (*2*) any of the provisions of this Chapter with such modifications as he deems necessary.

CHAPTER VI.

COLLECTION OF LAND-REVENUE.

[Act XXXIII, 1871. s. 42 ; Act XIX, 1873, s. 147 ; Act XVIII, 1881, s. 90.]

Rules to regulate payment of land-revenue.

71. (*1*) Notwithstanding anything contained in the record-of-rights of any estate or group of estates, the Financial Commissioner may fix the number and amount of the instalments, and the times, places and manner, by, at and in which land-revenue, whether payable direct to the Government or not, is to be paid.

(*2*) Until the Financial Commissioner otherwise directs, land-revenue shall be payable by the instalments, at the times and places and in the manner, by, at and in which it is payable when this Act comes into force.

Rules to regulate collection, remission and suspension of land-revenue.

72. The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the collection, remission and suspension of land-revenue, whether assigned or unassigned, and may by those rules determine the circumstances and terms in and on which assigned land-revenue may be collected by the assignee, and fix the costs to be charged in respect of any process under this Chapter and in respect of the collection by the Government of assigned land-revenue.

[Cf. Mad., Act II, 1864, s 7.]

Interest on arrears of land-revenue.

73. An arrear of land-revenue shall bear such interest as the Governor General in Council may from time to time prescribe.

Costs and interest recoverable as part of arrear.

[Act XVIII, 1881, s. 112.]

74. The costs of any process issued under this Chapter, and any interest chargeable on an arrear of land-revenue, shall be recoverable as part of the arrear of land-revenue in respect of which the process was issued or the interest is chargeable.

Certified account to be evidence as to arrear.

[Act XIX, 1873, s. 149 ; Act XVIII, 1881, s. 92.]

75. A statement of account certified by the prescribed Revenue-officer shall be conclusive evidence of the existence of an arrear of land-revenue, of its amount, and of the person who is the defaulter.

Processes for recovery of arrears.

[Act XIX, 1873, s. 150.]

76. Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by the following processes :—

(*a*) by service of a writ of demand on the defaulter ;

(*b*) by arrest and detention of his person ;

(*c*) by distress and sale of his moveable property and crops, including any produce of which the Deputy Commissioner may under section 57 prevent the removal ;

(*d*) by transfer of the holding in respect of which the arrear is due ;

(*e*) by attachment of the estate or holding in respect of which the arrear is due ;

(*f*) by annulment of the assessment of that estate or holding ;

(*g*) by sale of that estate or holding ;

(*h*) by proceedings against other immoveable property of the defaulter.

Writ of demand.

[Act XIX, 1873, s. 151.]

77. A writ of demand may be issued by the prescribed Revenue-officer on or after the day following that on which an arrear of land-revenue accrues.

Arrest and detention of defaulter.

[Act XXXIII, 1871, s. 43 ; Act XIX, 1873, s. 152 ; Act XVIII, 1881, s. 95.]

78. (*1*) At any time after an arrear of land-revenue has accrued the prescribed Revenue-officer may issue a warrant directing an officer to be named therein to arrest the defaulter and to bring him before the Revenue-officer.

(*2*) The Revenue-officer may thereupon order the defaulter to be taken before the Deputy Commissioner, or may keep him under personal restraint for a period not exceeding ten days and shall then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

[Act XXXIII, 1871, s. 43 ; Act XVIII, 1881, s. 96.]

(*3*) When the defaulter is brought before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Deputy Commissioner thinks fit.

(*4*) The process of arrest and detention shall not be executed against a defaulter who is a female, minor, lunatic or idiot.

Distress and sale of moveable property and crops.

[Act XXXIII, 1871, s. 43.]

79. (*1*) At any time after an arrear of land-revenue has accrued, the moveable property or crops of the defaulter may be distrained and sold.

(*2*) The distress and sale shall be conducted, as nearly as may be, in accordance with the law for the time being in force for the attachment and

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(Chapter VI.—Collection of Land-revenue.—Sections 80-82.)

sale of moveable property under the decree of a Revenue Court:

Provided that, in addition to the particulars exempted by that law from liability to sale, seed-grain belonging to the defaulter, and so much of the produce of his land as the Deputy Commissioner thinks necessary for the subsistence, until the harvest next following, of the defaulter and his family and of any cattle exempted by that law, shall be exempted from sale under this section.

[Act XIX, 1873, s. 157; Act VIII, 1879, s. 14.]

Transfer of holding.

80. (*1*) At any time after an arrear of land-revenue has accrued on a holding, the Deputy Commissioner may transfer the holding, for a term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer to any person being a landowner of the estate in which the holding is situate and not being himself a defaulter, on condition of his paying the arrear before being put in possession of the holding, and on such further conditions as the Deputy Commissioner may see fit to prescribe.

(*2*) The Deputy Commissioner shall report to the Financial Commissioner any transfer made by him under this section, and the Financial Commissioner may set aside the transfer or alter the conditions thereof, or pass such other order as he thinks fit.

(*3*) The transferee shall not either before or after the expiration of the term of the transfer be entitled to compensation for any improvements made by him on the holding or for any losses sustained by him by reason of the transfer.

(*4*) A transfer under this section shall not affect the joint and several liability of the landowners of the estate in which it is enforced.

(*5*) In respect of all rights and liabilities arising under this Act the person to whom the holding is transferred shall, subject to the conditions of the transfer, stand in the same position as that in which the defaulter would have stood if the holding had not been transferred.

[Act XIX, 1873, ss. 154, 155 and 156.]

Attachment of estate or holding.

81. (*1*) At any time after an arrear of land-revenue has accrued, the Deputy Commissioner may cause the estate or holding in respect of which the arrear is due to be attached and taken under the management of himself or of an agent appointed by him for that purpose.

(*2*) The Deputy Commissioner or the agent shall be bound by all the engagements which existed between the person who immediately before the attachment was in possession of the land attached, and the inferior landowners or tenants, if any, and shall be entitled to manage the land and to receive all rents and profits accruing therefrom to the exclusion of that person until the arrear has been satisfied, or until the Deputy Commissioner restores the land to the person whose interest was attached.

(*3*) All surplus profits of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land-revenue and rates and cesses shall be applied in defraying the arrear.

(*4*) Land shall not be attached for the same arrear for a longer term than five years from the commencement of the agricultural year next following the date of the attachment, but, if the arrear is sooner liquidated, the land shall be released and the surplus receipts (if any) made over to the landowner.

[Act XIX, 1873, ss. 158, 159, 164 and 165, and Act XXXIII, 1871, s. 51.]

Annulment of assessment of estate or holding.

82. (*1*) When an arrear of land-revenue has been due for a longer period than one month, and the Deputy Commissioner is of opinion that the foregoing processes are not sufficient for the recovery of the arrear, he may, in addition to or instead of all or any of those processes, report the matter to the Financial Commissioner, and the Financial Commissioner may thereupon order the existing assessment of the estate or holding in respect of which the arrear is due to be annulled.

(*2*) The provisions of this section shall not be put in force for the recovery of an arrear of land-revenue which has accrued on land—

(*a*) while under attachment under the last foregoing section, or

(*b*) while under the charge of the Court of Wards.

(*3*) When the assessment of any land has been annulled, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in farm to any person willing to accept the farm, for such term and on such conditions as may be sanctioned by the Financial Commissioner:

Provided that the term for which land may be so managed or farmed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of the annulment.

(*4*) After the expiration of that term the Deputy Commissioner shall assess the estate or holding at such sum as the Financial Commissioner approves for the remainder of the term of the current assessment of the district or tahsil, and shall announce the assessment in the manner prescribed in section 60.

(*5*) Notice of refusal to be liable for the assessment may be given in the manner mentioned in section 64 within thirty days from the date on which the assessment was announced.

(*6*) If notice is so given, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management or farm it for the remainder of the term of the current assessment of the district or tahsil, or for any period within that term which the Financial Commissioner may fix.

[Act VIII, 1879, s. 15.]

(*7*) When the assessment of a holding is annulled, the joint responsibility of the other landowners of the estate for the land-revenue of that holding becoming due after the annulment shall be in abeyance until a new assessment takes effect.

(*8*) The Financial Commissioner may direct that any contract made by the person who immediately before the annulment of the assessment of an estate or holding was in possession of the lands comprised therein, or any contract made by any person through whom that person claims, relating to those lands, shall not be binding on the Deputy Commissioner or his agent or farmer during the term of the management or farm.

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[Act XIX, 1873, ss. 160, 161 and 162.]

Proclamation of attachment or annulment of assessment, and consequences of the proclamation.

83. (*1*) When any land is attached under section 81, or when the assessment of any land has been annulled under the last foregoing section, the Deputy Commissioner shall make proclamation thereof.

(*2*) No payment made after the making of the proclamation on account of rent or any other asset of the estate or holding to any person other than the Deputy Commissioner or his agent or farmer shall be credited to the person making the payment, or relieve him from liability to make the payment again to the Deputy Commissioner or his agent or farmer.

(*3*) No payment made before the making of the proclamation on account of rent or any other asset in anticipation of the usual time for the payment shall, without the special sanction of the Deputy Commissioner, be credited to the person making the payment in account with the Deputy Commissioner or his agent or farmer.

[Act XIX, 1873, s. 166.]

Sale of estate or holding.

84. When an arrear of land-revenue has accrued and the Deputy Commissioner is of opinion that the foregoing processes are not sufficient for the recovery of the arrear, he may, in addition to, or instead of, all or any of those processes, and subject to the provisions hereinafter contained and with the previous sanction of the Financial Commissioner, sell the estate or holding in respect of which the arrear is due:

Provided that land shall not be sold—

(*a*) for any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section 35 of the Punjab Laws Act, 1872, clause (*a*), (*b*), (*c*) or (*d*); or

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(*b*) for any arrear which has accrued while the land was under attachment under section 81 of this Act; or

(*c*) for any arrear which has accrued while the land was held under direct management by the Deputy Commissioner, or in farm by any other person, under section 82, after either an annulment of assessment or a refusal to be liable therefor.

[Act XIX, 1873, s. 167; Act XVIII, 1881, s. 108.]

Sale free of incumbrances.

85. (*1*) Land sold under the last foregoing section shall be sold free of all incumbrances; and all grants and contracts previously made by any person other than the purchaser in respect of the land shall become void as against the purchaser at the sale.

(*2*) Nothing in sub-section (*1*) shall affect—

(*a*) the right of occupancy of a tenant having that right in the land; or

(*b*) any lease at a fair rent, temporary or perpetual, for the erection of a dwelling-house or manufactory, or for a mine, garden, tank, canal, place of worship or burial-ground, so long as the land continues to be used for the purpose specified in the lease; or

(*c*) any incumbrance specially saved by order of the Financial Commissioner and proclaimed as hereinafter provided.

[Act XIX, 1873, s. 168.]

Proceedings against other immoveable property of defaulter.

86. (*1*) If the arrear cannot be recovered by any of the processes hereinbefore provided, or if the Financial Commissioner considers the enforcement of any of those processes to be inexpedient, the Deputy Commissioner may, where the defaulter owns any other estate or holding, or any share in any other estate or holding, or any other immoveable property, proceed under the provisions of this Act against that property as if it were the land in respect of which the arrear is due:

Provided that no interests save those of the defaulter alone shall be so proceeded against, and no incumbrances created or contracts entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(*2*) When the Deputy Commissioner determines to proceed under this section against immoveable property other than the land in respect of which the arrear is due, he shall issue a proclamation prohibiting the transfer or charging of the property.

(*3*) The Deputy Commissioner may at any time by order in writing withdraw the proclamation, and it shall be deemed to be withdrawn when either the arrear has been paid or the interests of the defaulter in the property have been sold for the recovery of the arrear.

(*4*) Any private alienation of the property, whether by sale, gift, mortgage or otherwise, made after the making of the proclamation and before the withdrawal thereof shall be void.

(*5*) In proceeding against property under this section, the Deputy Commissioner shall follow, as nearly as the nature of the property will admit, the procedure prescribed for the enforcement of process against land on which an arrear of land-revenue is due.

[Act XVIII, 1881, s. 114.]

Remedies open to person denying that sum demanded as an arrear is due.

87. Notwithstanding anything contained in section 75, when proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies that the arrear or any part thereof is due, pay the same under protest made at the time of payment and signed by him or his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Procedure in Sales.

[Act XXXIII, 1871, s. 58.]

Proclamation of sale.

88. (*1*) On the receipt of the sanction of the Financial Commissioner to the sale of any immoveable property, the Deputy Commissioner shall issue a proclamation of the intended sale, stating—

(*a*) the date, time and place of the sale;

(*b*) the property to be sold, and, if it is an estate or holding, the land-revenue assessed thereon;

(*c*) whether the property is to be sold under section 84 or under section 86, and, when in the former case the property is to be sold subject to an incumbrance specially saved by order of the Financial Commissioner under section 85, what that incumbrance is; and

(*d*) the amount for the recovery of which the sale is ordered.

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(2) The proclamation shall also state that any person claiming a right of pre-emption must, on penalty of forfeiting the right, give notice of his claim to the Deputy Commissioner before the commencement of the sale.

[Act XIV, 1882, s. 288.]

89. A Revenue-officer shall not be answerable for any error, mis-statement or omission in any proclamation under the last foregoing section, unless the same has been committed or made dishonestly.

Indemnity to Revenue-officer with respect to contents of proclamation.

[Act XIV, 1882, s. 289.]

90. *(1)* A copy of the proclamation shall be served on the defaulter, and be fixed up in a conspicuous part of the office of the Tahsildár of the tahsil in which the property to be sold is situate.

Publication of proclamation.

(2) After a copy of the proclamation has been so fixed up in the office of the Tahsildár, a copy thereof shall be fixed up in the office of the Deputy Commissioner.

(3) The proclamation shall be further published in manner prescribed in section 25 and in such other manner as the Deputy Commissioner thinks expedient.

[Act XIV, 1882, s. 290.]

91. *(1)* The sale shall not take place on a Sunday or other holiday, or until after the expiration of at least thirty days from the date on which the copy of the proclamation was fixed up in the office of the Deputy Commissioner.

Time and conduct of sale.

(2) The sale shall be by public auction at the office of the Deputy Commissioner, and shall be conducted either by the Deputy Commissioner in person or by a Revenue-officer specially appointed by him in this behalf.

(3) The Deputy Commissioner may from time to time postpone the sale.

[Act XIX, 1873, s. 173.]

92. If before the day fixed for the sale the defaulter pays, either at the place and in the manner prescribed under section 71 or to the officer in charge of the Government treasury of the district, the arrear in respect of which the land has been proclaimed for sale, the sale shall be stayed.

Stay of sale.

[Cf. Act XLV, 1860, s. 185.]

93. A defaulter shall be incapable of purchasing land at a sale under this Chapter.

Defaulter incapable of being purchaser.

[Act XIX, 1873, s. 188; Act XVIII, 1881, s. 110.]

94. *(1)* At any time before the close of the day on which the sale is concluded any person who before the commencement of the sale has given notice of his claim to a right of pre-emption may claim to take the property at the sum last bid.

Exercise of right of pre-emption.

(2) If the right is not disputed, he shall be declared to be the purchaser.

(3) If the right is disputed, the Deputy Commissioner shall decide the dispute and declare the purchaser.

[Act XIV, 1882, s. 306.]

95. The person declared to be the purchaser shall pay immediately after the declaration a deposit of twenty-five per centum on the amount of the purchase-money to the officer conducting the sale, and, in default of that deposit, the property shall forthwith be put up again and sold.

Deposit by purchaser.

96. The full amount of the purchase-money shall be paid by the purchaser before the close of the fifteenth day from that on which the sale took place, or, if the fifteenth day is a Sunday or other holiday, then on the first office-day after the fifteenth day.

[Act XIV, 1882, s. 30.]

Time for payment in full.

97. In default of payment within the period mentioned in the last foregoing section, the deposit, after defrayment of the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

[Act XIV, 1882, s. 308.]

Procedure in default of payment.

98. The deficiency of price (if any) which may happen on a re-sale consequent on a purchaser's default under this Chapter, and all expenses attending that re-sale, shall be recoverable from the defaulting purchaser as if the same were an arrear of land-revenue.

[Act XIV, 1882, s. 293.]

Defaulting purchaser answerable for loss by re-sale.

99. Every sale of immoveable property under this Chapter shall be reported by the Deputy Commissioner to the Commissioner.

[Act XIX, 1873, s. 178.]

Report of sale to Commissioner.

100. *(1)* At any time within thirty days from the date of the sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it;

[Act XIX, 1873, s. 179.]

Application to set aside sale.

(2) But a sale shall not be set aside on that ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake.

101. *(1)* After the expiration of thirty days from the date of the sale, if such application as is mentioned in the last foregoing section has not been made, or if such application has been made and rejected, the Commissioner shall make an order confirming the sale; and, if such application has been made and allowed, the Commissioner shall make an order setting aside the sale.

[Act XIX, 1873, s. 180.]

Order confirming or setting aside sale.

(2) An order made under this section shall be final.

102. Whenever the sale of any property is set aside, the purchaser shall be entitled to receive back his purchase-money.

[Act XIX, 1878, s. 182.]

Refund of purchase-money on setting aside of sale.

103. A sale made after a postponement, and a re-sale consequent on a purchaser's default under section 97 or on the setting aside of a sale, shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale.

[Act XIV, 1882, ss. 291 and 309.]

Proclamation after postponement or on re-sale.

104. *(1)* After a sale has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property.

[Act XIX, 1873, s. 183.]

On confirmation of sale, possession and certificate to be granted to purchaser.

The Punjab Land-revenue Bill.
(Chapter VIII.—Village Waste-lands.—Sections 105-109.)

(2) The certificate shall state whether the property was sold under section 84 or under section 86, and, when in the former case it was sold subject to an incumbrance specially saved by order of the Financial Commissioner under section 85, what that incumbrance is.

[Act XIX, 1873, s. 183, as amended by Schedule III, Act I, 1879.]

(3) The certificate shall be deemed to be a valid transfer of the property but need not be registered as a conveyance.

[Act XIX, 1873, s. 184.]

(4) Any suit brought, whether in a Civil or Revenue Court, against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

[Act XIX, 1873, s. 187.]

(5) The person named in the certificate as purchaser of any land shall be liable for all instalments of land-revenue falling due in respect of the land after the date of the confirmation of the sale.

[Act XIX, 1873, s. 185.]

105. *(1)* When a sale of immoveable property under this Chapter has been confirmed, the proceeds of the sale shall be applied in the first place to the payment of any arrears due from the defaulter at the date of the confirmation of the sale, whether the arrears are of land-revenue or of sums recoverable as arrears of land-revenue, and the surplus (if any) shall be paid to the person whose property has been sold, or, if the property sold was owned by more than one landowner, then to the landowners either collectively or according to the amount of their recorded interests, as the Deputy Commissioner thinks fit.

Application of proceeds of sale.

[Act XIX, 1873, s. 186.]

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

CHAPTER VII.

RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

[Act XVIII, 1881, s. 116.]

106. *(1)* When a village-officer, required by rules made under section 35 to collect land-revenue or other payments recorded under section 65, satisfies the Deputy Commissioner that those payments have not been made to him, the Deputy Commissioner may, subject to rules made by the Financial Commissioner in this behalf, recover them as if they were arrears of land-revenue.

Recovery of certain arrears through Deputy Commissioner instead of by suit.

(2) When the Deputy Commissioner enforces the payment of sums due to a village-officer under this section, he may refuse to consider any set-off claimed by the person against whom or whose property he issues process.

[Act XXXIII, 1871, s. 64; *Cf.* Act XIX, 1873, s. 145; and Bombay Act V, 1879, s. 187.]

107. In addition to any sums recoverable as arrears of land-revenue under this Act or any other enactment for the time being in force, the following sums may be so recovered, namely:—

Sums recoverable as arrears of land-revenue.

(*a*) sums payable in respect of land assessed or assessable to land-revenue of the nature of quit-rent or commutation for service, and fees, fines, costs and other charges, including the village-officers' cess, payable under this Act;

(*b*) village-cesses, so far as they are applicable to conservancy, police or other objects declared by the Local Government to be for the benefit of an estate; [See section 48 of this Bill.]

(*c*) revenue due to the Government on account of pasturage or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other interests or rights described in section 45 or section 46 in cases in which the revenue so due has not been included in the assessment of an estate; [See section 70 of this Bill.]

(*d*) sums due to the Government from an agent appointed by the Deputy Commissioner to manage the land of a defaulter, or of a landowner who has refused to be liable for an assessment, or from the farmer of such land, or from the surety of the agent or farmer;

(*e*) fees leviable under section 33 of the Punjab District Boards Act, 1883; and XX of 1883.

(*f*) sums leviable by or under the authority of the Government as water-rates, or on account of the maintenance or management of canals, embankments or other irrigation-works, not being sums recoverable as arrears of land-revenue under any enactment for the time being in force.

[Act XII, 1881, s. 56; Act IX, 1883, s. 22.]

Recovery of rent by sale of produce under attachment.

108. *(1)* If an order is made by any Court for the attachment of the produce of a tenancy or of any part of a tenancy, the landlord may apply to the Deputy Commissioner to sell the produce and to pay to him out of the proceeds of the sale thereof the amount or value of—

(*a*) any arrear of rent legally exigible by him in respect of the tenancy; and

(*b*) the rent falling due next after the time at which in the ordinary course of agriculture the produce would be harvested.

(2) If the Deputy Commissioner finds the whole or any part of the landlord's claim to be proper, he shall cause the produce, or such portion thereof as he thinks necessary, to be sold, and the proceeds of the sale to be applied in the first instance to satisfy the claim or the part thereof found to be proper, and shall give information of his proceedings to the Court which ordered the attachment.

(3) The finding of the Deputy Commissioner under this section shall be deemed to be a decree of a Revenue Court in a suit between the landlord and the tenant.

CHAPTER VIII.

VILLAGE WASTE-LANDS.

[New. See Circular of the Government of India, Department of Revenue and Agriculture, No. 16A., dated the 1st March, 1883.]

Notification of waste-land to be managed for production of timber, fuel or fodder.

109. *(1)* When the majority of the land-owners desire, or the Local Government considers it expedient, that a part of the common waste-lands of an estate or holding should be managed for the production of timber, fuel or fodder, the Local Government may by proclamation propose to notify that any part of those waste-lands not exceeding one-fifth of the whole shall be so managed.

The Punjab Land-revenue Bill.
(Chapter IX.—Surveys and Boundaries.—Sections 110-117.)

(2) The proclamation shall define the area to which the proposed notification is to apply, and state the purpose for which the area is to be managed, and shall call upon any person objecting to the proposed notification to show cause before the Deputy Commissioner, within three months from the date of the making of the proclamation, why the area should not be notified.

(3) Any objection made under sub-section (2) shall be recorded by the Deputy Commissioner, and be submitted to, and considered by, the Local Government.

(4) When three months from the date of the making of the proclamation have expired, and the Local Government has considered any objection which may have been submitted to it, the Local Government may notify the area and the purpose for which it is to be managed.

(5) The Local Government may withdraw any area from the operation of a notification under this section.

Suspension of rights during management.

110. (1) While an area is notified, all rights existing therein shall be suspended, and the area shall be managed in accordance with rules to be made in this behalf by the Local Government.

(2) When any area is withdrawn from the operation of a notification, the rights suspended under sub-section (1) shall revive and the management under this Act shall cease.

(3) In making any rule under sub-section (1) the Local Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

Management where assessment is made to meet the cost.

111. (1) The persons who before the publication of the notification were entitled to the profits of the notified area may assess themselves by the vote of a majority of their body for the purposes of the management of the area.

(2) The assessment may be in labour or in cash or in both, and shall be subject to the approval of the Deputy Commissioner.

(3) When the assessment, or any part of the assessment, of any person consists of labour, the sum to be paid by him in cash in default of performance of the labour shall be determinable by the Deputy Commissioner as an alternative to the assessment or part.

(4) Any sum assessed or determinable under this section may be recovered by the Deputy Commissioner as an arrear of land-revenue.

(5) When an assessment is made under this section, the Deputy Commissioner may permit the notified area to be managed, under the superintendence of the prescribed Revenue-officer, by the persons paying the assessment, and the profits of the area shall be divisible among those persons in such manner as, subject to any rules under the last foregoing section, the Deputy Commissioner deems just.

Management where assessment is not made to meet the cost.

112. When an assessment is not made under the last foregoing section, the following consequences shall ensue, namely:—

(a) the notified area shall be managed by the prescribed Revenue-officer;

(b) the cost of management shall be defrayed from the proceeds of the produce of the area; and

(c) only the balance, if any, of these proceeds shall be divisible in manner aforesaid among the persons who before the publication of the notification were entitled to the profits of the area.

Prevention of cattle-trespass.

113. While an area is notified, the provisions of Chapter XI of the Indian Forest Act, 1878, shall apply to any part of that area which is closed to grazing. VII of 1878.

CHAPTER IX.

SURVEYS AND BOUNDARIES.

Power of Financial Commissioner to make rules for demarcation of boundaries and erection of survey-marks.

114. (1) The Financial Commissioner may, with the previous sanction of the Local Government, make rules as to the manner in which the boundaries of all or any estates in any local area are to be demarcated and as to the survey-marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters, the form of boundary-marks and survey-marks and the material to be used in their construction.

Power of Revenue-officers to define boundaries.

115. (1) The prescribed Revenue-officer may, for the purpose of framing any record or making any assessment under this Act, define the limits of any estate, holding or field, and, for the purpose of indicating those limits, require boundary-marks and survey-marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1), the Revenue-officer may lay down or restore any boundary or any boundary-mark or survey-mark already determined or set up by, or by order of, any Court, Revenue-officer or Forest-settlement-officer.

Cost of erection and repair of boundary-marks and survey-marks.

116. Subject to any rules made by the Financial Commissioner in this behalf with the previous sanction of the Local Government, boundary-marks and survey-marks shall be erected and kept in repair by and at the cost of the persons interested in the land for the indication of the limits of which they are required:

Provided that the Local Government may in any case direct that the cost of erection in the first instance shall be borne by the Government or be a charge on the proceeds of the village-officers' cess.

Recovery of cost incurred by the Government.

117. (1) If the persons interested in the land fail to erect or repair a boundary-mark or survey-mark within fifteen days from the date of their being required by the prescribed Revenue-officer to do so, [Act XII of 1873, s. 144.]

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 118-125.)

the Revenue-officer may cause it to be erected or repaired.

(2) Where the Revenue-officer causes a boundary-mark or survey-mark to be erected or repaired, he shall, subject to any rules made under the last foregoing section, apportion the cost among those persons in such manner as he deems just, and certify the same to the Deputy Commissioner.

(3) The Deputy Commissioner may recover the cost as if it were an arrear of land-revenue.

[Act XXXIII, 1871, s. 25; Act XVIII, 1881, s. 18.]

Power of Revenue-officers to enter on land for purposes of survey and demarcation.

118. Any Revenue-officer, and any person acting under the orders of a Revenue-officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey-marks thereon and demarcate the boundaries thereof, and do all other acts necessary for the proper performance of that duty.

[Act XIX, 1873, s. 40.]

Surveys for purpose of preparation of records.

119. (1) When any land is being surveyed in pursuance of a direction of the Local Government or of rules under Chapter IV of this Act, any Revenue-officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

[Cf. Act V, 1880, s. 30.]

(2) If a person to whom the notice or proclamation is addressed fails to comply with the requisition, he shall be liable, at the discretion of the prescribed Revenue-officer, to fine which may extend to ten rupees.

[Bom. Act V, 1879, s. 97.]

Provision of flag-holders and chainmen for those surveys.

120. (1) For the purposes of the survey of any land under Chapter IV of this Act, the landowners shall be bound to provide persons to act as flag-holders and chainmen.

(2) If the landowners fail to provide persons for that purpose or to provide them in sufficient number, such other persons as the Revenue-officer considers necessary may be employed and the cost of employing them recovered from the landowners as if it were an arrear of land-revenue.

Professional surveys.

121. (1) If it is necessary to make a survey by other agency than that of Revenue-officers or village-officers, the Local Government may publish a notification stating—

(a) the local area to be surveyed and the nature of the survey;

(b) the names or official designations of the officers by whom the survey is to be made; and

(c) the survey-marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under their orders, shall have for the purposes of the survey the powers conferred on Revenue-officers by section 118.

[Act XIX, 1873, s. 142.]

Penalty for destruction, injury or removal of marks.

122. (1) If any person wilfully destroys, injures or removes without lawful authority a boundary-mark or survey-mark lawfully erected, or if a landowner negligently suffers any such mark to be destroyed, injured or removed without lawful authority, that person or landowner may be ordered by the prescribed Revenue-officer to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Revenue-officer, be necessary to defray the expense of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code. XLV of 1860.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Rent and Revenue Deposits.

Deposit of sum tendered and refused.

123. If a person liable to pay any sum to a headman or other landowner on account of rent, or of any liability to which that person is subject under this Act, tenders that sum to the headman or other landowner, and the sum is refused or a receipt therefor not forthwith granted, or if that person is doubtful as to the person entitled to receive the sum, he may apply to the prescribed Revenue-officer for leave to deposit the amount with the Government, and the Revenue-officer shall receive the deposit if, after such enquiry as he thinks fit, he is satisfied that the applicant has sufficient ground for making the application. [Rules under Act XXXIII of 1871, P. II 9; Compare Act XII of 1881, s. 50.]

Effect of deposit.

124. (1) If the deposit purports to be made on account of any payment due to the Government, it may be credited accordingly. [Compare Act XII of 1881, ss. 52, 54, 55.]

(2) If it purports to be made on any other account, the Revenue-officer shall issue a notice of the deposit to the person to whose credit the sum has been deposited.

(3) If within three years from the date of the service of the notice that person appears and claims the sum, the Revenue-officer, if satisfied as to his title to receive it, may pay it to him.

(4) If the Revenue-officer is not so satisfied, he may retain the deposit pending the decision of a Court of competent jurisdiction, and shall then pay the deposit in accordance with that decision.

(5) If the deposit is not so paid within three years, it shall be repaid to the depositor or disposed of as he may desire.

(6) When a deposit has been received it shall, in any question between the depositor and the person to whose credit the deposit was placed, be deemed, while it remains with the Government or after it has been paid under sub-section (3) or sub-section (4), to be a payment made by the depositor to that person.

Saving of liability of Secretary of State and public officers.

125. No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything lawfully done by a Revenue-officer under the last foregoing section, but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a Revenue-officer. [Act XII, 1881, s. 55A.]

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 126-132.)

Execution of Decrees by Revenue-officers.

Orders of Civil and Criminal Courts for attachment, sale or delivery of land to be addressed to the Deputy Commissioner.

126. Orders issued by any Civil or Criminal Court for the attachment, sale or delivery of any land or interest in land shall be addressed to the Deputy Commissioner, or such Revenue-officer as the Deputy Commissioner may appoint in this behalf, and be executed by the Deputy Commissioner or that Revenue-officer in accordance with the provisions of the law applicable to the Court and with any rules consistent therewith made by the Local Government with the concurrence of the Chief Court.

Orders of Civil and Criminal Courts for attachment of rents or produce to be addressed to the Deputy Commissioner.

127. (*1*) Orders issued by any Civil or Criminal Court for the attachment of the rents or for the attachment or sale of the produce of any land shall be addressed to the Deputy Commissioner or such Revenue-officer as the Deputy Commissioner may appoint in this behalf, and shall be executed under the Deputy Commissioner's direction and control.

[Cf. C. P. T. Act, s. 20.]

(*2*) Subject to the other provisions of this Act the attachment of the produce of any land shall not prevent any person from reaping, gathering or storing the produce, or doing any other act necessary for its preservation.

(*3*) The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the procedure of Revenue-officers in attaching the rents or attaching and selling the produce of land.

Division of Produce.

Division of produce.

128. In either of the following cases, namely:—

(*a*) where two or more landowners, or two or more tenants, are jointly interested in any produce, and either or any of the landowners or of the tenants, as the case may be, desires the assistance of a Revenue-officer for the purpose of dividing the produce, or

(*b*) where it is necessary to divide any produce for the purposes of this Act,

the rules contained in sections 20 to 22 (both inclusive) of the Punjab Tenancy Act, 1886, shall apply so far as they can be made applicable.

Power to make Rules.

Power to make rules.

129. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the Financial Commissioner, with the previous sanction of the Local Government, may make rules, consistent with this Act and any other enactment for the time being in force,—

(*a*) fixing the number and amount of the instalments of rent and rates and of cesses and other sums of which a record has been made under this Act, and the dates for the payment of those instalments;

(*b*) fixing the dates on which profits shall be divisible by headmen or other persons by whom they are realised on behalf of co-sharers;

(*c*) regulating the procedure in cases where persons are entitled to inspect records of Revenue-offices or Revenue Courts, or records or papers in the custody of village-officers, or to obtain copies of the same, and prescribing the fees payable for searches and copies;

(*d*) prescribing forms for such books, entries, statistics and accounts as he thinks necessary to be kept, made or compiled in Revenue-offices or Revenue Courts or submitted to any authority;

(*e*) declaring what shall be the language of any of those offices and Courts, and determining in what cases persons practising in those offices and Courts shall be permitted to address the presiding officers thereof in English;

(*f*) providing for the inspection of those offices and Courts and the supervision of the working thereof;

(*g*) regulating all such matters as he thinks fit, with a view to promoting the efficiency of the establishments of those offices and Courts, and maintaining proper discipline among the ministerial officers of those establishments; and

(*h*) generally for carrying out the purposes of this Act.

(*2*) Rules under clauses (*a*), (*b*) and (*h*) may be of general or special application, and may be expressed to supersede anything contained in any record-of-rights.

(*3*) Until rules are made under clauses (*a*) and (*b*) the sums therein referred to shall be payable in the instalments and at the times in and at which they are now payable.

(*4*) Rules made under clause (*g*) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary which may be or become due to the officers fined.

Powers to make rules subject to the control of the Governor General in Council.

130. All powers to make rules under this Act shall be exercised subject to the control of the Governor General in Council.

Procedure for making rules.

131. (*1*) The Local Government and the Financial Commissioner shall, before making any rules under this Act, publish, in such manner as may in its or his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with notice of the date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before that date.

(*2*) Every rule made by the Local Government or the Financial Commissioner shall be published in the local official Gazette, and that publication shall be conclusive proof that the rule has been made as required by this section.

Jurisdiction with respect to Revenue matters and fluvial Lands.

Jurisdiction of Civil Courts barred in matters within the jurisdiction of Revenue-officers and Revenue Courts.

132. (*1*) Except as otherwise provided by this Act, a Civil Court shall not have jurisdiction in any matter which the Local Government or a Revenue-officer or Revenue Court is empowered by this Act or by the Punjab Tenancy Act, 1886, to dispose of or to hear and determine, or take cognizance of the manner in which the Local Government or any Revenue-officer or Revenue Court exercises any powers vested in it or him by or under those Acts; and in particular—

[Act XXXIII, 1871, ss. 9 and 65; Act XIX, 1873, ss. 136 and 241; Act XVIII, 1876, s. 219; Act XVIII, 1881, s. 152.]

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 133-135.)

(*2*) A Civil Court shall not exercise jurisdiction with respect to—

(*a*) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any Revenue-officer, as such;

(*b*) any claim to the office of kánúngo, zaildár or village-officer, or in respect of any injury caused by exclusion from the office, or to compel the performance of the duties thereof;

(*c*) any notification directing the making or revision of a record-of-rights;

(*d*) the framing of a record-of-rights, or the preparation, signing or attestation of any of the documents included therein;

(*e*) the correction of any entry in a record-of-rights;

(*f*) any claim for partition of an estate, holding or tenancy, or any dispute connected with, or arising out of, proceedings for partition, not being a dispute as to the extent of the shares belonging to the parties to the proceedings;

(*g*) any question as to the distribution of land at the partition of an estate or holding, or as to the distribution of land subject by established custom to periodical re-distribution;

(*h*) any notification of the undertaking of the general re-assessment of a district or tahsil having been sanctioned by the Governor General in Council;

(*i*) the claim of any person to be liable for an assessment of land-revenue or of any other revenue assessed under this Act;

(*j*) the amount of land-revenue to be assessed on any estate or holding under this Act;

(*k*) the amount of any other revenue to be assessed under this Act, or of any cess or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force;

(*l*) the amount of, or the liability of any person to pay, any fees, fines, costs or other charges imposed under this Act;

(*m*) any claim relating to the allowance to be received by a landowner who has given notice of his refusal to be liable for an assessment, or any claim connected with, or arising out of, any proceedings taken in consequence of the refusal of any person to be liable for an assessment under this Act;

(*n*) the liability of any person to pay a sum appearing from the record prepared under section 65 to be payable by him;

(*o*) the formation of an estate out of excess waste-land, or the declaration of an estate so formed to be at the disposal of the Government;

(*p*) any claim to hold free of revenue any land, mills, fisheries or natural products of land or water;

(*q*) any claim connected with, or arising out of, the collection by the Government, or the enforcement by the Government of any process for the recovery, of land-revenue or any sum recoverable as an arrear of land-revenue;

(*r*) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land-revenue or any sum recoverable as an arrear of land-revenue; or

(*s*) any claim connected with, or arising out of, proceedings for the management of any area for the production of timber, fuel or fodder.

Jurisdiction with respect to land subject to fluvial action.

133. (*1*) When it is alleged to be uncertain within the local limits of the jurisdiction of which of two Civil or Revenue Courts or of two Revenue-officers any land subject to fluvial action is situate, either of those Courts or officers may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and entertain and dispose of any suit or proceeding relating to that land, with respect to which the Court or officer is competent as regards the nature of the suit or proceeding, and the value of its subject-matter, to exercise jurisdiction.

(*2*) When the Court or officer has recorded a statement to the effect mentioned in sub-section (*1*), an objection that the suit or proceeding was instituted or had before a Court or officer not having jurisdiction in the place where the land is situate shall not be allowed by any appellate or revisional Court or officer.

(*3*) Where a statement has not been recorded under sub-section (*1*), and an objection is taken before an appellate or revisional Court or officer that a decree or order in a suit or proceeding relating to such land as aforesaid was made by a Court or officer not having jurisdiction in the place where the land is situate, the appellate or revisional Court or officer shall not allow the objection if in its or his opinion there was, at the time of the institution of the suit or proceeding, any reasonable ground for uncertainty as to the Court or officer having jurisdiction with respect thereto.

Miscellaneous.

Papers kept by village-officers to be deemed public documents.

134. (*1*) Any record or paper which a village-officer is required by law or by any rule under this Act to prepare or keep shall be deemed to be the property of the Government.

[Act I, 1872, s. 76.]

(*2*) A village-officer shall, with respect to any such record or paper in his custody, be deemed for the purposes of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect.

1 of 1872.

Obligation to furnish information necessary for the preparation of records.

135. All persons whose rights, interests or liabilities are required by this Act to be entered in a record-of-rights or other record prepared under this Act shall be

The Punjab Land-revenue Bill.
(The Schedule.—Enactments repealed.)

bound to furnish on the requisition of the Revenue-officers or village-officers engaged in preparing the record all information necessary for the correct preparation thereof.

Penalty for failure to attend within limits of estate in obedience to order of Revenue-officer.

136. If a person required by a summons, notice, order or proclamation proceeding from a Revenue-officer to attend at a certain time within the limits of the estate in which he ordinarily resides fails to comply with the requisition, he shall be liable at the discretion of the Revenue-officer to fine which may extend to fifty rupees.

Payment for service by a percentage from land-revenue.

137. When service is paid for by a percentage deducted from the land-revenue, assignments of land-revenue shall, unless the Local Government in any case otherwise determines, be reduced by the same percentage.

[Act XII, 1881, s. 29.]

Treatment of leases for period exceeding or equal to term of assessment of land-revenue.

138. *(1)* Where a lease has been granted, or an agreement has been entered into, by a landowner, fixing for a period exceeding the term of the assessment the rent of any land assessed to land-reyenue, and that term has expired, the lease or agreement shall be voidable—

(*a*) at the option of the landlord if the land-revenue of the land has been enhanced and the tenant refuses to pay such rent as the prescribed Revenue-officer, on the application of the landlord, determines to be fair and reasonable; and

(*b*) at the option of the tenant if the land-revenue of the land has been reduced and the landlord refuses to accept such rent as the prescribed Revenue-officer, on the application of the tenant, determines to be fair and reasonable.

[Cf. Act XXXIII, 1871, s. 38.]

(2) Any contract or agreement relative to the occupation, rent or produce of any land which has been entered into for the term of the currency of an assessment shall, unless a contrary intention clearly appears in the contract or agreement, or unless the contract or agreement is otherwise terminated by consent of parties or course of law, continue in force until a revised assessment takes effect.

[Act XVIII, 1881, s. 155.]

Restriction on Revenue-officers trading or holding land.

139. *(1)* A Revenue-officer, or a person employed in a Revenue-office, shall not, except with the express permission of the Local Government,—

[Act XLV, 1860, s. 168.]

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the acquisition, except for public purposes, of any land or interest in land by purchase, mortgage or otherwise, in the district to which he is appointed or in which he is employed; or

[Act XLV, 1860, s. 169.]

(*b*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-officer or Revenue Court in that district.

(2) The Local Government may delegate to Commissioners or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class or grade of Revenue-officers.

(3) Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1882, or other law. VI of 1882.

Powers exercisable from time to time.

140. All powers conferred by this Act on the Local Government or on the Financial Commissioner may be exercised from time to time as occasion requires.

THE SCHEDULE.

(*See section* 2.).

ENACTMENTS REPEALED.

Number and year.	Title or subject of Act.	Extent of repeal.
1	2	3
Act VI of 1867	To enable the Lieutenant-Governor of the Punjab to alter the limits of existing districts in any part of the territories under his government.	The whole.
Act XXXIII of 1871.	The Punjab Land-revenue Act, 1871.	The whole.
Act IV of 1872	The Punjab Laws Act, 1872.	Section 21.
Act XIV of 1875.	The Punjab Judicial Administration Act, 1875.	So much as has not been repealed.
Act XVIII of 1884.	The Punjab Courts Act, 1884.	Section 3 (*1*), (*2*), (*4*), (*5*), (*6*) and (*7*); the whole of Chapter V; the last seventeen words of sub-section (*1*) of section 67; and section 75.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to the assessment and collection of the land-revenue and other connected subjects is contained in Act XXXIII of 1871. This Act was the first attempt to express in clear and concise language the various rules and orders—based on the "spirit" of the Bengal Regulations—by which the proceedings of Revenue and Settlement officials in the Punjab had,

up to that time, been regulated, and which had acquired the force of law under section 25 of the Indian Councils Act, 1861.

The Act under consideration was framed with great care by Sir James Stephen in consultation with the Financial Commissioner, Mr. (afterwards Sir. R.) Egerton, and the then Lieutenant-Governor, Sir R. H. Davies, both officers of large revenue and settlement experience. But subsequent experience has shown that it is incomplete in some respects and requires amendment in others. Some of the defects in it have recently formed the subject of correspondence with the Government of India, and others have been supplied in the enactments on the same subject which have since been framed for other parts of India. Moreover, the recent orders of the Government of India, based on recommendations of the Famine Commissioners, require that the continuous operations by which village-records are maintained correct to date shall be disconnected from those other occasional proceedings by which the assessment of the land-revenue is revised. And in the endeavour to recast the body of rules which have been issued under the authority of the existing law, with a view to the carrying out of those orders, technical difficulties have arisen which render the amendment of the Act a matter of necessity. The Punjab Tenancy Act, 1868, being under revision at the same time, the Bill has been so framed as to cover the entire jurisdiction of Revenue-officers, whether of a judicial, fiscal or executive character.

CHAPTER I.—PRELIMINARY.

This Chapter contains the necessary definitions—some of which are new and others have been incorporated from the Land-revenue Acts recently passed for other provinces—and a few other preliminary provisions.

CHAPTER II.—REVENUE-OFFICERS AND REVENUE COURTS.

The classification of Revenue-officers and Revenue Courts, the powers taken for the appointment of the former, and the provisions for the superintendence and control of both, differ little from the corresponding provisions of the existing law, which are scattered over three enactments—the Land-revenue Act, 1871, the Judicial Administration Act, 1875, and the Courts Act, 1884.

Section 9 gives a detail of the applications and proceedings which can be disposed of by Revenue-officers as such, and section 10 of those cases which they will deal with in their judicial capacity as Revenue Courts. The classes of cases of which particulars are given in this latter section are, with some not very important variations suggested by the experience of the last two years, taken from section 40 of the Courts Act, 1884; but the list has been supplemented by including in it suits under several new sections of the Bill now before the legislature for the amendment of the Punjab Tenancy Act, 1868. In the Courts Act these suits have been divided into two groups, the first or more important group being reserved exclusively for trial by Deputy Commissioners. But as no such distinction existed before the passing of that Act, and as it has been found to be productive of serious inconvenience, it has been omitted from this Bill. The Local Government will by rule or notification under section 13 determine by what officers or classes of officers these cases will be heard, and the rule adopted will ordinarily, as in former years, be based mainly on the value of the suits.

Experience since the passing of the Courts Act having shown that the subordinate Civil and Revenue Courts do not always succeed in avoiding mistakes as to the respective limits of their jurisdictions, provision has been made in section 11 for obviating by a reference to the Chief Court the inconvenience and expense to the parties of setting aside the proceedings in cases where a Court has acted without jurisdiction, when neither party has been prejudiced by the mistake.

The other provisions of this Chapter which call for special notice are those relating to appeal and revision. The change in jurisdiction to try original revenue suits noted above has necessitated an alteration in the course of appeal, and in place of the somewhat complicated system of appeal laid down in sections 47 and 48 of the Courts Act, the more simple system provided in sections 19 and 20 of the Bill has been devised. Where the order in appeal confirms the original decision, there will be no further appeal; in other cases there will be a further appeal to the Financial Commissioner. By section 22 power has been given to the Financial Commissioner to call for and revise the proceedings of both Revenue-officers and Revenue Courts; as regards the former class of proceedings, this merely continues an authority which he already possesses under section 65 of the Land-revenue Act of 1871. The remaining sections of this Chapter relate to procedure, and for the most part reproduce provisions on the subjects in the Courts Act; where additions have been made, they have been taken from the revenue laws of other provinces.

CHAPTER III.—KÁNÚNGOS, ZAILDÁRS AND VILLAGE-OFFICERS.

The provisions of the existing law respecting these officers are contained in one short section. Those of the Bill are in greater detail, and provide expressly for the levy of a cess for the payment of village-officers, for the administration of the cess so levied, and for the control of these officers. Section 36, which authorizes the levy of this cess, also cures a defect

in the present law by enabling the cess to be charged on the owner's and water advantage rates.

CHAPTER IV.—RECORDS.

In framing this and the following chapter, the language of the existing law, which describes the framing of a record-of-rights and the assessment of the land-revenue by the term "settlement," has been departed from. These two chapters speak (i) of the preparation and maintenance of certain records for each village, and (ii) of the assessment of land-revenue on the basis furnished by those records. The powers necessary for these purposes are taken in the name of the ordinary Revenue-officers; and it is left open to Government to decide from time to time, as occasion arises, how much of these operations can be carried out by the ordinary district staff, and for what operations special and additional officers should be appointed under the authority provided in section 14.

A record-of-rights has now been provided for every district in the Province. Additions to these records are required from time to time as new estates come into existence. And their occasional revision is necessary, usually in connection with re-assessment operations. Under section 41 of the Bill it will be in the discretion of the Local Government to direct the undertaking of record-operations as occasion arises.

The tendency of recent experience is towards a much greater simplification of these records than any that was aimed at when the Act of 1871 was enacted, and therefore the definition of the contents of the record in section 39 of the Bill is briefer and less elaborate than that set out in section 14 of the existing Act. The existing limitations on the alteration of entries are continued by section 43. Section 44 provides for the prompt confirmation of the record. At present this confirmation is often delayed for a long time, because the operations of record and assessment cannot be dealt with separately.

The presumptions in favour of the title of the Government to waste-lands, forests, mines and minerals, which are asserted by the present law, are continued in sections 45 and 46, and words have been added to the latter section which assert the right of the Government to fisheries in navigable rivers, a right which the State has always possessed.

The provisions relating to village-cesses in section 48 give legal sanction to an authority which the Local Government often exercised in connection with the earlier settlements in the Punjab, which is still occasionally needed, and which is provided in the Land-revenue Acts of other Provinces of Upper India.

The rest of the Chapter relates to partition-proceedings, the record of mutations, and the preparation of the annual papers, and in these respects re-produces for the most part the provisions of the existing law and of the rules made under its authority. The only change of importance is the proposal to discontinue the system prescribed by section 21 of the Punjab Laws Act, 1872, by which all Courts are required to send to the Deputy Commissioner copies of decrees affecting rights in land or the possession thereof. No inconvenience has, it is understood, been experienced in the North-Western Provinces during the last twelve years in consequence of the removal of a provision of this kind from the law applicable to those provinces; and it is believed that, as there the reports of changes of possession which are required to be made by sections 97 and 99 of Act XIX of 1873 have produced the desired effect, so here the somewhat similar provision in section 52 of the Bill will prove equally effective.

CHAPTER V.—ASSESSMENT.

This Chapter is so drafted that while continuing all the provisions of the existing law, it supplies some important omissions in that law and expresses with clearness the procedure which has grown up under it. The opening sections of the Chapter expressly declare that the land-revenue is the first charge on the land, its rents and its produce, and they further provide security against the alienation of the rents and produce until this charge has been satisfied. The absence of any clear provision of this nature has been the cause of some inconvenience during past years. It has not uncommonly happened that a decree-holder has succeeded in attaching rents or produce due to a landowner before the latter has paid his revenue, leaving the Revenue-officers no remedy except that of proceeding against the produce of the next harvest, or against the land itself.

By the procedure laid down in sections 60 to 63 the formality of demanding from the landowners of every estate or their representatives a written engagement accepting the new assessment is dispensed with. But the landowners will still be at liberty to refuse to be liable for the assessment fixed by the Deputy Commissioner, and the consequences of refusal will be the same as those which follow from refusal to accept an assessment under the present law. Refusals of this kind, however, occur so seldom in the Punjab that the really important point in the procedure connected with the giving of effect to revised assessments lies less in the provisions dealing with these refusals than in those contained in sections 61 and 62 of the Bill, which provide for the hearing of objections and appeals, and for the modification of assessments prior to confirmation. In a country of small holdings cultivated by the owners themselves—and this is the prevailing character of Punjab tenures—an owner is very rarely in a position to decline to pay the new assessment; if he thinks that it is too heavy, the only

remedy practically open to him is to appeal against it, and this is the remedy which he has almost invariably adopted.

Section 67 gives a power of converting the dues of a superior landowner, when leviable in kind or cash of varying quantity or amount, into a fixed percentage on the land-revenue. This authority existed prior to the enactment of the present law, and, in a case of some importance which recently came under consideration and was adjusted by compromise in the manner provided for in this section, the absence of this authority caused serious embarassment both to the Revenue-officers and to those who were liable for the revenue.

CHAPTER VI.—COLLECTION OF LAND-REVENUE.

No very material change has been made in this Chapter in the law relating to the recovery of arrears, but in drafting the sections which deal with this subject an attempt has been made to set forth the several processes which can be resorted to for this purpose and their results in as simple a form as possible. The following are the principal alterations made:—(*a*) the period during which a defaulter may be imprisoned has been reduced by section 78 from one year to one month; (*b*) the exemptions from attachment and sale specified in section 266 of the Code of Civil Procedure have been extended by section 79 in the case of revenue defaulters to seed-grain, and to so much of the produce of a defaulter's land as is necessary for the support of himself and his family and the maintenance of his cattle until the harvest next following the execution of the process; (*c*) in order to render the Chapter complete in itself, the procedure for the sale of a defaulter's land, instead of being dealt with, as in the present Act, by reference to the sections of the Code of Civil Procedure relating to the sale of immoveable property, has been set out in full by the incorporation of those sections, with some necessary modifications, in the Bill.

CHAPTER VII.—RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

This Chapter contains provisions for the recovery as arrears of land-revenue of sums due to headmen and other village-officers, and of a number of items of miscellaneous revenue. Almost all that is new in this Chapter is taken from the Revenue and Rent Acts of other provinces.

CHAPTER VIII.—VILLAGE WASTE-LANDS.

The provisions of this Chapter are altogether new, but their general policy is believed to be entirely in accordance with the views of the Government of India. They have been framed with the object of securing in suitable estates the management of a portion of the waste-land for the production of timber, fuel and fodder. The area to be so treated is not to exceed one-fifth of the waste, and power is taken by section 110 to make rules for its management on the part of the landowners. Both the order directing that certain areas shall be reserved for these purposes and the rules for their management will be issued by the Local Government, and provision is made that, before the issue of any such order, objections shall be invited and considered.

CHAPTER IX.—SURVEYS AND BOUNDARIES.

This Chapter contains the usual provisions for facilitating the survey of land for revenue purposes. Similar provisions are to be found in all the Land-revenue Acts of other provinces of Upper India, and these do not therefore seem to call for special notice. Some of the remedies for failure on the part of the landowners to erect and maintain boundary-marks, and the penalties for wilfully destroying, injuring or removing such marks after they have been set up, are of a summary nature, the object being to avoid the necessity for the institution of criminal proceedings except where really required by the gravity of the case.

CHAPTER X.—SUPPLEMENTAL PROVISIONS.

This Chapter deals with matters for which provision could not conveniently be made in other parts of the Bill. Of these the following are the most important. The first is that contained in sections 126 and 127. So long as civil, criminal and revenue jurisdiction was vested in the same officers, the subordinate revenue establishments, from the Tahsildars downwards, were at the disposal of the Courts for the execution of processes relating to land and its produce. But civil and revenue jurisdiction now vests, for the most part, in separate officers; and consequently the officers presiding over Civil Courts have no longer at their command any organized agency by which those processes can be executed. The object of these sections is to supply this deficiency by continuing the practice which existed before the passing of the Courts Act of 1884. By them the orders of Civil Courts relating to land and the rents and produce thereof will, as before, be executed by the Revenue-officers and their establishments, and the necessity for creating a separate agency for this purpose will be avoided.

By another section (128) the same power is given to a Revenue-officer, in cases of dispute, of dividing produce between co-sharers, as that which has always been possessed by him for the division of produce between landlord and tenant.

Section 129 confers the powers to make rules which are necessary for the proper working of the Act, and section 132 defines the matters in regard to which the jurisdiction of the Civil Courts will be barred. No material change has been made in respect of either of these subjects.

In section 133 provision has been made to meet the uncertainties attaching to jurisdiction in cases relating to alluvial lands on the larger rivers where they form the boundary between districts.

Lastly, section 134 declares that all records and papers which a village-officer is required by law to prepare and keep shall be the property of Government, and makes suitable provision for their production and proof. The object of this section is to render unnecessary the inconvenient practice of summoning patwáris merely for the purpose of proving the authenticity of papers prepared or kept by them.

The 12th July, 1886.

W. G. DAVIES.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 31, 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 7th July, 1886, and was referred to a Select Committee on the 14th idem :—

NO. 13 OF 1886.

A Bill to amend the Indian Companies Act, 1882.

WHEREAS it is expedient to amend the Indian Companies Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows :— VI of 1882.

1. After section 200 of the Indian Companies Act, 1882, the following section shall be inserted, namely :— VI of 1882. Insertion of new section after section 200.

"200A. (1) In the distribution of the assets of any company being wound up under this Act, there shall be paid in priority to all other debts— [46 & 47 Vic., c. 28, s. 4.] Wages and salaries to be preferential claims and to rank equally.

"(a) all wages or salary of any clerk or servant in respect of services rendered to the company within the four months next before the commencement of the winding up, not exceeding five hundred rupees for each clerk or servant; and [Indian Bankruptcy Bill, s. 38, cls. (b) and (c): 55 Law J. Rep. Q. B. 288.]

"(b) 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 company within the four months next before the commencement of the winding up.

"(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

"(3) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise, the liquidator or liquidators or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when the assets come into the hands of the liquidator or liquidators or official liquidator." [46 & 47 Vic., c. 28, s. 6.]

STATEMENT OF OBJECTS AND REASONS.

THE attention of the Government of India has been drawn, by a recent decision of Mr. Justice Scott of the Bombay High Court (I. L. R. 10 Bom. 211), to the absence of any provision in the Indian Companies Act, 1882 (Act VI of 1882), similar to that contained in section 4 of the Statute 46 & 47 Vic., cap. 28, under which, in the distribution of the assets of any company being wound up, the wages of clerks and workmen are, subject to certain restrictions, given priority over other debts. With the view of remedying this defect in the Indian law, the present Bill has been prepared. While following generally the lines of the English Statute, the Bill adopts the modifications of the law regarding the priority of the wages of workmen, in the case of the bankruptcy of private employers, made by section 40 of the English Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52). As these provisions of the English Bankruptcy Act have been followed in the Indian Bankruptcy Bill now before the Legislative Council of the Governor General, it seems desirable that the amendment which this Bill makes in the Indian Companies Act should be drawn so far as possible in identical terms.

C. P. ILBERT.

The 7th July, 1886.

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 14th July, 1886, and was referred to a Select Committee :—

NO. 14 OF 1886.

THE PUNJAB LAND-REVENUE BILL.

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139. Restriction on Revenue-officers trading or holding land.
140. Powers exerciseable from time to time.

THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to declare and amend the Land-revenue Law of the Punjab.

WHEREAS it is expedient to amend the law in force in the Punjab with respect to the powers of Revenue-officers and Revenue Courts, the maintenance of records-of-rights in land, the assessment and collection of land-revenue, and other matters relating to land and the liabilities incident thereto; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Punjab Land-revenue Act, 1886. [Act XXXIII, 1871, s. 1.]

(*2*) It extends to the territories for the time being administered by the Lieutenant-Governor of the Punjab and its Dependencies, including the pargana of Spiti, but not so as to affect any Regulation made under the provisions of the Statute 33 Victoria, chapter 3, for any portion of those territories; and [Regulation I of 1873, s. 14.]

(*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 appoint in this behalf.

(*4*) Any power conferred on the Local Government or the Financial Commissioner to make rules, or on the Local Government to issue orders, make appointments or confer powers, may be exercised at any time after the passing of this Act; but a rule, order, appointment or power so made, issued or conferred shall not take effect till the commencement of this Act.

Repeal.

2. (*1*) The enactments mentioned in the schedule to this Act are repealed to the extent specified in the third column thereof.

(*2*) But all rules, appointments and assessments made, notifications and proclamations issued, authorities and powers conferred, farms and leases granted, records framed, revised or confirmed, rights acquired, liabilities incurred, and times and places appointed under any of the repealed enactments shall, so far as may be, be deemed to have been respectively made, issued, conferred, granted, framed, revised, confirmed, acquired, incurred and appointed under this Act; and

(*3*) All suits, appeals, applications and proceedings instituted, made or commenced under any of those enactments and pending at the commencement of this Act shall be deemed, so far as may be, to have been instituted, made and commenced under this Act.

Definitions.

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

(*1*) "land" means land assessed or liable to be assessed to land-revenue, or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village: [Act XVIII, 1884, s. 3.]

(*2*) "estate" means any area—

(*a*) for which a separate record-of-rights has been framed; or [Act XXXIII, 1871, s. 1; Act XIX, 1873, s. 3; and Act VIII, 1879, s. 2.]

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(*b*) which has been separately assessed to land-revenue, or would have been so assessed if the land-revenue had not been released, compounded for or redeemed; or

(*c*) which the Local Government may, by general rule or special order, declare to be an estate:

(3) "tenant," "landlord," "rent," "arrear of rent" and "tenancy" have the meanings respectively assigned to those expressions in the Punjab Tenancy Act, 1886:

[Cf. Act VIII, 1879, ss. 11 and 12.]

(4) "landowner" includes any person, other than a tenant, in possession of an estate or any share or portion thereof, or in enjoyment of any part of the profits of an estate:

(5) "holding" means a share or portion of an estate held by one landowner or jointly by two or more landowners:

(6) "arrear of land-revenue" means land-revenue which remains unpaid after the date on which it becomes payable:

(7) "defaulter" means a landowner liable for an arrear of land-revenue, and includes a person who is responsible as surety for the payment of the arrear:

(8) "village-officer" includes a chief-headman, a headman and a patwári:

V of 1878. XX of 1883.

(9) "village-cess" includes any cess other than (*a*) the cess or other impost leviable under this Act for the maintenance of village-officers, and (*b*) any rate, tax or fees leviable under the Punjab Local Rates Act, 1878, or Punjab District Boards Act, 1883:

[Act XVIII, 1881, s. 4.]

(10) "agricultural year" means the year commencing on the sixteenth day of June, or on such other date as the Local Government may in the case of any local area appoint:

[Act XIX, 1873, s. 3, and rules under Act XXXIII, 1871, F II 28.]

(11) "incumbrance" means a charge upon or claim against land arising out of a private grant or contract:

[Cf. Act XVIII, 1881, s. 4.]

(12) "recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in the proceeding, or belonging to any class which the Local Government may by notification authorize in this behalf:

[Cf. Act XVIII, 1881, s. 4.]

(13) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtár or revenue-agent: and

(14) "notification" means a notification published by authority of the Local Government in the official Gazette.

[Act VI, 1867; Act XIX, 1873, s. 14; and Act X, 1882, s. 7.]

4. The Local Government may vary the limits of the tahsils, districts and divisions into which the territories administered by it are divided, and may alter the number of those tahsils and, with the previous sanction of the Governor General in Council, the number of those districts and divisions.

Power to vary limits and alter number of tahsils, districts and divisions.

CHAPTER II.

REVENUE-OFFICERS AND REVENUE COURTS.

Classes and Powers.

5. There shall be the following classes of Revenue-officers, namely:— [Act XXXIII, 1871, s. 2; Act XVIII, 1881, ss. 5 and 6.]

Classes and grades of Revenue-officers.

(*a*) the Financial Commissioner, who shall, subject to the control of the Local Government, be the chief controlling revenue-authority;

(*b*) the Commissioner, who shall be the chief revenue-authority within a division;

(*c*) the Deputy Commissioner, who shall be the chief revenue-authority within a district; and

(*d*) subordinate Revenue-officers, who may be ranged in the following grades, namely:—

(i) the Assistant Commissioner;
(ii) the Extra Assistant Commissioner;
(iii) the Tahsildar; and
(iv) the Naib-tahsildar.

6. (*1*) The Financial Commissioner shall be appointed and may be removed by the Local Government with the previous sanction of the Governor General in Council. [Act XXXIII, 1871, s. 3.]

Appointment of Financial Commissioner.

(*2*) The Local Government may, with the like sanction, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government. [Act XVIII, 1884, s. 52.]

(*3*) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners.

7. (*1*) Commissioners, Deputy Commissioners, Assistant Commissioners and Extra Assistant Commissioners shall be appointed and may be removed by the Local Government. [Act XXXIII, 1871, s. 4.]

Appointment of Commissioners, Deputy Commissioners and Assistant Commissioners.

(*2*) The Local Government may, if it thinks fit, appoint the same person to be Deputy Commissioner of two or more districts. [Act XVIII, 1884, s. 20.]

8. The Local Government shall fix the number of Tahsildars and Naib-tahsildars to be appointed, and when there is a vacancy in that number the Financial Commissioner may, subject to rules made by him with the previous sanction of the Local Government, appoint such person to fill the vacancy as he thinks fit. [Cf. Act XVIII, 1884, s. 25.]

Appointment of Tahsildars and Naib-tahsildars.

9. Applications and proceedings of the following classes shall be disposed of by Revenue-officers, and not otherwise:— [Cf. Act XXVIII, 1868, s. 42.]

Applications and proceedings exclusively cognizable by Revenue-officers.

(*a*) proceedings relating to the enhancement and reduction of rents under sections 10, 14, 15, 16 and 17 of the Punjab Tenancy Act, 1886;

(*b*) applications under sections 11 and 12 of that Act for the commutation and conversion of rents;

(*c*) proceedings relating to the remission and suspension of rent under section 19 of that Act;

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(*d*) applications under sections 20, 21 and 22 of that Act with respect to the division of produce and the estimate and appraisement of crops;

(*e*) applications under section 23 of that Act with respect to relinquishment of tenancies;

(*f*) applications under section 25 of that Act for determination of rent payable for land occupied by crops uncut at the time of an order being made for the ejectment of a tenant;

(*g*) applications under sections 27 and 28 of that Act for ejectment of tenants having a right of occupancy;

(*h*) applications under section 29 of that Act for the service of notices of ejectment on, and the ejectment of, tenants not having a right of occupancy;

(*i*) applications under section 30 of that Act for the ejectment of tenants not having a right of occupancy;

(*j*) applications under section 34 of that Act for the fixing of the value of a right of occupancy;

(*k*) applications under sections 34 and 36 of that Act for the ejectment of a tenant or other person in occupation of land subject to a right of occupancy sought to be transferred;

(*l*) proceedings relating to the award of compensation for improvements or disturbance under Chapter VI of that Act; and

(*m*) applications and proceedings which a Revenue-officer is by this Act empowered to dispose of.

10. (*1*) Suits of the classes described in sub-section (*3*) of this section shall be instituted before, and heard and determined by, Revenue-officers and not otherwise. [Cf. Act XXVIII, 1868, s. 42.]

Suits exclusively cognizable by Revenue Courts.

(*2*) When a Revenue-officer is exercising jurisdiction with respect to a suit of any of those classes, or with respect to an appeal or other proceeding arising out of any such suit, he shall be called a Revenue Court. [Cf. 42 & 43 Vic., c. 49, s. 50.]

(*3*) The classes of suits referred to in this section are the following, namely:— [Act XVIII, 1884, s. 45.]

(*a*) suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like;

(*b*) suits for the recovery of any over-payment of rent;

(*c*) suits for sums payable by co-sharers on account of land-revenue or of village-expenses or other dues for which the co-sharers in an estate or holding are, as such, responsible;

(*d*) suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses and other dues, or for a settlement of accounts;

(*e*) suits by assignees of land-revenue for arrears of land-revenue due to them as such;

(*f*) suits by superior proprietors for arrears of land-revenue or other sums due to them as such;

(*g*) suits to establish a claim to a right of occupancy, or to prove that a tenant has not a right of occupancy;

(*h*) suits to eject a tenant from land 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;

(*i*) suits under section 29 of the Punjab Tenancy Act, 1886, to contest liability to be ejected when notice of ejectment has been served;

(*j*) suits under section 9 of the Specific Relief Act, 1877, to recover possession of land, or by a tenant otherwise than under that Act to recover the occupancy of land of which he has been wrongfully dispossessed; I of 1877.

(*k*) suits for compensation for wrongful dispossession from a tenancy;

(*l*) suits relating to the alienation of, or succession to, a right of occupancy in a tenancy;

(*m*) suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer or defined in a record-of-rights; and

(*n*) suits between landlord and tenant, as such, or between tenant and tenant, as such, which have not been specified in the foregoing part of this section.

11. (*1*) In either of the following cases, namely:— [New. Cf. Act XII, 1881, s. 205.]

Power of Chief Court to validate proceedings had under mistake as to jurisdiction.

(*a*) if it appears to a Civil Court that a Court under its control has determined a suit of a class mentioned in section 10, which, under the provisions of that section, should have been heard and determined by a Revenue Court, or

(*b*) if it appears to a Revenue Court that a Court under its control has determined a suit which should have been heard by a Civil Court,

the Civil Court or Revenue Court, as the case may be, shall submit the record of the suit to the Chief Court.

(*2*) If on perusal of the record it appears to the Chief Court that the suit was so determined in good faith, and that the parties have not been prejudiced by the mistake as to jurisdiction, the Chief Court may direct that the decree be registered in the Court which had jurisdiction; and thereafter it shall have effect as if it had been made by that Court.

(*3*) With respect to any proceedings subsequent to the decree, the Chief Court may make such order for their registration in, or transfer to, a Revenue Court or Civil Court as in the circumstances appears to it to be just and convenient to the parties.

(*4*) If it appears to the Chief Court, otherwise than on submission of a record under this section, that a Civil Court under its control has determined a suit of a class mentioned in section 10, which, under the provisions of that section, should have been heard and determined by a Revenue Court, the Chief Court may pass any order which it might have passed if the record had been submitted to it under the foregoing provisions of this section.

12. There shall be the same classes and grades of Revenue Courts as of Revenue-officers, namely:— [Act XXXIII, 1871, s. 2; and Act XVIII, 1884, s. 3 (*2*).]

Classes and grades of Revenue Courts.

(*a*) the Court of the Financial Commissioner;

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(*b*) the Court of the Commissioner;

(*c*) the Court of the Deputy Commissioner; and

(*d*) the Courts of subordinate Revenue-officers, which may be ranged in the following grades, namely:—

(i) the Court of the Assistant Commissioner;
(ii) the Court of the Extra Assistant Commissioner;
(iii) the Court of the Tahsildar; and
(iv) the Court of the Naib-tahsildar.

13. (*1*) Except where, in the case of a Revenue-officer, the class of the officer by whom any function is to be discharged is expressly stated in this Act, the Local Government may by rule or notification determine the powers to be exercised by any Revenue-officer or Revenue Court.

Conferment of powers on Revenue-officers and Revenue Courts.

[Cf. Act XVIII, 1884, s. 26 (*1*).]

(*2*) The powers may be determined with reference to the class or value of cases or otherwise as the Local Government thinks fit.

(*3*) The Local Government may confer powers on a person by name or by virtue of his office, and on any class or grade of Revenue-officers or Revenue Courts by designation of the class or grade.

[Cf. Act IX, 1883, s. 3 (*9*).]

(*4*) The expression "prescribed Revenue-officer" in any provision of this Act means a Revenue-officer empowered by the Local Government to discharge the functions of a Revenue-officer under that provision.

[Cf. Act XVIII, 1884, s. 28.]

14. (*1*) The Local Government may, with respect to particular classes of cases or cases generally in any local area, appoint any person to be a Revenue-officer of any class specified in clause (*b*), clause (*c*) or clause (*d*) of section 5, and may suspend or cancel the appointment.

Special Revenue-officers.

(*2*) When a person is so appointed to be a Revenue-officer of any one of those classes, he shall, subject to the orders of the Local Government, be deemed to be a Revenue-officer of that class for all purposes.

Administrative Control.

[Cf. Act XVIII, 1884, s. 56.]

15. (*1*) The general superintendence and control over all other Revenue-officers and Revenue Courts shall be vested in, and all such officers and Courts shall be subordinate to, the Financial Commissioner.

Superintendence and control of Revenue-officers and Revenue Courts.

[Act XVIII, 1884, s. 56.]

(*2*) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers and Revenue Courts in his division.

(*3*) Subject as aforesaid and to the control of the Commissioner, a Deputy Commissioner shall control all other Revenue-officers and Revenue Courts in his district.

[Cf. Act XVIII, 1884, s. 58.]

16. The Financial Commissioner or a Commissioner or Deputy Commissioner may by written order direct that any business cognizable by any Revenue-officer or Revenue Court under his control shall be distributed in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any officer or Court to exercise any powers or deal with any business beyond the limits of his or its proper jurisdiction.

[Act XVIII, 1884, s. 57.]

17. (*1*) The Financial Commissioner or a Commissioner or Deputy Commissioner may withdraw any case pending before any Revenue-officer under his control, and either dispose of it himself, or refer it for disposal to any other Revenue-officer under his control and having power to dispose of the same.

Power to withdraw and transfer cases.

(*2*) A Commissioner or Deputy Commissioner may exercise, as regards the Revenue Courts under his control, the same powers as he may exercise under sub-section (*1*) as regards the Revenue-officers under his control.

[Act XVIII, 1884, s. 61.]

18. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in his district the powers conferred on the Deputy Commissioner by sections 15, 16 and 17, to be exercised by the Assistant Commissioner in any specified part of the district, subject to the control of the Deputy Commissioner.

Delegation of powers by Deputy Commissioner.

Appeal, Review and Revision.

[Act XXXIII, 1871, ss. 65 (5) and 66 (2); Act XIX, 1873, ss. 242 to 244 and 240; Act XVIII, 1881, s. 22.]

19. An appeal shall lie from any order made on an application or other proceeding mentioned in section 9, or from any decree or order made in a suit described in section 10—

Appeals.

(*a*) to the Deputy Commissioner when the order or decree is made by a subordinate Revenue-officer;

(*b*) to the Commissioner when the order or decree is made by a Deputy Commissioner;

(*c*) to the Financial Commissioner when the order or decree is made by a Commissioner:

Provided that—

(*a*) when the original order or decree of a Revenue-officer or Revenue Court is confirmed on appeal, a further appeal shall not lie;

(*b*) when any such order or decree is modified or reversed on appeal, a further appeal shall lie to the Financial Commissioner; and

(*c*) an appeal shall not lie from a decree or order made in a suit under section 9 of the Specific Relief Act, 1877, to recover possession of land.

[Act XVIII, 1884, s. 47.]

I of 1877.

[Act XIX, 1873, ss. 245 to 247; Act XVIII, 1881, s. 23.]

20. (*1*) Except as provided by sub-section (*2*) of this section, an appeal shall not lie—

Limitation of appeals.

(*a*) in the Court of the Deputy Commissioner—after the expiration of thirty days from the date of the order or decree complained of;

[See rules under Act XXXIII, 1871, rule G II 1, which only allows 30 days for appeal to Commissioner.]

(*b*) in the Court of the Commissioner—after the expiration of sixty days from that date; or

(*c*) in the Court of the Financial Commissioner—after the expiration of ninety days from that date.

[Act XVIII, 1884, s. 50.]

(*2*) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

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(Chapter II.—Revenue-officers and Revenue Courts.—Sections 21-28.)

[Act XVIII, 1881 s. 26.]

21. (*1*) Subject to the other provisions of this Chapter, the Financial Commissioner may modify or reverse any order passed by himself or his predecessor in office, and

Review by Revenue-officers and Revenue Courts.

any other Revenue-officer may, with the previous sanction of the Revenue-officer to whose control he is immediately subject, modify or reverse any order passed by himself or his predecessor in office.

(*2*) A decree or order of a Revenue Court may be reviewed in accordance with the procedure prescribed for that Court by or under this Act, and not otherwise.

[Act XXXIII, 1871, s. 65; Act XIX, 1873, ss. 253 to 255; Act XVII, 1881, ss. 24 and 25.]

22. (*1*) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any Revenue-officer or Revenue Court subordinate to him.

Power to call for, examine and revise proceedings of Revenue-officers and Revenue Courts.

(*2*) A Commissioner or Deputy Commissioner may call for the record of any case pending before, or disposed of by, any Revenue-officer or Revenue Court under his control.

(*3*) If in any case in which a Commissioner or Deputy Commissioner has called for a record he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(*4*) The Financial Commissioner may in any case called for by himself under sub-section (*1*) or reported to him under sub-section (*3*) pass such order as he thinks fit:

Provided that he shall not under this section pass an order affecting any question of right between private persons without having given the parties interested an opportunity of being heard.

Procedure.

[Act XIX, 1873, s. 208.]

23. (*1*) A Revenue-officer or Revenue Court may summon any person whose attendance he or it considers necessary for the purpose of any application, suit or other business.

Power of Revenue-officer or Revenue Court to summon persons, and mode of service of summons.

(*2*) A person so summoned shall be bound to attend at the time and place mentioned in the summons, either in person or by his recognized agent or a legal practitioner, as the Revenue-officer or Revenue Court may direct, and to state the truth upon any subject respecting which he is examined or makes statements, and to produce such documents and other things as the Revenue-officer or Revenue Court may require.

(*3*) A summons issued by a Revenue-officer or Revenue Court shall, if practicable, be served (*a*) personally on the person to whom it is addressed, or failing him (*b*) on his recognized agent or the manager or agent through wom he usually transacts business, or (*c*) on an adult male member of his family usually residing with him.

(*4*) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by fixing up a copy thereof at the usual place of residence of the person to whom it is addressed, or, if he does not reside in the district but has an interest in land therein, by posting a copy in some conspicuous place in the village in which the land is situate.

(*5*) If the summons relates to a case in which two or more persons are jointly concerned, the service may, if the Revenue-officer or Revenue Court so directs, be made on one of those persons for himself and for the other or others.

(*6*) If the Revenue-officer or Revenue Court is satisfied that service can be more conveniently made through the post by registered letter, or by any other method prescribed in the Code of Civil Procedure for the service of a summons, the summons may be so served.

XIV of 1882.

24. A notice or order issued by a Revenue-officer or Revenue Court for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

Mode of service of notice or order.

25. In addition to any other mode of publication which may be prescribed in any provision of this Act, a proclamation issued by a Revenue-officer or Revenue Court shall be made by beat of drum or other customary method, and by the posting of a copy of the proclamation, in the language of the office or Court, in a conspicuous place on the property to which the proclamation relates.

Mode of making proclamation.

[Act XVIII, 1881, s. 20.]

26. Appearances before a Revenue-officer or Revenue Court, and applications to, and acts to be done before, any such officer or Court, may be made or done—

Persons by whom appearances and applications may be made before and to Revenue-officers and Revenue Courts.

(*a*) by the parties themselves, or

(*b*) with the permission of the officer or Court, by their recognized agents or a legal practitioner:

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer or Court.

[Act XVIII, 1881, s. 21.]

27. The fees of a legal practitioner shall not be allowed as costs before any Revenue-officer or Revenue Court, unless that officer or Court considers, for reasons to be recorded by him or it in writing, that the fees should be allowed.

Legal practitioners' fees not to be allowed unless for special reasons.

[Act XVIII, 1881, ss. 15 and 19.]

28. (*1*) Subject to the other provisions of this Act, the Local Government may by order invest any Revenue-officer with any powers exercisable by a Civil Court under the Code of Civil Procedure, and may direct that any provisions of that Code shall apply with or without modification to all or any classes of cases before Revenue-officers.

Procedure of Revenue-officers.

XIV of 1882.

[Act XXXIII, 1871, s. 66 (*1*); Act XVIII, 1881, s. 19.]

(*2*) Subject to any orders made by the Local Government under sub-section (*1*), that Government may make rules consistent with this Act for regulating the procedure of Revenue-officers in cases in which a procedure is not prescribed by this Act.

[Act XVIII, 1881, s. 16.]

(*3*) Subject to any orders or rules made under sub-section (*1*) or sub-section (*2*), a Revenue-officer may refer any case which he is empowered to dispose of under section 9 to any Revenue-officer under his control for investigation and report, and may decide the case upon the report.

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(Chapter IV.—Records.—Sections 29-38.)

[Act XVIII, 1884, s. 53.] **29.** (*1*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this Act for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

Procedure of Revenue Courts.

XIV of 1882.

(*2*) Until rules are made under this section, and subject to those rules when made and to the provisions of this Act,—

(*a*) the Code of Civil Procedure shall, so far as it is applicable, apply to all proceedings in Revenue Courts whether before or after decree; and

(*b*) the Court of the Financial Commissioner shall, in respect of those cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under that Code.

[Act XVIII 1884, s. 54.] **30.** (*1*) If, in any suit pending before a Revenue Court exercising original, appellate or revisional jurisdiction, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may decide the question as it thinks fit.

Power to refer party to Civil Court.

(*2*) If the party institutes the suit in compliance with the requisition, the Revenue Court shall, in disposing of the suit pending before it, be guided by the final decision of the Civil Court of first instance or appeal, as the case may be, on that question.

Supplemental Provisions.

31. (*1*) The Local Government may fix the place or places at which any Revenue-officer or Revenue Court is to transact business.

Sittings of Revenue-officers and Revenue Courts.

(*2*) The place or places so fixed may be beyond the local limits of the jurisdiction of the officer or Court.

(*3*) Except as may be otherwise provided by an order under this section, a Revenue-officer or Revenue Court may transact business at any place within those limits.

32. The Financial Commissioner, with the approval of the Local Government, shall publish in the local official Gazette before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any Revenue-officers and Revenue Courts.

Holidays.

[Act XIX, 1873, s. 21; Act XVIII, 1881, s. 12.] **33.** When a Revenue-officer, not being a person appointed under section 14, is transferred from one local area in which he has jurisdiction to another, he shall, unless the Local Government otherwise directs, exercise in the local area to which he is transferred all the powers which he was legally competent to exercise as a Revenue-officer or Revenue Court in the local area from which he is transferred.

Revenue-officers when transferred to retain their powers.

34. When a Deputy Commissioner dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf shall be deemed to be a Deputy Commissioner under this Act.

[Act XIX, 1873, s. 20; Act XVIII, 1881, s. 13.]

Discharge of the duties of Deputy Commissioner dying or being disabled.

CHAPTER III.

KÁNÚNGOS, ZAILDÁRS AND VILLAGE-OFFICERS.

35. The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the appointment, duties, remuneration, punishment, suspension and removal of kánúngos, zaildárs and village-officers.

[Act XXXIII, 1871, s. 6.]

Rules respecting kánúngos, zaildárs and village-officers.

36. (*1*) The Local Government may by notification impose on any estate, or on all or any estates in any local area, a cess, to be called the village-officers' cess, at a rate not exceeding one anna for every rupee of the annual value for the remuneration of village-officers and for the defrayment of other expenditure directly connected with the supervision of those officers or with the performance of their duties:

[Act XXXIII, 1871, s. 6.]

Village-officers' cess.

Provided that all arrangements now in force in any local area for the purposes mentioned in this sub-section shall be deemed to have been lawfully made, and shall be maintained until the Local Government imposes the village-officers' cess in that local area under this section.

(*2*) "Annual value" in this section has the meaning assigned to that expression in the Punjab District Boards Act, 1883.

XX of 1883.

(*3*) The Financial Commissioner, with the previous sanction of the Local Government, may make rules for the administration of the proceeds of the village-officers' cess.

37. (*1*) The remuneration of a zaildár or village-officer shall not be liable to attachment in execution of a decree or order of any Civil or Revenue Court.

[Cf. 44 & 45 Vic., c. 58, s. 141.]

Remuneration of zaildárs and village-officers not liable to be attached or capable of being assigned.

(*2*) Every assignment of, and every charge on, and every agreement to assign or charge, any such remuneration shall be void.

CHAPTER IV.

RECORDS.

Record-of-rights.

38. Save as otherwise provided by this Chapter, a separate record-of-rights shall be made and maintained for each estate.

[Act XXXIII, 1871, s. 14; Act XIX, 1873, ss. 62, *et seqq*; Act VIII, 1879, s. 7; Act XVIII, 1881, s. 79.]

Record-of-rights.

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 39-46.)

[Act XXXIII, 1871, s. 14.] **39.** The record-of-rights for an estate shall include the following documents:—

Documents to be included in record-of-rights.

(*a*) statements showing, so far as may be practicable,—

(i) the persons who have rights in the estate or in any share or portion thereof, whether as landowners or tenants or in any other capacity, and the persons who are entitled to enjoy the rent, land-revenue or produce of the estate or of any share or portion thereof;

(ii) the extent and limits of the interests of those persons, and the conditions and liabilities attaching to those interests; and

(iii) the rent, land-revenue, rates, cesses or other payments due from and to each of those persons and to the Government;

(*b*) a statement of customs respecting joint rights and liabilities in the estate;

(*c*) a map of the estate in sufficient detail to illustrate the foregoing statements; and

(*d*) such other documents as the Financial Commissioner, with the previous sanction of the Local Government may prescribe.

[Act XXXIII, 1871, s. 15; Act XIX, 1873, s. 90; Act XVIII, 1881, s. 80.] **40.** The Financial Commissioner shall prescribe the language in which the record-of-rights is to be made, the form of the documents included in it, and the manner in which those documents are to be prepared, signed and attested.

Language, form and attestation of record-of-rights.

[Act XXXIII, 1871, ss. 7 and 11.] **41.** (*1*) When it appears to the Local Government that a record-of-rights for an estate does not exist, or that the existing record-of-rights for an estate requires revision, it may by notification direct that a record-of-rights be made or that the record-of-rights be revised, as the case may be, and may further direct by the notification that for that purpose a survey be made.

Local Government may direct record-of-rights to be made or revised.

(*2*) The notification may be with respect to records-of-rights generally for all or any estates for which they are to be made or revised in any local area.

(*3*) The notification shall, with respect to the local area to which it relates, be held, for the purposes of section 62 of the Punjab Courts Act, 1884, to be a notification declaring a settlement of land-revenue to be in progress in that local area.

XVIII of 1884.

[Act XIX, 1873, s. 67.] **42.** If during the making or revision of a record-of-rights a dispute arises as to any matter of which an entry is to be made therein, the prescribed Revenue-officer may of his own motion, but subject to the provisions of the next following section, and after such inquiry, if any, as he thinks fit, determine the entry to be made as to that matter.

Determination of disputes.

[Act XXXIII, 1871, s. 19.] **43.** When a record-of-rights is under revision it shall not be altered otherwise than by—

Revision of record-of-rights.

(*a*) making an entry in accordance with facts which have occurred since the record under revision was made or last revised;

(*b*) making such entries as are agreed to by all the parties interested therein, or are supported by a judicial decision;

(*c*) making new maps, where it is necessary to make them, and so amending such of the documents included in the record as are affected thereby that they may accord with those maps:

Provided that an entry as to the rights, interests or liabilities of a person shall not be altered except in the circumstances referred to in clause (*a*) or clause (*b*) of this section.

[Act XXXIII, 1871, s. 17; Act XVIII, 1881, s. 81.] **44.** (*1*) A report of the completion of every record-of-rights made or revised under this Chapter shall be submitted to the Local Government, and, when the Local Government has by notification confirmed the record, all entries therein shall be presumed to be true until the contrary is proved or the record has been revised under this Chapter.

Confirmation of record-of-rights and presumption as to entries therein.

(*2*) The report and the notification may be with respect to the records-of-rights generally for all or any estates for which they have been made or revised in any local area.

[Act XXXIII, 1871, ss. 26 and 28.] **45.** (*1*) When in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land belongs to the landowners, it shall be presumed to belong to the Government.

Presumption of ownership of forests and waste lands.

(*2*) When in any record-of-rights completed after that date it is not expressly provided that any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land belongs to the Government, it shall be presumed to belong to the landowners.

(*3*) The presumption created by sub-section (*1*) may be rebutted by showing—

(*a*) from the report made by the assessing officer at the time of assessment, or

(*b*) if the report is silent, then from a comparison between the assessment of villages in which any forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest in land did exist, and the assessment of villages of similar character in which any such accessory interest did not exist,

that the forest, unclaimed, unoccupied, deserted or waste land, spontaneous produce or other accessory interest was taken into account in the assessment of the land-revenue.

(*4*) Until the presumption is so rebutted, the accessory interest shall be held to belong to the Government.

(*5*) When the presumption is so rebutted, the accessory interest taken into account in the assessment shall be held to belong to the landowners.

[Act XXXIII, 1871, s. 29; and Act XVIII, 1881, s. 151.] **46.** (*1*) Unless it is otherwise expressly provided in a record-of-rights or by the terms of a grant made by the Government, the right to all mines, minerals, coals, earth-oil, quarries and gold-washings, and to all fisheries in navigable rivers, shall, notwithstanding anything contained in the last foregoing section, be deemed

Rights of Government in mines, minerals, quarries and fisheries.

The Punjab Land-revenue Bill.
(Chapter IV.—Records.—Sections 47-53.)

to be the property of the Government, and the Government shall have all powers necessary for the proper enjoyment of the right.

(2) Whenever, in the exercise of the right by the Government, the rights of any persons are infringed by the occupation or disturbance of the surface of any land, the Government shall pay to those persons compensation for the infringement.

(3) Subject to any rules made in this behalf by the Local Government, the amount of the compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870. X of 1870.

Exceptional Provision with respect to Record-of-rights.

[Act VIII, 1881, s. 79.] **47.** (1) The Financial Commissioner may direct that a record-of-rights shall be made for any group of neighbouring estates instead of separately for each of the estates. Record-of-rights for group of estates.

(2) The provisions of this Chapter with respect to a record-of-rights for an estate shall then apply so far as they can be made applicable to a record-of-rights for a group of estates.

Other Record Operations.

(i) VILLAGE-CESSES.

[Act XVIII, 1881, s. 76; Act XIX, 1873, s. 66.] **48.** (1) At any time while a record-of-rights is being made or revised and before it is confirmed the Local Government may regulate the rate and conditions of any village-cess, or altogether forbid the levy thereof, and may direct that the record be framed accordingly. Regulation of village-cesses.

(2) A village-cess shall not be recoverable in any Court unless it is entered in the record-of-rights last made or revised, and confirmed, for the estate in which it is claimed to levy the cess.

(3) The Local Government may direct that the whole or any portion of a village-cess entered in the record-of-rights of an estate shall be expended upon conservancy, police or other objects declared by it to be for the benefit of the estate.

(4) In case of doubt the Local Government may declare what shall be deemed to be a village-cess within the meaning of this section.

(ii) PARTITION PROCEEDINGS.

49. Except with the express consent of the Financial Commissioner, to be obtained in each case, no agreement or proceedings for the partition of land held in joint ownership shall affect the joint liability of the land or of the owners thereof for the land-revenue assessed thereon, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties interested. Restrictions on partition of estates.

[Rules under Act XXXIII, 1871, Rule E II.] **50.** (1) Any joint owner of land, or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to the prescribed Revenue-officer for partition of his share in the land or tenancy, as the case may be. Procedure in partitions.

(2) The Revenue-officer shall admit the application if it is in accordance with—

(a) a decree of Court, or
(b) an agreement of the sharers, or
(c) an entry in the record-of-rights:

Provided that, if either or any of the sharers objects that any entry in the record-of-rights relating to their shares is incorrect or not in accord with existing facts, the Revenue-officer shall defer for three months making an order on the application.

(3) If within the period of three months the objector institutes a suit for the purpose of establishing his objection, the proceedings shall be further stayed till the final disposal of the suit.

(4) If within that period the objector does not institute a suit for that purpose, the Revenue-officer may admit the application.

(5) Subject to the foregoing provisions of this section, the Revenue-officer may dispose of any question arising in the proceedings.

(6) The Revenue-officer may for sufficient reason disallow a partition in whole or in part.

(7) The fact that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the land comprised in the tenancy of a tenant having a right of occupancy may be a sufficient reason for the disallowance of the partition unless the tenant assents to the severance. [Punjab draft of Tenancy Bill, s. 40.]

(8) A person to whom any land or portion of a tenancy is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and persons deriving title from them.

[Act XIX, 1873, s. 47; Act XVIII, 1881, s. 67.] **51.** When by established custom the land held by each landowner in an estate is subject to periodical re-distribution, the prescribed Revenue-officer may on the application of the landowners enforce the re-distribution according to the custom, and for this purpose may exercise all the powers of a Revenue-officer in proceedings for partition. Re-distribution of land according to custom.

(iii) OTHER CHANGES SUBSEQUENT TO MAKING OR REVISION OF RECORD-OF-RIGHTS.

52. (1) Within six months after any person other than a tenant from year to year has entered into possession of any land, either as landowner or tenant, he shall report the event to the village-officer appointed by the Financial Commissioner in this behalf. Report of entry into possession of land.

(2) If that person fails to make the report within the six months, he shall be liable, in the discretion of the prescribed Revenue-officer, to fine which may extend to one rupee for every day during which the default continues after the expiration of that period, but is not to exceed fifty rupees in any case.

[Act XXXIII, 1871, ss. 39 to 41.] **53.** (1) For each estate or group of estates for which a record-of-rights has been prepared, a register of all changes affecting entries in that record with respect to rights of landowners and of tenants having a right of occupancy shall be kept by such person and in such form, and be attested by such authority and at such times and in such manner, as the Financial Commissioner may by rules in this behalf prescribe. Register of mutations.

(2) The Local Government may fix a scale of fees for the attestation of all or any classes of entries in the register.

The Punjab Land-revenue Bill.
(Chapter V.—Assessment.—Sections 54-60.)

(3) The fee fixed in that scale for the attestation of an entry shall be payable by the person entering into possession of the land to which the entry relates.

[Act. XXXIII, 1871, ss. 39 to 41.] **54.** (1) Annual records shall be prepared for each estate by the village-officer appointed by the Financial Commissioner in this behalf. Preparation of annual records.

(2) An entry at variance with the record-of-rights respecting the rights of a landowner or of a tenant having a right of occupancy shall not be made in the annual records unless an entry of the change which forms the subject of the entry in those records has been made and attested in the register kept under the last foregoing section.

(3) The Financial Commissioner may issue rules for the preparation of the annual records, for the survey of estates so far as may be necessary for the preparation of those records, for the correction of village-maps, for the survey by village-officers of land which is affected by the action of water or sand or of which the maps are found to be incorrect, and, generally, for the guidance of Revenue-officers and village-officers in these matters.

CHAPTER V.

ASSESSMENT.

Rules of General Application.

[Act XVIII, 1881, s. 46.] **55.** Land-revenue shall be assessed on each estate in cash or in kind for such period and in such form as, subject to confirmation by the Governor General in Council of any orders made in this behalf, the Local Government may, with respect to any estate or any class of estates or estates generally in any district or tahsil, direct. Assessment of each estate to land-revenue.

[Act XIX, 1873, s. 146.] **56.** In the case of every estate, the entire estate and the landowner, or all the landowners jointly and severally, as the case may be, shall be liable for the land-revenue for the time being assessed on the estate: Security for payment of land-revenue.

Provided that—

[New.] (a) with respect to any estate or to any class of estates or estates generally in any local area, the Local Government, with the previous sanction of the Governor General in Council, may by notification declare that neither the land of a landowner nor the landowner himself shall be liable for the land-revenue assessed on a holding of which he is not a landowner; and

(b) when there are superior and inferior landowners in the same estate, the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior landowners shall be liable for the land-revenue, or whether both shall be so liable, and, if so, in what proportions.

[Cf. Bom. Act V of 1879, s. 138.] **57.** (1) The land-revenue for the time being assessed on an estate or holding shall be the first charge upon the rents and produce thereof. Further security for payment of land-revenue.

(2) Without the previous consent of the Deputy Commissioner, the rents or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the instalment of land-revenue next falling due in respect of the estate or holding, and any arrear of land-revenue due in respect thereof, have been paid, or be liable to continue to be so taken unless the land-revenue payable in respect of the estate or holding is paid in advance of the collection of the rents or the removal of the produce. [Cf. Bom. Act V of 1879, s. 140.]

(3) The Deputy Commissioner may prevent any produce from being removed from the land on which it was grown until the instalment of land-revenue next falling due in respect of that land, and any arrear of land-revenue due in respect thereof, have been paid. [Cf. Bom. Act V of 1879, s. 140.]

[Act XXXIII, 1871, ss. 9 and 11; Act XIX, 1873, ss. 36 and 39; Act XVIII, 1881, ss. 28 and 47.] **58.** (1) A general re-assessment of the land-revenue of a district or tahsil shall not be undertaken without the previous sanction of the Governor General in Council. Notification of intended re-assessment and instructions as to principles of assessment.

(2) The Local Government shall notify that sanction in the official Gazette, and the notification shall, with respect to the district or tahsil to which it relates, be held, for the purposes of section 62 of the Punjab Courts Act, 1884, to be a notification declaring a settlement of land-revenue to be in progress in the local area comprised in that district or tahsil. XVIII of 1884.

(3) In granting the sanction, the Governor General in Council may prescribe such principles of assessment and give such other instructions as he thinks fit.

[Act XXXIII, 1871, ss. 31, 32 and 66 (5); Act XIX, 1873, ss. 45 and 257 (e); Act XVIII, 1881, s. 52.] **59.** (1) The assessment shall be made by the Deputy Commissioner. Mode of determining assessment.

(2) Before making it the Deputy Commissioner shall report his proposed rates and method of assessment for the sanction of the Financial Commissioner in such form as the Financial Commissioner, with the previous sanction of the Local Government, may prescribe.

(3) The rates and method of assessment proposed by the Deputy Commissioner shall be consistent with the principles prescribed, and the other instructions given, by the Governor General in Council.

[Act XXXIII, 1871, s. 30; Act XIX, 1873, ss. 43 and 44; Act XVIII, 1881, s. 49.] **60.** (1) When the Deputy Commissioner has obtained the sanction of the Financial Commissioner to his proposed rates and method of assessment, he shall make an order determining the assessment proper for each estate and announce it to the landowner or landowners of the estate in such manner as the Local Government may prescribe. Announcement of assessment.

[Act XVIII, 1881, s. 53.] (2) At the time of announcing the assessment he shall also declare the date from which it will have effect.

(3) An assessment thus announced shall be subject to confirmation by the Local Government.

The Punjab Land-revenue Bill.
(Chapter V.—Assessment.—Sections 61-69.)

61. (*1*) A landowner may, within thirty days from the date of the announcement of the assessment, present a petition to the Deputy Commissioner praying for a re-consideration of the amount, form or conditions of the assessment, and stating the grounds of his objection.

Application for re-consideration of assessment.

(*2*) Where the land-revenue is assigned, the assignee thereof may within thirty days from that date present a like petition to the Deputy Commissioner.

(*3*) When the Deputy Commissioner receives a petition under this section, he shall pass an order granting or refusing the petition, and stating his reasons for the order.

62. At any time before the assessment is confirmed by the Local Government, the Commissioner, Financial Commissioner or Local Government may modify it or direct its modification.

Assessment liable to be modified at any time before confirmation.

63. Subject to any modification under either of the two last foregoing sections, the assessment announced under section 60 shall be the assessment of the estate with effect from the date declared under that section, and, subject to the other provisions of this Act, shall continue in force until it is revised.

Enforcement of assessment.

64. (*1*) At any time before the expiration of thirty days from the date on which the assessment of an estate takes effect, the landowner or, where there are two or more landowners, their headman or all their headmen, as the case may be, may give notice to the Deputy Commissioner of refusal to be liable for the assessment.

Refusal to be liable for assessment and consequences thereof.

[Cf. Act XXXIII, 1871, s. 36.]

(*2*) When the Deputy Commissioner receives a notice under sub-section (*1*), he may take possession of the estate and deal with it as nearly as may be as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land-revenue due thereon.

(*3*) While the estate is in the possession of the Deputy Commissioner, the landowner or landowners shall be entitled to receive from the Government an allowance, to be fixed by the Financial Commissioner, which shall not be less than five or more than ten per cent. of the net income realised by the Government from the estate.

65. (*1*) The Deputy Commissioner shall, after the assessment of an estate has been announced, cause a record to be made and published showing, according to the nature of the ownership of the estate, the amount or share of the land-revenue for the payment of which each landowner is liable, and the rents, rates, cesses or other payments due from and to the persons who have rights in the estate or in any share or portion thereof, whether as landowners or tenants or in any other capacity, or who are entitled to enjoy the rent, land-revenue or produce of the estate or of any share or portion thereof.

Preparation of record of liabilities of holdings and tenancies.

(*2*) The Deputy Commissioner may for sufficient reason revise the record at any time during the currency of the assessment.

(*3*) In making or revising the record the wishes of the landowners shall be followed as far as may be practicable and equitable.

(*4*) The Financial Commissioner may make rules for the guidance of Deputy Commissioners acting under this section.

66. (*1*) Any person liable for or entitled to any payment under the record made under the last foregoing section may, within thirty days from the date of the publication of the record under that section, present a petition to the Deputy Commissioner praying for a re-consideration of the record so far as it affects him, and stating the grounds of his objection.

Application for revision of that record.

(*2*) When the Deputy Commissioner receives a petition under this section, he shall pass an order granting or refusing the petition, and stating his reasons for the order.

67. (*1*) Where a superior landowner is entitled to receive from an inferior landowner dues in kind or in cash of fluctuating quantity or amount, the Deputy Commissioner may commute those dues into a fixed percentage on the assessment.

[New.]

Commutation and collection of dues payable to superior landowners.

(*2*) The Financial Commissioner may by special order direct that payments due to a superior landowner shall be collected on his behalf as land-revenue.

Rules with respect to excess Waste-land.

68. (*1*) If, in the opinion of the Financial Commissioner, the waste-land of an estate exceeds the requirements of the landowner or landowners for purposes of pasture or agriculture, the Financial Commissioner may direct any portion of that waste-land to be formed into a separate estate.

[Act XXXIII, 1871, s. 37.]

Formation of waste-land into separate estate.

(*2*) When a separate estate has been formed under sub-section (*1*), the Deputy Commissioner shall assess it to land-revenue and announce the assessment in the manner prescribed under section 60.

(*3*) Notice of refusal to be liable for the assessment may be given in the manner mentioned in section 64 within thirty days from the date on which the assessment was announced.

(*4*) If notice is so given, the Deputy Commissioner may take possession of the estate so formed and declare the estate to be at the disposal of the Government.

(*5*) When the estate has been declared to be at the disposal of the Government, there shall be allowed to the person who was the landowner thereof such annual sum as the Financial Commissioner may direct, being not less than five or more than ten per cent. of the net income realised by the Government from the estate.

Miscellaneous Revenue.

69. Subject to any rules made by the Financial Commissioner with the previous sanction of the Local Government, land added by alluvion to an estate is liable to assessment, and may be assessed by the prescribed Revenue-officer.

[Act XIX, 1873, s. 104.]

Liability of land added by alluvion to be assessed.

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 70-79.)

70. (*1*) The provisions of section 58 shall not apply to any case for which provision is elsewhere made in this Act or to any of the following cases, namely :—

Assessment of land added by alluvion and of resumed and other lands, and assessment of miscellaneous revenue.

(i) the assessment of land-revenue on estates formed under section 68;

[Act XXXIII, 1871, s. 41. Act XVIII, 1881, s. 132.]

(ii) the assessment of land-revenue on lands of which the land-revenue was released or assigned and has been resumed;

(iii) the assessment of land-revenue on waste-lands sold, leased or granted by the Government, or on other isolated areas;

(iv) the revision of assessments of land-revenue due to the action of water or sand or to calamity of season;

(v) the assessment of revenue due to the Government on account of pasturage or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other interests or rights described in section 45 or section 46, in cases in which the revenue so due has not been included in an assessment made under the foregoing provisions of this Chapter.

[Act XIX, 1873, s. 257.]

(*2*) The Financial Commissioner may, with the previous sanction of the Local Government, make rules for the guidance of the prescribed Revenue-officers in making and revising assessments under this section, and may confirm assessments so made and revised.

(*3*) The Financial Commissioner may incorporate in rules under sub-section (*2*) any of the provisions of this Chapter with such modifications as he deems necessary.

CHAPTER VI.

COLLECTION OF LAND-REVENUE.

[Act XXXIII, 1871, s. 42; Act XIX, 1873, s. 147; Act XVIII, 1881, s. 90.]

71. (*1*) Notwithstanding anything contained in the record-of-rights of any estate or group of estates, the Financial Commissioner may fix the number and amount of the instalments, and the times, places and manner, by, at and in which land-revenue, whether payable direct to the Government or not, is to be paid.

Rules to regulate payment of land-revenue.

(*2*) Until the Financial Commissioner otherwise directs, land-revenue shall be payable by the instalments, at the times and places and in the manner, by, at and in which it is payable when this Act comes into force.

72. The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the collection, remission and suspension of land-revenue, whether assigned or unassigned, and may by those rules determine the circumstances and terms in and on which assigned land-revenue may be collected by the assignee, and fix the costs to be charged in respect of any process under this Chapter and in respect of the collection by the Government of assigned land-revenue.

Rules to regulate collection, remission and suspension of land-revenue.

[Cf. Mad., Act II, 1864, s. 7.]

73. An arrear of land-revenue shall bear such interest as the Governor General in Council may from time to time prescribe.

Interest on arrears of land-revenue.

74. The costs of any process issued under this Chapter, and any interest chargeable on an arrear of land-revenue, shall be recoverable as part of the arrear of land-revenue in respect of which the process was issued or the interest is chargeable.

[Act XVIII, 1881, s. 112.]

Costs and interest recoverable as part of arrear.

75. A statement of account certified by the prescribed Revenue-officer shall be conclusive evidence of the existence of an arrear of land-revenue, of its amount, and of the person who is the defaulter.

[Act XIX, 1873, s. 149; Act XVIII, 1881, s. 92.]

Certified account to be evidence as to arrear.

76. Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by the following processes :—

[Act XIX, 1873, s. 150.]

Processes for recovery of arrears.

(*a*) by service of a writ of demand on the defaulter;

(*b*) by arrest and detention of his person;

(*c*) by distress and sale of his moveable property and crops, including any produce of which the Deputy Commissioner may under section 57 prevent the removal;

(*d*) by transfer of the holding in respect of which the arrear is due;

(*e*) by attachment of the estate or holding in respect of which the arrear is due;

(*f*) by annulment of the assessment of that estate or holding;

(*g*) by sale of that estate or holding;

(*h*) by proceedings against other immoveable property of the defaulter.

77. A writ of demand may be issued by the prescribed Revenue-officer on or after the day following that on which an arrear of land-revenue accrues.

[Act XIX, 1873, s. 151.]

Writ of demand.

78. (*1*) At any time after an arrear of land-revenue has accrued the prescribed Revenue-officer may issue a warrant directing an officer to be named therein to arrest the defaulter and to bring him before the Revenue-officer.

[Act XXXIII, 1871, s. 43; Act XIX, 1873, s. 152; Act XVIII, 1881, s. 95.]

Arrest and detention of defaulter.

(*2*) The Revenue-officer may thereupon order the defaulter to be taken before the Deputy Commissioner, or may keep him under personal restraint for a period not exceeding ten days and shall then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

(*3*) When the defaulter is brought before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Deputy Commissioner thinks fit.

[Act XXXIII, 1871, s. 43; Act XVIII, 1881, s. 96.]

(*4*) The process of arrest and detention shall not be executed against a defaulter who is a female, minor, lunatic or idiot.

79. (*1*) At any time after an arrear of land-revenue has accrued, the moveable property or crops of the defaulter may be distrained and sold.

[Act XXXIII, 1871, s. 43.]

Distress and sale of moveable property and crops.

(*2*) The distress and sale shall be conducted, as nearly as may be, in accordance with the law for the time being in force for the attachment and

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 80-82.)

sale of moveable property under the decree of a Revenue Court:

Provided that, in addition to the particulars exempted by that law from liability to sale, seed-grain belonging to the defaulter, and so much of the produce of his land as the Deputy Commissioner thinks necessary for the subsistence, until the harvest next following, of the defaulter and his family and of any cattle exempted by that law, shall be exempted from sale under this section.

[Act XIX, 1873, s. 157; Act VIII, 1879, s. 14.]

Transfer of holding.

80. (*1*) At any time after an arrear of land-revenue has accrued on a holding, the Deputy Commissioner may transfer the holding, for a term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer to any person being a landowner of the estate in which the holding is situate and not being himself a defaulter, on condition of his paying the arrear before being put in possession of the holding, and on such further conditions as the Deputy Commissioner may see fit to prescribe.

(*2*) The Deputy Commissioner shall report to the Financial Commissioner any transfer made by him under this section, and the Financial Commissioner may set aside the transfer or alter the conditions thereof, or pass such other order as he thinks fit.

(*3*) **The transferee shall not either before or** after the expiration of the term of the transfer be entitled to compensation for any improvements made by him on the holding or for any losses sustained by him by reason of the transfer.

(*4*) A transfer under this section shall not affect the joint and several liability of the landowners of the estate in which it is enforced.

(*5*) In respect of all rights and liabilities arising under this Act the person to whom the holding is transferred shall, subject to the conditions of the transfer, stand in the same position as that in which the defaulter would have stood if the holding had not been transferred.

[Act XIX, 1873, ss. 154, 155 and 156.]

Attachment of estate or holding.

81. (*1*) At any time after an arrear of land-revenue has accrued, the Deputy Commissioner may cause the estate or holding in respect of which the arrear is due to be attached and taken under the management of himself or of an agent appointed by him for that purpose.

(*2*) The Deputy Commissioner or the agent shall be bound by all the engagements which existed between the person who immediately before the attachment was in possession of the land attached, and the inferior landowners or tenants, if any, and shall be entitled to manage the land and to receive all rents and profits accruing therefrom to the exclusion of that person until the arrear has been satisfied, or until the Deputy Commissioner restores the land to the person whose interest was attached.

(*3*) All surplus profits of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land-revenue and rates and cesses shall be applied in defraying the arrear.

(*4*) **Land shall not be attached for the same arrear for a longer term than five years from the commencement of the agricultural year next following the date of the attachment, but, if the arrear is sooner liquidated, the land shall be released and the surplus receipts (if any) made over to the landowner.**

[Act XIX, 1873, ss. 158, 159, 164 and 165, and Act XXXIII, 1871, s. 51.]

Annulment of assessment of estate or holding.

82. (*1*) When an arrear of land-revenue has been due for a longer period than one month, and the Deputy Commissioner is of opinion that the foregoing processes are not sufficient for the recovery of the arrear, he may, in addition to or instead of all or any of those processes, report the matter to the Financial Commissioner, and the Financial Commissioner may thereupon order the existing assessment of the estate or holding in respect of which the arrear is due to be annulled.

(*2*) The provisions of this section shall not be put in force for the recovery of an arrear of land-revenue which has accrued on land—

(*a*) while under attachment under the last foregoing section, or

(*b*) while under the charge of the Court of Wards.

(*3*) When the assessment of any land has been annulled, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in farm to any person willing to accept the farm, for such term and on such conditions as may be sanctioned by the Financial Commissioner:

Provided that the term for which land may be so managed or farmed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of the annulment.

(*4*) After the expiration of that term the Deputy Commissioner shall assess the estate or holding at such sum as the Financial Commissioner approves for the remainder of the term of the current assessment of the district or tahsil, and shall announce the assessment in the manner prescribed in section 60.

(*5*) Notice of refusal to be liable for the assessment may be given in the manner mentioned in section 64 within thirty days from the date on which the assessment was announced.

(*6*) If notice is so given, the Deputy Commissioner may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management or farm it for the remainder of the term of the current assessment of the district or tahsil, or for any period within that term which the Financial Commissioner may fix.

[Act VIII, 1879, s. 15.]

(*7*) When the assessment of a holding is annulled, the joint responsibility of the other landowners of the estate for the land-revenue of that holding becoming due after the annulment shall be in abeyance until a new assessment takes effect.

(*8*) **The Financial Commissioner may direct that any contract made by the person who immediately before the annulment of the assessment of an estate or holding was in possession of the lands comprised therein, or any contract made by any person through whom that person claims, relating to those lands, shall not be binding on the Deputy Commissioner or his agent or farmer during the term of the management or farm.**

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 83-88.)

[Act XIX, 1873, ss. 160, 161 and 162.]

Proclamation of attachment or annulment of assessment, and consequences of the proclamation.

83. (*1*) When any land is attached under section 81, or when the assessment of any land has been annulled under the last foregoing section, the Deputy Commissioner shall make proclamation thereof.

(*2*) No payment made after the making of the proclamation on account of rent or any other asset of the estate or holding to any person other than the Deputy Commissioner or his agent or farmer shall be credited to the person making the payment, or relieve him from liability to make the payment again to the Deputy Commissioner or his agent or farmer.

(*3*) No payment made before the making of the proclamation on account of rent or any other asset in anticipation of the usual time for the payment shall, without the special sanction of the Deputy Commissioner, be credited to the person making the payment in account with the Deputy Commissioner or his agent or farmer.

[Act XIX, 1873, s. 166.]

Sale of estate or holding.

84. When an arrear of land-revenue has accrued and the Deputy Commissioner is of opinion that the foregoing processes are not sufficient for the recovery of the arrear, he may, in addition to, or instead of, all or any of those processes, and subject to the provisions hereinafter contained and with the previous sanction of the Financial Commissioner, sell the estate or holding in respect of which the arrear is due:

Provided that land shall not be sold—

(*a*) for any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section 35 of the Punjab Laws Act, 1872, clause (*a*), (*b*), (*c*) or (*d*); or

IV of 1872.

(*b*) for any arrear which has accrued while the land was under attachment under section 81 of this Act; or

(*c*) for any arrear which has accrued while the land was held under direct management by the Deputy Commissioner, or in farm by any other person, under section 82, after either an annulment of assessment or a refusal to be liable therefor.

[Act XIX, 1873, s. 167; Act XVIII, 1881, s. 108.]

Sale free of incumbrances.

85. (*1*) Land sold under the last foregoing section shall be sold free of all incumbrances; and all grants and contracts previously made by any person other than the purchaser in respect of the land shall become void as against the purchaser at the sale.

(*2*) Nothing in sub-section (*1*) shall affect—

(*a*) the right of occupancy of a tenant having that right in the land; or

(*b*) any lease at a fair rent, temporary or perpetual, for the erection of a dwelling-house or manufactory, or for a mine, garden, tank, canal, place of worship or burial-ground, so long as the land continues to be used for the purpose specified in the lease; or

(*c*) any incumbrance specially saved by order of the Financial Commissioner and proclaimed as hereinafter provided.

[Act XIX, 1873, s. 168.]

Proceedings against other immoveable property of defaulter.

86. (*1*) If the arrear cannot be recovered by any of the processes hereinbefore provided, or if the Financial Commissioner considers the enforcement of any of those processes to be inexpedient, the Deputy Commissioner may, where the defaulter owns any other estate or holding, or any share in any other estate or holding, or any other immoveable property, proceed under the provisions of this Act against that property as if it were the land in respect of which the arrear is due:

Provided that no interests save those of the defaulter alone shall be so proceeded against, and no incumbrances created or contracts entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(*2*) When the Deputy Commissioner determines to proceed under this section against immoveable property other than the land in respect of which the arrear is due, he shall issue a proclamation prohibiting the transfer or charging of the property.

(*3*) The Deputy Commissioner may at any time by order in writing withdraw the proclamation, and it shall be deemed to be withdrawn when either the arrear has been paid or the interests of the defaulter in the property have been sold for the recovery of the arrear.

(*4*) Any private alienation of the property, whether by sale, gift, mortgage or otherwise, made after the making of the proclamation and before the withdrawal thereof shall be void.

(*5*) **In proceeding against property under this section, the Deputy Commissioner shall follow, as nearly as the nature of the property will admit, the procedure prescribed for the enforcement of process against land on which an arrear of land-revenue is due.**

[Act XVIII, 1881, s. 114.]

Remedies open to person denying that sum demanded as an arrear is due.

87. Notwithstanding anything contained in section 75, when proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies that the arrear or any part thereof is due, pay the same under protest made at the time of payment and signed by him or his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Procedure in Sales.

[Act XXXIII, 1871, s. 55.]

Proclamation of sale.

88. (*1*) On the receipt of the sanction of the Financial Commissioner to the sale of any immoveable property, the Deputy Commissioner shall issue a proclamation of the intended sale, stating—

(*a*) the date, time and place of the sale;

(*b*) the property to be sold, and, if it is an estate or holding, the land-revenue assessed thereon;

(*c*) whether the property is to be sold under section 84 or under section 86, and, when in the former case the property is to be sold subject to an incumbrance specially saved by order of the Financial Commissioner under section 85, what that incumbrance is; and

(*d*) the amount for the recovery of which the sale is ordered.

The Punjab Land-revenue Bill.
(Chapter VI.—Collection of Land-revenue.—Sections 89-104.)

(2) The proclamation shall also state that any person claiming a right of pre-emption must, on penalty of forfeiting the right, give notice of his claim to the Deputy Commissioner before the commencement of the sale.

[Act XIV, 1882, s. 288.]

89. A Revenue-officer shall not be answerable for any error, mis-statement or omission in any proclamation under the last foregoing section, unless the same has been committed or made dishonestly.

Indemnity to Revenue-officer with respect to contents of proclamation.

[Act XIV, 1882, s. 289.]

90. *(1)* A copy of the proclamation shall be served on the defaulter, and be fixed up in a conspicuous part of the office of the Tahsildár of the tahsil in which the property to be sold is situate.

Publication of proclamation.

(2) After a copy of the proclamation has been so fixed up in the office of the Tahsildár, a copy thereof shall be fixed up in the office of the Deputy Commissioner.

(3) The proclamation shall be further published in manner prescribed in section 25 and in such other manner as the Deputy Commissioner thinks expedient.

[Act XIV, 1882, s. 290.]

91. *(1)* The sale shall not take place on a Sunday or other holiday, or until after the expiration of at least thirty days from the date on which the copy of the proclamation was fixed up in the office of the Deputy Commissioner.

Time and conduct of sale.

(2) The sale shall be by public auction at the office of the Deputy Commissioner, and shall be conducted either by the Deputy Commissioner in person or by a Revenue-officer specially appointed by him in this behalf.

(3) The Deputy Commissioner may from time to time postpone the sale.

[Act XIX, 1873, s. 173.]

92. If before the day fixed for the sale the defaulter pays, either at the place and in the manner prescribed under section 71 or to the officer in charge of the Government treasury of the district, the arrear in respect of which the land has been proclaimed for sale, the sale shall be stayed.

Stay of sale.

[Cf. Act XLV, 1860, s. 185.]

93. A defaulter shall be incapable of purchasing land at a sale under this Chapter.

Défaulter incapable of being purchaser.

[Act XIX, 1873, s. 188; Act XVIII, 1881, s. 110.]

94. *(1)* At any time before the close of the day on which the sale is concluded any person who before the commencement of the sale has given notice of his claim to a right of pre-emption may claim to take the property at the sum last bid.

Exercise of right of pre-emption.

(2) If the right is not disputed, he shall be declared to be the purchaser.

(3) If the right is disputed, the Deputy Commissioner shall decide the dispute and declare the purchaser.

[Act XIV, 1882, s. 306.]

95. The person declared to be the purchaser shall pay immediately after the declaration a deposit of twenty-five per centum on the amount of the purchase-money to the officer conducting the sale, and, in default of that deposit, the property shall forthwith be put up again and sold.

Deposit by purchaser.

[Act XIV, 1882, s. 30.]

96. The full amount of the purchase-money shall be paid by the purchaser before the close of the fifteenth day from that on which the sale took place, or, if the fifteenth day is a Sunday or other holiday, then on the first office-day after the fifteenth day.

Time for payment in full.

[Act XIV, 1882, s. 308.]

97. In default of payment within the period mentioned in the last foregoing section, the deposit, after defrayment of the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Procedure in default of payment.

[Act XIV, 1882, s. 293.]

98. The deficiency of price (if any) which may happen on a re-sale consequent on a purchaser's default under this Chapter, and all expenses attending that re-sale, shall be recoverable from the defaulting purchaser as if the same were an arrear of land-revenue.

Defaulting purchaser answerable for loss by re-sale.

[Act XIX, 1873, s. 178.]

99. Every sale of immoveable property under this Chapter shall be reported by the Deputy Commissioner to the Commissioner.

Report of sale to Commissioner.

[Act XIX, 1873, s. 179.]

100. *(1)* At any time within thirty days from the date of the sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it;

Application to set aside sale.

(2) But a sale shall not be set aside on that ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake.

[Act XIX, 1873, s. 180.]

101. *(1)* After the expiration of thirty days from the date of the sale, if such application as is mentioned in the last foregoing section has not been made, or if such application has been made and rejected, the Commissioner shall make an order confirming the sale; and, if such application has been made and allowed, the Commissioner shall make an order setting aside the sale.

Order confirming or setting aside sale.

(2) An order made under this section shall be final.

[Act XIX, 1873, s. 182.]

102. Whenever the sale of any property is set aside, the purchaser shall be entitled to receive back his purchase-money.

Refund of purchase-money on setting aside of sale.

[Act XIV, 1882, ss. 291 and 309.]

103. A sale made after a postponement, and a re-sale consequent on a purchaser's default under section 97 or on the setting aside of a sale, shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale.

Proclamation after postponement or on re-sale.

[Act XIX, 1873, s. 183.]

104. *(1)* After a sale has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property.

On confirmation of sale, possession and certificate to be granted to purchaser.

The Punjab Land-revenue Bill.
(Chapter VIII.—Village Waste-lands.—Sections 105-109.)

(2) The certificate shall state whether the property was sold under section 84 or under section 86, and, when in the former case it was sold subject to an incumbrance specially saved by order of the Financial Commissioner under section 85, what that incumbrance is.

[Act XIX, 1873, s. 183, as amended by Schedule III, Act I, 1879.]

(3) The certificate shall be deemed to be a valid transfer of the property but need not be registered as a conveyance.

[Act XIX, 1873, s. 184.]

(4) Any suit brought, whether in a Civil or Revenue Court, against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

[Act XIX, 1873, s. 187.]

(5) The person named in the certificate as purchaser of any land shall be liable for all instalments of land-revenue falling due in respect of the land after the date of the confirmation of the sale.

[Act XIX, 1873, s. 185.]

105. *(1)* When a sale of immoveable property under this Chapter has been confirmed, the proceeds of the sale shall be applied in the first place to the payment of any arrears due from the defaulter at the date of the confirmation of the sale, whether the arrears are of land-revenue or of sums recoverable as arrears of land-revenue, and the surplus (if any) shall be paid to the person whose property has been sold, or, if the property sold was owned by more than one landowner, then to the landowners either collectively or according to the amount of their recorded interests, as the Deputy Commissioner thinks fit.

Application of proceeds of sale.

[Act XIX, 1873, s. 186.]

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

CHAPTER VII.

RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

[Act XVIII, 1881, s. 116.]

106. *(1)* When a village officer, required by rules made under section 35 to collect land-revenue or other payments recorded under section 65, satisfies the Deputy Commissioner that those payments have not been made to him, the Deputy Commissioner may, subject to rules made by the Financial Commissioner in this behalf, recover them as if they were arrears of land-revenue.

Recovery of certain arrears through Deputy Commissioner instead of by suit.

(2) When the Deputy Commissioner enforces the payment of sums due to a village-officer under this section, he may refuse to consider any set-off claimed by the person against whom or whose property he issues process.

[Act XXXIII, 1871, s. 64; *Cf.* Act XIX, 1873, s. 145; and Bombay Act V, 1879, s. 187.]

107. In addition to any sums recoverable as arrears of land-revenue under this Act or any other enactment for the time being in force, the following sums may be so recovered, namely:—

Sums recoverable as arrears of land-revenue.

(*a*) sums payable in respect of land assessed or assessable to land-revenue of the nature of quit-rent or commutation for service, and fees, fines, costs and other charges, including the village-officers' cess, payable under this Act;

(*b*) village-cesses, so far as they are applicable to conservancy, police or other objects declared by the Local Government to be for the benefit of an estate; [See section 48 of this Bill.]

(*c*) revenue due to the Government on account of pasturage or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other interests or rights described in section 45 or section 46 in cases in which the revenue so due has not been included in the assessment of an estate; [See section 70 of this Bill.]

(*d*) sums due to the Government from an agent appointed by the Deputy Commissioner to manage the land of a defaulter, or of a landowner who has refused to be liable for an assessment, or from the farmer of such land, or from the surety of the agent or farmer;

(*e*) fees leviable under section 33 of the Punjab District Boards Act, 1883; and XX of 1883.

(*f*) sums leviable by or under the authority of the Government as water-rates, or on account of the maintenance or management of canals, embankments or other irrigation-works, not being sums recoverable as arrears of land-revenue under any enactment for the time being in force.

[Act XII, 1881, s. 56; Act IX, 1883, s. 22.]

108. *(1)* If an order is made by any Court for the attachment of the produce of a tenancy or of any part of a tenancy, the landlord may apply to the Deputy Commissioner to sell the produce and to pay to him out of the proceeds of the sale thereof the amount or value of—

Recovery of rent by sale of produce under attachment.

(*a*) any arrear of rent legally exigible by him in respect of the tenancy; and

(*b*) the rent falling due next after the time at which in the ordinary course of agriculture the produce would be harvested.

(2) If the Deputy Commissioner finds the whole or any part of the landlord's claim to be proper, he shall cause the produce, or such portion thereof as he thinks necessary, to be sold, and the proceeds of the sale to be applied in the first instance to satisfy the claim or the part thereof found to be proper, and shall give information of his proceedings to the Court which ordered the attachment.

(3) The finding of the Deputy Commissioner under this section shall be deemed to be a decree of a Revenue Court in a suit between the landlord and the tenant.

CHAPTER VIII.

VILLAGE WASTE-LANDS.

[New. See Circular of the Government of India, Department of Revenue and Agriculture, No. 16A., dated the 1st March, 1883.]

109. *(1)* When the majority of the landowners desire, or the Local Government considers it expedient, that a part of the common waste-lands of an estate or holding should be managed for the production of timber, fuel or fodder, the Local Government may by proclamation propose to notify that any part of those waste-lands not exceeding one-fifth of the whole shall be so managed.

Notification of waste-land to be managed for production of timber, fuel or fodder.

The Punjab Land-revenue Bill.
(Chapter IX.—Surveys and Boundaries.—Sections 110-117.)

(2) The proclamation shall define the area to which the proposed notification is to apply, and state the purpose for which the area is to be managed, and shall call upon any person objecting to the proposed notification to show cause before the Deputy Commissioner, within three months from the date of the making of the proclamation, why the area should not be notified.

(3) Any objection made under sub-section (2) shall be recorded by the Deputy Commissioner, and be submitted to, and considered by, the Local Government.

(4) When three months from the date of the making of the proclamation have expired, and the Local Government has considered any objection which may have been submitted to it, the Local Government may notify the area and the purpose for which it is to be managed.

(5) The Local Government may withdraw any area from the operation of a notification under this section.

Suspension of rights during management.

110. (1) While an area is notified, all rights existing therein shall be suspended, and the area shall be managed in accordance with rules to be made in this behalf by the Local Government.

(2) When any area is withdrawn from the operation of a notification, the rights suspended under sub-section (1) shall revive and the management under this Act shall cease.

(3) In making any rule under sub-section (1) the Local Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to ten rupees for every day after the first during which the breach continues.

Management where assessment is made to meet the cost.

111. (1) The persons who before the publication of the notification were entitled to the profits of the notified area may assess themselves by the vote of a majority of their body for the purposes of the management of the area.

(2) The assessment may be in labour or in cash or in both, and shall be subject to the approval of the Deputy Commissioner.

(3) When the assessment, or any part of the assessment, of any person consists of labour, the sum to be paid by him in cash in default of performance of the labour shall be determinable by the Deputy Commissioner as an alternative to the assessment or part.

(4) Any sum assessed or determinable under this section may be recovered by the Deputy Commissioner as an arrear of land-revenue.

(5) When an assessment is made under this section, the Deputy Commissioner may permit the notified area to be managed, under the superintendence of the prescribed Revenue-officer, by the persons paying the assessment, and the profits of the area shall be divisible among those persons in such manner as, subject to any rules under the last foregoing section, the Deputy Commissioner deems just.

Management where assessment is not made to meet the cost.

112. When an assessment is not made under the last foregoing section, the following consequences shall ensue, namely:—

(a) the notified area shall be managed by the prescribed Revenue-officer;

(b) the cost of management shall be defrayed from the proceeds of the produce of the area; and

(c) only the balance, if any, of those proceeds shall be divisible in manner aforesaid among the persons who before the publication of the notification were entitled to the profits of the area.

Prevention of cattle-trespass.

113. While an area is notified, the provisions of Chapter XI of the Indian Forest Act, 1878, shall apply to any part of that area which is closed to grazing. VII of 1878.

CHAPTER IX.

SURVEYS AND BOUNDARIES.

Power of Financial Commissioner to make rules for demarcation of boundaries and erection of survey-marks.

114. (1) The Financial Commissioner may, with the previous sanction of the Local Government, make rules as to the manner in which the boundaries of all or any estates in any local area are to be demarcated and as to the survey-marks to be erected within those areas.

(2) Rules under this section may prescribe, among other matters, the form of boundary-marks and survey-marks and the material to be used in their construction.

Power of Revenue-officers to define boundaries.

115. (1) The prescribed Revenue-officer may, for the purpose of framing any record or making any assessment under this Act, define the limits of any estate, holding or field, and, for the purpose of indicating those limits, require boundary-marks and survey-marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1), the Revenue-officer may lay down or restore any boundary or any boundary-mark or survey-mark already determined or set up by, or by order of, any Court, Revenue-officer or Forest-settlement-officer.

Cost of erection and repair of boundary-marks and survey-marks.

116. Subject to any rules made by the Financial Commissioner in this behalf with the previous sanction of the Local Government, boundary-marks and survey-marks shall be erected and kept in repair by and at the cost of the persons interested in the land for the indication of the limits of which they are required:

Provided that the Local Government may in any case direct that the cost of erection in the first instance shall be borne by the Government or be a charge on the proceeds of the village-officers' cess.

Recovery of cost incurred by the Government.

117. (1) If the persons interested in the land fail to erect or repair a boundary-mark or survey-mark within fifteen days from the date of their being required by the prescribed Revenue-officer to do so, [Act XIX 1873, s. 144.

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 118-125.)

the Revenue-officer may cause it to be erected or repaired.

(2) Where the Revenue-officer causes a boundary-mark or survey-mark to be erected or repaired, he shall, subject to any rules made under the last foregoing section, apportion the cost among those persons in such manner as he deems just, and certify the same to the Deputy Commissioner.

(3) The Deputy Commissioner may recover the cost as if it were an arrear of land-revenue.

[Act XXIII, 1871, s. 25; Act XVIII, 1881, s. 18.]

Power of Revenue-officers to enter on land for purposes of survey and demarcation.

118. Any Revenue-officer, and any person acting under the orders of a Revenue-officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey-marks thereon and demarcate the boundaries thereof, and do all other acts necessary for the proper performance of that duty.

[Act XIX, 1873, s. 40.]

Surveys for purpose of preparation of records.

119. (1) When any land is being surveyed in pursuance of a direction of the Local Government or of rules under Chapter IV of this Act, any Revenue-officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

[Cf. Act V, 1880, s. 30.]

(2) If a person to whom the notice or proclamation is addressed fails to comply with the requisition, he shall be liable, at the discretion of the prescribed Revenue-officer, to fine which may extend to ten rupees.

[Bom. Act V, 1879, s. 97.]

Provision of flag-holders and chainmen for those surveys.

120. (1) For the purposes of the survey of any land under Chapter IV of this Act, the landowners shall be bound to provide persons to act as flag-holders and chainmen.

(2) If the landowners fail to provide persons for that purpose or to provide them in sufficient number, such other persons as the Revenue-officer considers necessary may be employed and the cost of employing them recovered from the landowners as if it were an arrear of land-revenue.

Professional surveys.

121. (1) If it is necessary to make a survey by other agency than that of Revenue-officers or village-officers, the Local Government may publish a notification stating—

(a) the local area to be surveyed and the nature of the survey;

(b) the names or official designations of the officers by whom the survey is to be made; and

(c) the survey-marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under their orders, shall have for the purposes of the survey the powers conferred on Revenue-officers by section 118.

[Act XIX, 1873, s. 142.]

Penalty for destruction, injury or removal of marks.

122. (1) If any person wilfully destroys, injures or removes without lawful authority a boundary-mark or survey-mark lawfully erected, or if a landowner negligently suffers any such mark to be destroyed, injured or removed without lawful authority, that person or landowner may be ordered by the prescribed Revenue-officer to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Revenue-officer, be necessary to defray the expense of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code. XLV of 1860.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Rent and Revenue Deposits.

Deposit of sum tendered and refused.

123. If a person liable to pay any sum to a headman or other landowner on account of rent, or of any liability to which that person is subject under this Act, tenders that sum to the headman or other landowner, and the sum is refused or a receipt therefor not forthwith granted, or if that person is doubtful as to the person entitled to receive the sum, he may apply to the prescribed Revenue-officer for leave to deposit the amount with the Government, and the Revenue-officer shall receive the deposit if, after such enquiry as he thinks fit, he is satisfied that the applicant has sufficient ground for making the application. [Rules under Act XXXIII of 1871, F. II 9; Compare Act XII of 1881, s. 50.]

Effect of deposit.

124. (1) If the deposit purports to be made on account of any payment due to the Government, it may be credited accordingly. [Compare Act XII of 1881, ss. 52, 54, 55.]

(2) If it purports to be made on any other account, the Revenue-officer shall issue a notice of the deposit to the person to whose credit the sum has been deposited.

(3) If within three years from the date of the service of the notice that person appears and claims the sum, the Revenue-officer, if satisfied as to his title to receive it, may pay it to him.

(4) If the Revenue-officer is not so satisfied, he may retain the deposit pending the decision of a Court of competent jurisdiction, and shall then pay the deposit in accordance with that decision.

(5) If the deposit is not so paid within three years, it shall be repaid to the depositor or disposed of as he may desire.

(6) When a deposit has been received it shall, in any question between the depositor and the person to whose credit the deposit was placed, be deemed, while it remains with the Government or after it has been paid under sub-section (3) or sub-section (4), to be a payment made by the depositor to that person.

Saving of liability of Secretary of State and public officers.

125. No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything lawfully done by a Revenue-officer under the last foregoing section, but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a Revenue-officer. [Act XII, 1881, s. 55A.]

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 126-133.)

Execution of Decrees by Revenue-officers.

126. Orders issued by any Civil or Criminal Court for the attachment, sale or delivery of any land or interest in land shall be addressed to the Deputy Commissioner, or such Revenue-officer as the Deputy Commissioner may appoint in this behalf, and be executed by the Deputy Commissioner or that Revenue-officer in accordance with the provisions of the law applicable to the Court and with any rules consistent therewith made by the Local Government with the concurrence of the Chief Court.

Orders of Civil and Criminal Courts for attachment, sale or delivery of land to be addressed to the Deputy Commissioner.

127. (*1*) Orders issued by any Civil or Criminal Court for the attachment of the rents or for the attachment or sale of the produce of any land shall be addressed to the Deputy Commissioner or such Revenue-officer as the Deputy Commissioner may appoint in this behalf, and shall be executed under the Deputy Commissioner's direction and control.

Orders of Civil and Criminal Courts for attachment of rents or produce to be addressed to the Deputy Commissioner.

[Cf. C. P. T. Act, s. 20.]

(*2*) Subject to the other provisions of this Act the attachment of the produce of any land shall not prevent any person from reaping, gathering or storing the produce, or doing any other act necessary for its preservation.

(*3*) The Financial Commissioner may, with the previous sanction of the Local Government, make rules to regulate the procedure of Revenue-officers in attaching the rents or attaching and selling the produce of land.

Division of Produce.

Division of produce.

128. In either of the following cases, namely :—

(*a*) where two or more landowners, or two or more tenants, are jointly interested in any produce, and either or any of the landowners or of the tenants, as the case may be, desires the assistance of a Revenue-officer for the purpose of dividing the produce, or

(*b*) where it is necessary to divide any produce for the purposes of this Act,

the rules contained in sections 20 to 22 (both inclusive) of the Punjab Tenancy Act, 1886, shall apply so far as they can be made applicable.

Power to make Rules.

Power to make rules.

129. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the Financial Commissioner, with the previous sanction of the Local Government, may make rules, consistent with this Act and any other enactment for the time being in force,—

(*a*) fixing the number and amount of the instalments of rent and rates and of cesses and other sums of which a record has been made under this Act, and the dates for the payment of those instalments;

(*b*) fixing the dates on which profits shall be divisible by headmen or other persons by whom they are realised on behalf of co-sharers;

(*c*) regulating the procedure in cases where persons are entitled to inspect records of Revenue-offices or Revenue Courts, or records or papers in the custody of village-officers, or to obtain copies of the same, and prescribing the fees payable for searches and copies;

(*d*) prescribing forms for such books, entries, statistics and accounts as he thinks necessary to be kept, made or compiled in Revenue-offices or Revenue Courts or submitted to any authority;

(*e*) declaring what shall be the language of any of those offices and Courts, and determining in what cases persons practising in those offices and Courts shall be permitted to address the presiding officers thereof in English;

(*f*) providing for the inspection of those offices and Courts and the supervision of the working thereof;

(*g*) regulating all such matters as he thinks fit, with a view to promoting the efficiency of the establishments of those offices and Courts, and maintaining proper discipline among the ministerial officers of those establishments; and

(*h*) generally for carrying out the purposes of this Act.

(*2*) Rules under clauses (*a*), (*b*) and (*h*) may be of general or special application, and may be expressed to supersede anything contained in any record-of-rights.

(*3*) Until rules are made under clauses (*a*) and (*b*) the sums therein referred to shall be payable in the instalments and at the times in and at which they are now payable.

(*4*) Rules made under clause (*g*) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary which may be or become due to the officers fined.

130. All powers to make rules under this Act shall be exercised subject to the control of the Governor General in Council.

Powers to make rules subject to the control of the Governor General in Council.

131. (*1*) The Local Government and the Financial Commissioner shall, before making any rules under this Act, publish, in such manner as may in its or his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with notice of the date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before that date.

Procedure for making rules.

(*2*) Every rule made by the Local Government or the Financial Commissioner shall be published in the local official Gazette, and that publication shall be conclusive proof that the rule has been made as required by this section.

Jurisdiction with respect to Revenue matters and fluvial Lands.

132. (*1*) Except as otherwise provided by this Act, a Civil Court shall not have jurisdiction in any matter which the Local Government or a Revenue-officer or Revenue Court is empowered by this Act or by the Punjab Tenancy Act, 1886, to dispose of or to hear and determine, or take cognizance of the manner in which the Local Government or any Revenue-officer or Revenue Court exercises any powers vested in it or him by or under those Acts; and in particular—

Jurisdiction of Civil Courts barred in matters within the jurisdiction of Revenue-officers and Revenue Courts.

[Act XXIII, 1871, s. 6; Act XVIII, 1878, ss. 24 and 241; XVIII, 1879, s. 219; XVIII, 1885, s. 152.]

(*2*) A Civil Court shall not exercise jurisdiction with respect to—

(*a*) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any Revenue-officer, as such;

(*b*) any claim to the office of kánúngo, zaildár or village-officer, or in respect of any injury caused by exclusion from the office, or to compel the performance of the duties thereof;

(*c*) any notification directing the making or revision of a record-of-rights;

(*d*) the framing of a record-of-rights, or the preparation, signing or attestation of any of the documents included therein;

(*e*) the correction of any entry in a record-of-rights;

(*f*) any claim for partition of an estate, holding or tenancy, or any dispute connected with, or arising out of, proceedings for partition, not being a dispute as to the extent of the shares belonging to the parties to the proceedings;

(*g*) any question as to the distribution of land at the partition of an estate or holding, or as to the distribution of land subject by established custom to periodical re-distribution;

(*h*) any notification of the undertaking of the general re-assessment of a district or tahsil having been sanctioned by the Governor General in Council;

(*i*) the claim of any person to be liable for an assessment of land-revenue or of any other revenue assessed under this Act;

(*j*) the amount of land-revenue to be assessed on any estate or holding under this Act;

(*k*) the amount of any other revenue to be assessed under this Act, or of any cess or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force;

(*l*) the amount of, or the liability of any person to pay, any fees, fines, costs or other charges imposed under this Act;

(*m*) any claim relating to the allowance to be received by a landowner who has given notice of his refusal to be liable for an assessment, or any claim connected with, or arising out of, any proceedings taken in consequence of the refusal of any person to be liable for an assessment under this Act;

(*n*) the liability of any person to pay a sum appearing from the record prepared under section 65 to be payable by him;

(*o*) the formation of an estate out of excess waste-land, or the declaration of an estate so formed to be at the disposal of the Government;

(*p*) any claim to hold free of revenue any land, mills, fisheries or natural products of land or water;

(*q*) any claim connected with, or arising out of, the collection by the Government, or the enforcement by the Government of any process for the recovery, of land-revenue or any sum recoverable as an arrear of land-revenue;

(*r*) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land-revenue or any sum recoverable as an arrear of land-revenue; or

(*s*) any claim connected with, or arising out of, proceedings for the management of any area for the production of timber, fuel or fodder.

133. (*1*) When it is alleged to be uncertain within the local limits of the jurisdiction of which of two Civil or Revenue Courts or of two Revenue-officers any land subject to fluvial action is situate, either of those Courts or officers may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and entertain and dispose of any suit or proceeding relating to that land, with respect to which the Court or officer is competent as regards the nature of the suit or proceeding, and the value of its subject-matter, to exercise jurisdiction.

Jurisdiction with respect to land subject to fluvial action.

(*2*) When the Court or officer has recorded a statement to the effect mentioned in sub-section (*1*), an objection that the suit or proceeding was instituted or had before a Court or officer not having jurisdiction in the place where the land is situate shall not be allowed by any appellate or revisional Court or officer.

(*3*) Where a statement has not been recorded under sub-section (*1*), and an objection is taken before an appellate or revisional Court or officer that a decree or order in a suit or proceeding relating to such land as aforesaid was made by a Court or officer not having jurisdiction in the place where the land is situate, the appellate or revisional Court or officer shall not allow the objection if in its or his opinion there was, at the time of the institution of the suit or proceeding, any reasonable ground for uncertainty as to the Court or officer having jurisdiction with respect thereto.

Miscellaneous.

134. (*1*) Any record or paper which a village-officer is required by law or by any rule under this Act to prepare or keep shall be deemed to be the property of the Government.

Papers kept by village-officers to be deemed public documents.

[Act I, 1872, s. 76.]

(*2*) A village-officer shall, with respect to any such record or paper in his custody, be deemed for the purposes of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect.

I of 1872.

135. All persons whose rights, interests or liabilities are required by this Act to be entered in a record-of-rights or other record prepared under this Act shall be

Obligation to furnish information necessary for the preparation of records.

The Punjab Land-revenue Bill.
(Chapter X.—Supplemental Provisions.—Sections 133-135.)

The Punjab Land-revenue Bill.
(The Schedule.—Enactments repealed.)

bound to furnish on the requisition of the Revenue-officers or village-officers engaged in preparing the record all information necessary for the correct preparation thereof.

Penalty for failure to attend within limits of estate in obedience to order of Revenue-officer.

136. If a person required by a summons, notice, order or proclamation proceeding from a Revenue-officer to attend at a certain time within the limits of the estate in which he ordinarily resides fails to comply with the requisition, he shall be liable at the discretion of the Revenue-officer to fine which may extend to fifty rupees.

Payment for service by a percentage from land-revenue.

137. When service is paid for by a percentage deducted from the land-revenue, assignments of land-revenue shall, unless the Local Government in any case otherwise determines, be reduced by the same percentage.

[Act XII, 1881, s. 29.]

Treatment of leases for period exceeding or equal to term of assessment of land-revenue.

138. *(1)* Where a lease has been granted, or an agreement has been entered into, by a landowner, fixing for a period exceeding the term of the assessment the rent of any land assessed to land-revenue, and that term has expired, the lease or agreement shall be voidable—

(*a*) at the option of the landlord if the land-revenue of the land has been enhanced and the tenant refuses to pay such rent as the prescribed Revenue-officer, on the application of the landlord, determines to be fair and reasonable; and

(*b*) at the option of the tenant if the land-revenue of the land has been reduced and the landlord refuses to accept such rent as the prescribed Revenue-officer, on the application of the tenant, determines to be fair and reasonable.

[Cf. Act XXXIII, 1871, s. 38.]

(2) Any contract or agreement relative to the occupation, rent or produce of any land which has been entered into for the term of the currency of an assessment shall, unless a contrary intention clearly appears in the contract or agreement, or unless the contract or agreement is otherwise terminated by consent of parties or course of law, continue in force until a revised assessment takes effect.

[Act XVIII, 1881, s. 155.]

Restriction on Revenue-officers trading or holding land.

139. *(1)* A Revenue-officer, or a person employed in a Revenue-office, shall not, except with the express permission of the Local Government,—

[Act XLV, 1860, s. 168.]

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the acquisition, except for public purposes, of any land or interest in land by purchase, mortgage or otherwise, in the district to which he is appointed or in which he is employed; or

[Act XLV, 1860, s. 169.]

(*b*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-officer or Revenue Court in that district.

(2) The Local Government may delegate to Commissioners or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class or grade of Revenue-officers.

(3) Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1882, or other law. VI of 1882.

Powers exerciseable from time to time.

140. All powers conferred by this Act on the Local Government or on the Financial Commissioner may be exercised from time to time as occasion requires.

THE SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

Number and year.	Title or subject of Act.	Extent of repeal.
1	2	3
Act VI of 1867	To enable the Lieutenant-Governor of the Punjab to alter the limits of existing districts in any part of the territories under his government.	The whole.
Act XXXIII of 1871.	The Punjab Land-revenue Act, 1871.	The whole.
Act IV of 1872	The Punjab Laws Act, 1872.	Section 21.
Act XIV of 1875.	The Punjab Judicial Administration Act, 1875.	So much as has not been repealed.
Act XVIII of 1884.	The Punjab Courts Act, 1884.	Section 3 (*1*), (*2*), (*4*), (*5*), (*6*) and (*7*); the whole of Chapter V; the last seventeen words of sub-section (*1*) of section 67; and section 75.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to the assessment and collection of the land-revenue and other connected subjects is contained in Act XXXIII of 1871. This Act was the first attempt to express in clear and concise language the various rules and orders—based on the "spirit" of the Bengal Regulations—by which the proceedings of Revenue and Settlement officials in the Punjab had,

up to that time, been regulated, and which had acquired the force of law under section 25 of the Indian Councils Act, 1861.

The Act under consideration was framed with great care by Sir James Stephen in consultation with the Financial Commissioner, Mr. (afterwards Sir. R.) Egerton, and the then Lieutenant-Governor, Sir R. H. Davies, both officers of large revenue and settlement experience. But subsequent experience has shown that it is incomplete in some respects and requires amendment in others. Some of the defects in it have recently formed the subject of correspondence with the Government of India, and others have been supplied in the enactments on the same subject which have since been framed for other parts of India. Moreover, the recent orders of the Government of India, based on recommendations of the Famine Commissioners, require that the continuous operations by which village-records are maintained correct to date shall be disconnected from those other occasional proceedings by which the assessment of the land-revenue is revised. And in the endeavour to recast the body of rules which have been issued under the authority of the existing law, with a view to the carrying out of those orders, technical difficulties have arisen which render the amendment of the Act a matter of necessity. The Punjab Tenancy Act, 1868, being under revision at the same time, the Bill has been so framed as to cover the entire jurisdiction of Revenue-officers, whether of a judicial, fiscal or executive character.

CHAPTER I.—PRELIMINARY.

This Chapter contains the necessary definitions—some of which are new and others have been incorporated from the Land-revenue Acts recently passed for other provinces—and a few other preliminary provisions.

CHAPTER II.—REVENUE-OFFICERS AND REVENUE COURTS.

The classification of Revenue-officers and Revenue Courts, the powers taken for the appointment of the former, and the provisions for the superintendence and control of both, differ little from the corresponding provisions of the existing law, which are scattered over three enactments—the Land-revenue Act, 1871, the Judicial Administration Act, 1875, and the Courts Act, 1884.

Section 9 gives a detail of the applications and proceedings which can be disposed of by Revenue-officers as such, and section 10 of those cases which they will deal with in their judicial capacity as Revenue Courts. The classes of cases of which particulars are given in this latter section are, with some not very important variations suggested by the experience of the last two years, taken from section 40 of the Courts Act, 1884; but the list has been supplemented by including in it suits under several new sections of the Bill now before the legislature for the amendment of the Punjab Tenancy Act, 1868. In the Courts Act these suits have been divided into two groups, the first or more important group being reserved exclusively for trial by Deputy Commissioners. But as no such distinction existed before the passing of that Act, and as it has been found to be productive of serious inconvenience, it has been omitted from this Bill. The Local Government will by rule or notification under section 13 determine by what officers or classes of officers these cases will be heard, and the rule adopted will ordinarily, as in former years, be based mainly on the value of the suits.

Experience since the passing of the Courts Act having shown that the subordinate Civil and Revenue Courts do not always succeed in avoiding mistakes as to the respective limits of their jurisdictions, provision has been made in section 11 for obviating by a reference to the Chief Court the inconvenience and expense to the parties of setting aside the proceedings in cases where a Court has acted without jurisdiction, when neither party has been prejudiced by the mistake.

The other provisions of this Chapter which call for special notice are those relating to appeal and revision. The change in jurisdiction to try original revenue suits noted above has necessitated an alteration in the course of appeal, and in place of the somewhat complicated system of appeal laid down in sections 47 and 48 of the Courts Act, the more simple system provided in sections 19 and 20 of the Bill has been devised. Where the order in appeal confirms the original decision, there will be no further appeal; in other cases there will be a further appeal to the Financial Commissioner. By section 22 power has been given to the Financial Commissioner to call for and revise the proceedings of both Revenue-officers and Revenue Courts; as regards the former class of proceedings, this merely continues an authority which he already possesses under section 65 of the Land-revenue Act of 1871. The remaining sections of this Chapter relate to procedure, and for the most part reproduce provisions on the subjects in the Courts Act; where additions have been made, they have been taken from the revenue laws of other provinces.

CHAPTER III.—KÁNÚNGOS, ZAILDÁRS AND VILLAGE-OFFICERS.

The provisions of the existing law respecting these officers are contained in one short section. Those of the Bill are in greater detail, and provide expressly for the levy of a cess for the payment of village-officers, for the administration of the cess so levied, and for the control of these officers. Section 36, which authorizes the levy of this cess, also cures a defect

in the present law by enabling the cess to be charged on the owner's and water-advantage rates.

CHAPTER IV.—RECORDS.

In framing this and the following chapter, the language of the existing law, which describes the framing of a record-of-rights and the assessment of the land-revenue by the term "settlement," has been departed from. These two chapters speak (i) of the preparation and maintenance of certain records for each village, and (ii) of the assessment of land-revenue on the basis furnished by those records. The powers necessary for these purposes are taken in the name of the ordinary Revenue-officers; and it is left open to Government to decide from time to time, as occasion arises, how much of these operations can be carried out by the ordinary district staff, and for what operations special and additional officers should be appointed under the authority provided in section 11.

A record-of-rights has now been provided for every district in the Province. Additions to these records are required from time to time as new estates come into existence. And their occasional revision is necessary, usually in connection with re-assessment operations. Under section 41 of the Bill it will be in the discretion of the Local Government to direct the undertaking of record-operations as occasion arises.

The tendency of recent experience is towards a much greater simplification of these records than any that was aimed at when the Act of 1871 was enacted, and therefore the definition of the contents of the record in section 39 of the Bill is briefer and less elaborate than that set out in section 11 of the existing Act. The existing limitations on the alteration of entries are continued by section 43. Section 44 provides for the prompt confirmation of the record. At present this confirmation is often delayed for a long time, because the operations of record and assessment cannot be dealt with separately.

The presumptions in favour of the title of the Government to waste-lands, forests, mines and minerals, which are asserted by the present law, are continued in sections 45 and 46, and words have been added to the latter section which assert the right of the Government to fisheries in navigable rivers, a right which the State has always possessed.

The provisions relating to village-cesses in section 48 give legal sanction to an authority which the Local Government often exercised in connection with the earlier settlements in the Punjab, which is still occasionally needed, and which is provided in the Land-revenue Acts of other Provinces of Upper India.

The rest of the Chapter relates to partition-proceedings, the record of mutations, and the preparation of the annual papers, and in these respects re-produces for the most part the provisions of the existing law and of the rules made under its authority. The only change of importance is the proposal to discontinue the system prescribed by section 21 of the Punjab Laws Act, 1872, by which all Courts are required to send to the Deputy Commissioner copies of decrees affecting rights in land or the possession thereof. No inconvenience has, it is understood, been experienced in the North-Western Provinces during the last twelve years in consequence of the removal of a provision of this kind from the law applicable to those provinces; and it is believed that, as there the reports of changes of possession which are required to be made by sections 97 and 99 of Act XIX of 1873 have produced the desired effect, so here the somewhat similar provision in section 52 of the Bill will prove equally effective.

CHAPTER V.—ASSESSMENT.

This Chapter is so drafted that while continuing all the provisions of the existing law, it supplies some important omissions in that law and expresses with clearness the procedure which has grown up under it. The opening sections of the Chapter expressly declare that the land-revenue is the first charge on the land, its rents and its produce, and they further provide security against the alienation of the rents and produce until this charge has been satisfied. The absence of any clear provision of this nature has been the cause of some inconvenience during past years. It has not uncommonly happened that a decree-holder has succeeded in attaching rents or produce due to a landowner before the latter has paid his revenue, leaving the Revenue-officers no remedy except that of proceeding against the produce of the next harvest, or against the land itself.

By the procedure laid down in sections 60 to 63 the formality of demanding from the landowners of every estate or their representatives a written engagement accepting the new assessment is dispensed with. But the landowners will still be at liberty to refuse to be liable for the assessment fixed by the Deputy Commissioner, and the consequences of refusal will be the same as those which follow from refusal to accept an assessment under the present law. Refusals of this kind, however, occur so seldom in the Punjab that the really important point in the procedure connected with the giving of effect to revised assessments lies less in the provisions dealing with these refusals than in those contained in sections 61 and 62 of the Bill, which provide for the hearing of objections and appeals, and for the modification of assessments prior to confirmation. In a country of small holdings cultivated by the owners themselves—and this is the prevailing character of Punjab tenures—an owner is very rarely in a position to decline to pay the new assessment; if he thinks that it is too heavy, the only

remedy practically open to him is to appeal against it, and this is the remedy which he has almost invariably adopted.

Section 67 gives a power of converting the dues of a superior landowner, when leviable in kind or cash of varying quantity or amount, into a fixed percentage on the land-revenue. This authority existed prior to the enactment of the present law, and, in a case of some importance which recently came under consideration and was adjusted by compromise in the manner provided for in this section, the absence of this authority caused serious embarassment both to the Revenue-officers and to those who were liable for the revenue.

CHAPTER VI.—COLLECTION OF LAND-REVENUE.

No very material change has been made in this Chapter in the law relating to the recovery of arrears, but in drafting the sections which deal with this subject an attempt has been made to set forth the several processes which can be resorted to for this purpose and their results in as simple a form as possible. The following are the principal alterations made:—(*a*) the period during which a defaulter may be imprisoned has been reduced by section 78 from one year to one month; (*b*) the exemptions from attachment and sale specified in section 266 of the Code of Civil Procedure have been extended by section 79 in the case of revenue defaulters to seed-grain, and to so much of the produce of a defaulter's land as is necessary for the support of himself and his family and the maintenance of his cattle until the harvest next following the execution of the process; (*c*) in order to render the Chapter complete in itself, the procedure for the sale of a defaulter's land, instead of being dealt with, as in the present Act, by reference to the sections of the Code of Civil Procedure relating to the sale of immoveable property, has been set out in full by the incorporation of those sections, with some necessary modifications, in the Bill.

CHAPTER VII.—RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

This Chapter contains provisions for the recovery as arrears of land-revenue of sums due to headmen and other village-officers, and of a number of items of miscellaneous revenue. Almost all that is new in this Chapter is taken from the Revenue and Rent Acts of other provinces.

CHAPTER VIII.—VILLAGE WASTE-LANDS.

The provisions of this Chapter are altogether new, but their general policy is believed to be entirely in accordance with the views of the Government of India. They have been framed with the object of securing in suitable estates the management of a portion of the waste-land for the production of timber, fuel and fodder. The area to be so treated is not to exceed one-fifth of the waste, and power is taken by section 110 to make rules for its management on the part of the landowners. Both the order directing that certain areas shall be reserved for these purposes and the rules for their management will be issued by the Local Government, and provision is made that, before the issue of any such order, objections shall be invited and considered.

CHAPTER IX.—SURVEYS AND BOUNDARIES.

This Chapter contains the usual provisions for facilitating the survey of land for revenue purposes. Similar provisions are to be found in all the Land-revenue Acts of other provinces of Upper India, and these do not therefore seem to call for special notice. Some of the remedies for failure on the part of the landowners to erect and maintain boundary-marks, and the penalties for wilfully destroying, injuring or removing such marks after they have been set up, are of a summary nature, the object being to avoid the necessity for the institution of criminal proceedings except where really required by the gravity of the case.

CHAPTER X.—SUPPLEMENTAL PROVISIONS.

This Chapter deals with matters for which provision could not conveniently be made in other parts of the Bill. Of these the following are the most important. The first is that contained in sections 126 and 127. So long as civil, criminal and revenue jurisdiction was vested in the same officers, the subordinate revenue establishments, from the Tahsildars downwards, were at the disposal of the Courts for the execution of processes relating to land and its produce. But civil and revenue jurisdiction now vests, for the most part, in separate officers; and consequently the officers presiding over Civil Courts have no longer at their command any organized agency by which those processes can be executed. The object of these sections is to supply this deficiency by continuing the practice which existed before the passing of the Courts Act of 1884. By them the orders of Civil Courts relating to land and the rents and produce thereof will, as before, be executed by the Revenue-officers and their establishments, and the necessity for creating a separate agency for this purpose will be avoided.

By another section (128) the same power is given to a Revenue-officer, in cases of dispute, of dividing produce between co-sharers, as that which has always been possessed by him for the division of produce between landlord and tenant.

Section 129 confers the powers to make rules which are necessary for the proper working of the Act, and section 132 defines the matters in regard to which the jurisdiction of the Civil Courts will be barred. No material change has been made in respect of either of these subjects.

In section 133 provision has been made to meet the uncertainties attaching to jurisdiction in cases relating to alluvial lands on the larger rivers where they form the boundary between districts.

Lastly, section 134 declares that all records and papers which a village-officer is required by law to prepare and keep shall be the property of Government, and makes suitable provision for their production and proof. The object of this section is to render unnecessary the inconvenient practice of summoning patwáris merely for the purpose of proving the authenticity of papers prepared or kept by them.

The 12th July, 1886.

W. G. DAVIES.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 21, 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 14th July, 1886, and was referred to a Select Committee on the 11th August, 1886:—

No. 15 OF 1886.

A Bill to declare the law in force in Upper Burma.

WHEREAS the territories which were formerly governed by King Thebaw have become part of British India;

And whereas it is expedient to declare the law in force in those territories, and for this purpose to distinguish between those territories and the territories which were under the administration of the Chief Commissioner of British Burma on the thirty-first day of December, 1885;

It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the Upper Burma Laws Act, 1886; and it shall come into force at once.

Constitution of Province of Burma.

2. (*1*) The following territories shall constitute a province to be known as Burma, namely:—

(*a*) the territories formerly governed by King Thebaw, which shall be known as "Upper Burma"; and

(*b*) the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885, which shall be known as "Lower Burma."

(*2*) The Local Government, with the previous sanction of the Governor-General in Council, may from time to time, by notification in the official Gazette, transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and from that date the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(*3*) When any portion of Upper Burma is transferred to Lower Burma, the Scheduled Districts Act, 1874, shall, unless the Governor-General in Council otherwise directs, continue to be in force therein. XIV of 1874

(*4*) When any portion of Lower Burma is transferred to Upper Burma, the Governor-General in Council may direct that that Act shall apply thereto.

Construction of expression "British Burma" in existing enactments.

3. Where in any enactment in force at the passing of this Act the expression "British Burma" occurs, it shall be construed as referring to Lower Burma.

Repeal of enactments.

4. The enactments specified in the first schedule to this Act, having been rendered unnecessary by the incorporation of Upper Burma in British India, are repealed to the extent mentioned in the third column of the schedule.

Law in force in Upper Burma.

5. (*1*) So much of each of the enactments specified in the second schedule to this Act as is at the passing of this Act in force in any part of Lower Burma which is not included in a scheduled district as defined in the Scheduled Districts Act, 1874, shall be deemed to be in force in Upper Burma generally, or in the district of Mandalay only, according as the enactment is specified in the First or Second Part of the schedule. XIV of 1874.

(2) An enactment not specified in that schedule shall not be deemed to be or to have been in force in Upper Burma or in any part of Upper Burma unless it is expressed, by special mention of Upper Burma or a part of Upper Burma, to extend thereto, or after the passing of this Act is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

XIV of 1874.

(3) The Local Government may, from time to time, with the previous sanction of the Governor-General in Council, by notification in the official Gazette, declare that any enactment which is specified in that schedule or which may hereafter be extended in exercise of any such powers as aforesaid, shall no longer be in force in Upper Burma.

Modification of certain Acts in force in Upper Burma.

6. The following enactments specified in the second schedule to this Act shall, in Upper Burma, be read subject to the following modifications, namely :—

(*a*) in Act VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*), for the last sixteen words of section 4, the words "or of any person or property exempted by order of the Local Government from payment of tolls" shall be substituted ;

(*b*) in Act V of 1861 (*an Act for the Regulation of Police*), to section 2 the words "All Myothugyis and Thugyis for the time being holding office shall be police-officers, and shall be deemed to have been formally enrolled under this Act" shall be added ; and

(*c*) in Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*), after section 5 the sections and schedule in the third schedule to this Act shall be added.

[See Zanzibar Order in Council, Part III, Art. 8, cl. (*d*) (i).]

Power for Courts to construe enactments with necessary alterations.

7. For the purpose of facilitating the application of any enactment for the time being in force in Upper Burma, any Court in Upper Burma may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

[cf. Act XXXIV of 1860, s. 2, & Act XX of 1876, s. 3.]

Validation of acts done after 17th November, 1885.

8. All acts of executive authority, proceedings, decrees and sentences, which have been done, taken or passed in Upper Burma since the seventeenth day of November, 1885, and before the passing of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Local Government, shall be as valid and operative as if they had been done, taken or passed in accordance with law ; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before passing of this Act.

9. All rules, orders or instructions made or issued after the seventeenth day of November, 1885, and before the passing of this Act for the guidance of officers engaged in the administration of Upper Burma shall be deemed to have had the force of law, and shall, so far as they are consistent with this Act, continue to have the force of law until they are withdrawn, or are superseded by any Act of the Governor-General in Council, or by any Regulation under the Statute 33 Victoria, chapter 3, or by any enactment extended to Upper Burma, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

THE FIRST SCHEDULE.

(*See section 4.*)

ENACTMENTS REPEALED.

Number and year.	Subject.	Extent of repeal.
1	2	3
Act XXX of 1854.	An Act to provide for the levy of Duties of Customs in the Arakan, Pegu, Martaban and Tenasserim Provinces.	So much as has not been repealed.
Act IV of 1863.	An Act to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burma.	So much as has not been repealed.
Act XII of 1864.	An Act to give further effect to the provisions of Act IV of 1863.	So much as has not been repealed.
Act XXIII of 1872.	An Act for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava.	The whole.

THE SECOND SCHEDULE.

(*See section 5.*)

FIRST PART.

Enactments declared in force in Upper Burma generally.

BENGAL REGULATIONS.

Number and year.	Subject.
XI of 1812 ...	Removal of Foreign Emigrants.
III of 1818 ...	State Prisoners.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*contd.*

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year.	Subject.
V of 1843 ...	Slavery.
XVIII of 1850 ...	Protection of Judicial Officers.
XIX of 1850 (except s. 24).	Apprentices.
XXXIV of 1850 ...	State Prisoners.
XXXVII of 1850 ...	Inquiries into behaviour of Public Servants.
VIII of 1851 ...	Tolls on Roads and Bridges.
XXX of 1852 ...	Naturalization of Aliens.
II of 1853 ...	Burdens on Land.
XII of 1855 ...	Executors and Administrators.
XIII of 1855 ...	Compensation for death caused by actionable wrong.
XI of 1857 ...	State Offences.
III of 1858 (s. 5) ...	State Prisoners.
XXXV of 1858 ...	Lunatics.
XXXVI of 1858 ...	Lunatic Asylums.
IX of 1859 (except s. 18, last para.).	Forfeited Property.
XV of 1859 ...	Inventions.
IX of 1860 ...	Disputes between Workmen and Employers.
XXVII of 1860 (except s. 6 and s. 24, last clause).	Collection of Debts on Successions.
XLV of 1860 ...	Penal Code.
V of 1861 ...	Police.
III of 1864 ...	Foreigners.
VI of 1864 (except s. 6).	Whipping.
III of 1865 ...	Carriers.
X of 1865 ...	Succession.
XIV of 1866 ...	Post Office.
III of 1867 ...	Public Gambling.
XXV of 1867 ...	Printing-Presses and Newspapers.
XXXII of 1867 ...	Chief Commissioners' Powers.
I of 1868 ...	General Clauses.
IV of 1869 ...	Divorce.
V of 1869 ...	Indian Articles of War.
XV of 1869 ...	Prisoners' Testimony.
XX of 1869 ...	Volunteers.
XXIII of 1870 ...	Coinage.
XXVI of 1870 ...	Prisons.
XXVII of 1870 ...	Penal Code Amendment.
I of 1871 ...	Cattle-trespass.
V of 1871 ...	Prisoners.
XXIII of 1871 ...	Pensions.
I of 1872 ...	Evidence.
XIII of 1872 ...	Patterns and Designs.
XV of 1872 ...	Christian Marriage.
XVIII of 1872 ...	Evidence Act Amendment.
XIX of 1872 ...	Penal Code Amendment.
II of 1873 ...	Burma Ferries.
X of 1873 ...	Oaths.
XIV of 1873 ...	Lunatic Soldiers.
IV of 1874 ...	Foreign Recruiting.
IX of 1874 ...	European Vagrancy.
XIV of 1874 ...	Scheduled Districts.
V of 1875 ...	Native Soldiers.
IX of 1875 ...	Majority.

THE SECOND SCHEDULE—*concld.*

FIRST PART—*concld.*

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*concld.*

Number and year.	Subject.
XIII of 1875 ...	Probates.
XIX of 1876 (except s. 12).	Dramatic Performances.
II of 1877 ...	Probates.
XI of 1877 ...	Military Lunatics.
XV of 1877 ...	Limitation.
VI of 1878 ...	Treasure Trove.
XI of 1878 (except ss. 9 and 30).	Arms.
III of 1879 (ss. 2, 4 and 8). ...	Destruction of Records.
IV of 1879 ...	Railways.
XXI of 1879 ...	Extradition.
III of 1880 ...	Cantonments.
III of 1882 (s. 3) ...	Seditious Publications.
VIII of 1882 ...	Penal Code Amendment.
IX of 1882 ...	Prisoners Act Amendment.
XX of 1882 ...	Paper Currency.
IV of 1883 ...	Railways.
XVI of 1884 ...	Burma Gaming.
XIII of 1885 ...	Telegraphs.
X of 1886 (ss. 21-25, both inclusive).	Penal Code and Prisoners' Act Amendment.
XIII of 1886 ...	Securities.

SECOND PART.

Enactments declared in force in the Mandalay District only.

Number and year.	Subject.
IX of 1872 ...	Contracts.
I of 1877 ...	Specific Relief.
V of 1881 ...	Probate and Administration.
XXVI of 1881 ...	Negotiable Instruments.
II of 1885 ...	Negotiable Instruments Act Amendment.
IV of 1886 ...	Contract Act Amendment.

THE THIRD SCHEDULE.

(*See section 6, cl.* (*c*).)

ADDITION TO THE WHIPPING ACT.

"6. (*1*) Notwithstanding anything in the foregoing sections of this Act, a person convicted of an offence specified in the schedule to this Act, or of any offence which the Local Government, with the previous sanction of the Governor-General in Council, may add to that schedule, may be punished with whipping, either in lieu of, or in addition to, any other punishment to which he may be liable.

"(*2*) The Local Government may at any time suspend the operation of this section in whole or in part in any district or part of a district, and, with the previous sanction of the Governor-General in Council, remove the suspension of its operation.

THE THIRD SCHEDULE—*contd.*

"7. Sections 390 to 395 (both inclusive) of the Code of Criminal Procedure, 1882, shall be read as part of this Act."

"THE SCHEDULE.

(See section 6 sub-section (1).)

Section of Indian Penal Code.	Offence.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.
121*A*	Conspiring to commit certain offences against the State.
122	Collecting arms, &c., with the intention of waging war against the Queen.
124*A*	Exciting, or attempting to excite, disaffection.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.

THE THIRD SCHEDULE—*concld.*

Section of Indian Penal Code.	Offence.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire, or explosive substance, with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire, or explosive substance, with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or housebreaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or housebreaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or housebreaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in housebreaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to declare the law in force in the territories of Upper Burma, which were annexed to British India on the 26th of February, 1886.

2. It is proposed to unite those territories in one province with the territories at present known as British Burma, but, as it is not desirable to introduce immediately into the new territories all the law at present in force in British Burma, it is necessary to distinguish between those territories and British Burma. This the Bill accordingly does (section 2) by dividing the province of Burma into two parts—Upper Burma, the lately annexed territories, and Lower Burma, corresponding to the present British Burma. As, however, in consequence of the present boundary having been aligned without regard to the limits of ancient divisions, it may be convenient to transfer some small portions of Upper Burma to Lower Burma, and of Lower Burma to Upper Burma, the Bill confers special power on the Local Government to do this, subject to the sanction of the Governor-General in Council. In order further to prevent any question being raised as to the local application of Acts at present applying to "British Burma," the Bill (section 3) declares that in enactments now in force that expression is to be construed as referring to Lower Burma.

3. Section 4 repeals some Acts which the incorporation of Upper Burma in British India renders it unnecessary to retain on the Statute-book.

4. Section 5 declares the enactments which are to come into force in Upper Burma. These enactments are enumerated in a schedule which has been prepared by the local authorities. This schedule is based primarily on the schedule to the Arakan Hill District Laws Regulation, 1874, but contains some additional laws which appear to be required by the circumstances of Upper Burma. There is also added a second part to the schedule, specifying a few enactments which are to come into force in the Mandalay district only, where a somewhat more elaborate Code of Laws is required than elsewhere. After declaring these enactments to be in force, the section bars the application of all other enactments, but saves any power of extending enactments which may be conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force. Lastly, the section confers on the Local Government a power of withdrawing any enactment which is contained in the schedule or which may hereafter be extended.

5. Section 6 makes certain modifications in Acts VIII of 1851, V of 1861, and VI of 1864, which are considered necessary to adapt them to the peculiar circumstances of Upper Burma, while section 7 permits Courts in Upper Burma, when applying any enactment for the time being in force, to construe it with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court. This provision, which is taken from the Zanzibar Order in Council of 1884, will, it is hoped, in conjunction with the powers conferred on the Local Government by section 6, clause (*c*), of the Scheduled Districts Act, 1874, be sufficient to remove any technical difficulties which might possibly be raised as to the working of any enactment in force in Upper Burma.

6. Section 8 provides an indemnity which seems necessary in order to cover possible cases that might arise with respect to the action of British officers during the reign of martial law or during the absence of all law in Upper Burma.

7. Finally, section 9, following section 25 of the Indian Councils Act, 1861, validates the Instructions to Civil Officers and other directions issued since the occupation of Upper Burma.

The 14th July, 1886.

C. P. ILBERT.

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 11th August, 1886 :—

NO. 16 OF 1886.

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto; It is hereby enacted as follows :—

Short title, local extent and commencement.

1. (*1*) This Act may be called the Suits Valuation Act, 1886; and

(*2*) It shall extend to such local areas, and come into force therein on such dates, as the Governor-General in Council, by notification in the Gazette of India, from time to time directs.

Power for Local Government to make rules to determine value of land for purposes of jurisdiction.

2. (*1*) The Local Government may from time to time, with the previous sanction of the Governor-General in Council, make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (*d*).

(*2*) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of the local area in which this Act is in force in the territories under the administration of the Local Government, and the value so determined may vary from place to place within the local area or part thereof to which the rules apply.

Value of relief sought in certain suits not to exceed value of the land to which those suits relate.

3. Where a suit mentioned in paragraph iv of section 7, or in article 17 of Schedule II, of the Court-fees Act, 1870, relates to land or an interest in land, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest to which the suit relates as determined by the rules made under the last foregoing section.

Ad valorem court-fee value in other suits to be value for purposes of jurisdiction.

4. Where in suits other than those referred to in sections 2 and 3 court-fees are payable *ad valorem* under the Court-fees Act, 1870, the value as determinable for the computation of court-fees shall be the value for purposes of jurisdiction. VII of 1870.

Procedure where objection is taken on appeal that suit was not properly valued for purposes of jurisdiction.

5. (*1*) The objection that a suit was not properly valued for purposes of jurisdiction shall not be entertained by an appellate Court unless the objection was taken in the Court of first instance. [Act XII of 1881, s. 206.]

(*2*) If the objection was taken in the Court of first instance but the appellate Court has before it the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the proper Court. [Act XII of 1881, s. 207.]

(*3*) If the appellate Court has not those materials before it, it shall proceed under the rules applicable to it with respect to the hearing of appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken, it may direct its order either to the Court prescribed in that behalf in those rules or to any Court competent, in its opinion, to entertain the suit; and the objection that the order of the appellate Court was directed to a Court which was not competent to entertain the suit shall not be taken on further appeal. [Act XII of 1881, s. 208.]

(*4*) Nothing in this section shall be construed to affect the provisions of section 28 of the Court-fees Act, 1870. VII of 1870.

Repeal of section 14 of the Madras Civil Courts Act, 1873.

6. On and from the date on which rules under this Act take effect in any part of the territories under the administration of the Governor of Fort Saint George in Council to which the Madras Civil Courts Act, 1873, extends, section 14 of that Act shall be repealed as regards that part: III of 1873

Provided that the repeal of that section shall not affect the jurisdiction of any Court with respect to any suit instituted in that part before the rules take effect therein.

Time and procedure for making rules.

7. (*1*) Rules may be made under this Act at any time after the passing thereof.

(2) A Local Government shall, before making rules under this Act, consult the High Court with respect thereto and publish a draft of the proposed rules in the official Gazette.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Local Government 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 before the Act has come into force in the local area for which the rule has been made or till the expiration of one month after the rule 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 made as required by this section.

STATEMENT OF OBJECTS AND REASONS.

THE principal object of this Bill is to prescribe a simple mode of valuing suits relating to land for the purpose of determining the jurisdiction of the Courts with respect to them. Most of those suits are of course cognizable exclusively by Civil Courts, but some of them, as for instance, suits in the Punjab under section 9 of the Specific Relief Act, may be tried by Revenue Courts.

2. It has been brought to the notice of the Government that, while the Civil Courts Acts of the several Provinces, with the exception of that in force in the Presidency of Madras, prescribe no special rules for fixing the value for jurisdiction of the subject-matter of land-suits, but simply define the limit of the jurisdiction of each grade of Court by the money-value of the subject-matter in suit, thus leaving the market-value to be the strictly legal criterion, a practice has sprung up, generally in the inferior Courts, of accepting, in the absence of any express provision of law to the contrary, the court-fee valuation as laid down in section 7, paragraph v, of Act VII of 1870, for purposes of jurisdiction also.

3. The generally admitted result is that land-suits are undervalued and disposed of by Courts not strictly competent to try them. In order to remedy this state of things the present Bill has been prepared. It empowers (section 2) the Local Government to frame rules, subject to the sanction of the Governor-General in Council, for determining the value of land in the territories under its administration for purposes of jurisdiction in the suits mentioned in section 7, paragraphs v and vi, and paragraph x, clause (*d*), of the Court-fees Act, 1870, namely, suits for possession of land, to enforce a right of pre-emption, and for specific performance of an award relating to land. These rules are to be made after consultation with the High Court; and the Bill provides (section 7) a procedure for the publication of proposed rules, so that the Courts and the public may have an opportunity of preferring any objections which they may have to them before the rules are made. The Bill further declares (section 3) that where a suit mentioned in paragraph iv of section 7, or article 17 of Schedule II, of the Court-fees Act, relates to land, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land to which the suit relates as determined by the rules under the Act.

4. In addition to the foregoing provisions, which relate exclusively to land-suits, section 4 provides that in other suits in which court-fees are payable *ad valorem*, the value for purposes of jurisdiction shall be estimated in accordance with the rules which regulate the value for court-fee purposes.

5. Section 5 of the Bill is taken from sections 206-208 of the North-Western Provinces Rent Act, 1881, and has been inserted at the suggestion of Sir Charles Turner, late Chief Justice of Madras. It lays down a special procedure for cases in which the objection that a suit was not properly valued for purposes of jurisdiction is taken in an appellate Court, an objection which the Bill declares may not be entertained unless it was taken in the Court of first instance.

6. Lastly, the Bill (section 6) repeals section 14 of the Madras Civil Courts Act, 1873, which enacts the rule of valuation which it is the object of this Bill to abolish, namely, the valuation for jurisdiction in the case of land-suits shall be in accordance with the court-fee valuation prescribed by section 7, paragraph v, of the Court-fees Act, 1870. In order, however, to prevent hardship or inconvenience to suitors, it is provided that this repeal shall not affect any suit instituted before the rules under the proposed Act take effect.

The 11th August, 1886.

C. P. ILBERT.

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 11th August, 1886:—

NO. 17 OF 1886.

A Bill to amend the Indian Evidence Act, 1872.

WHEREAS it is expedient that Revenue-officers should not be compelled to say whence they obtain information with respect to offences against the public revenue; It is hereby enacted as follows:—

1. The following section shall be substituted for section 125 of the Indian Evidence Act, 1872, namely:— I of 1872.

New section substituted for section 125 of the Evidence Act.

"125. (1) No Magistrate, Police-officer or Revenue-officer shall be compelled to say whence he got any information as to the commission of any offence.

Information as to commission of offences.

(2) 'Revenue-officer' in this section means any officer employed in or about the business of any branch of the public revenue." [Act X, 1876, s. 3.]

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to prevent officers of any department concerned with any branch of the public revenue from being compelled to say whence they got any information as to the commission of any offence.

In England not only is it the case that witnesses may not be compelled to disclose, but they are not even permitted to be asked, the names of those from whom they receive information as to frauds on the revenue (*Russell on Crimes and Misdemeanours*, Fifth Edition, III, 553). The law on the subject is further stated in Bell's *Laws of Excise* as follows:—

"It is a rule of evidence applicable to criminal cases, and the same rule has always been held to apply to penal informations at the suit of the revenue, that a witness is not permitted to disclose privileged communications brought to his knowledge for the furtherance of justice. 'This is not the privilege of the witness, but may be justly called a public privilege, and is observed on a principle of public policy and from regard to public interests' (1 *Phil. Ev.* 272). Hence 'those questions which tend to the discovery of the channels by which the disclosure was made to the officers of justice, are not permitted to be asked' (*Rex* v. *Hardy*, 24 Howell's S. T. 753—Eyre, L. C. J.). 'If the name of the informer were to be disclosed, no man would make a discovery, and public justice would be defeated' (*Id.*, p. 814—Buller, J.). In the case of *Attorney-General* v. *Bryant* it was held that a witness for the Crown could not be asked 'Did you give the information?' (15 M. & W. 169)."

It cannot be ascertained from the records of the Legislative Department why the English law with respect to the disclosure by Revenue-officers of the source of information as to the commission of offences against the revenue was not incorporated in the Indian Evidence Act, 1872. The omission has caused much inconvenience, and is even said to be seriously impairing the efficiency of the Excise and Salt Departments in the Presidency of Bombay.

C. P. ILBERT.

The 11th August, 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 18th August, 1886:—

No. 18 OF 1886.

A Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879.
XXIII of 1881.
XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word "Ahmadnagar", namely:—

"but may from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay."

Addition to section 2.

4. To section 2 the following shall be added, namely:—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease."

Amendment of section 12.

5. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire" the following shall be substituted, namely:—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

6. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold" the following shall be substituted, namely:—

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

Addition to section 40.

7. To section 40 the following shall be added, namely:—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code."

XLV of 1860.

Addition to proviso to section 56.

8. To the proviso to section 56 the following shall be added, namely :—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act."

III of 1877.

Amendment of, and addition to, section 58.

9. *(1)* For the second paragraph of section 58 the following shall be substituted, namely :—

"As soon as all the intending executants have executed any instrument under section 57, the Village-Registrar shall register it by entering in his register an abstract of it in such manner and with such particulars as the Inspector General of Registration may, from time to time, with the previous sanction of the Local Government, prescribe, and shall then deliver the instrument to the party entitled to the custody of it."

(2) In the third paragraph of the same section, the words "and each such copy" are repealed.

(3) After the same section the following shall be added, namely :—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter and section to follow Chapter VIII and section 63.

10. After Chapter VIII and section 63 the following shall be inserted, namely :—

"CHAPTER VIII A.

"REGISTRATION UNDER THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

III of 1877.

"63A. *(1)* When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877.

III of 1877.

"(2) An instrument to which sub-section (1) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section."

Amendment of section 72.

11. *(1)* In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause (*w*)," shall be substituted.

(2) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(3) For the proviso to the same section the following shall be substituted, namely :—

"Provided that nothing in this section shall—

"(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist; or

"(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make in the Dekkhan Agriculturists' Relief Act, 1879, certain amendments suggested by a report on the working of the Act and by the further experience gained during the four years which have elapsed since the Act last underwent revision.

2. By section 3 of the Bill it is proposed to empower the Local Government, with the previous sanction of the Governor-General in Council, to extend the Act wholly or in part to any district in the Presidency of Bombay. The effect of this provision will be to render it unnecessary for the Council of the Governor-General to undertake legislation whenever it may be deemed expedient to extend to any district either the whole of the Act or any particular provisions of it, such as those requiring the history of transactions with agriculturist-debtors to be investigated or those relating to the mode of taking accounts.

3. By section 4 the expression "lease" is defined as in the Indian Registration Act, 1877. The insertion of this definition in section 2 of the Act is deemed desirable because in section 56 the word "lease" must be taken to mean a kabuliyat or undertaking to cultivate or occupy rather than a lease in its ordinary sense.

4. Section 5 has been introduced, on the recommendation of the Special Judge, for reasons which are stated as follows :—

"Section 7 of the Act merely makes the examination of the defendant compulsory in all suits under Chapter II, which includes even non-agriculturist suits; but sections 12-14 apply to many suits which affect agriculturists only and do not fall under Chapter II, and it is even more important that the defendant should be examined as a witness in such suits than in many of the suits to which Chapter II applies. The defendant is generally the debtor, but in redemption-suits it is the plaintiff who is the debtor, and it is his examination that is most necessary. It is moreover almost impossible for the Courts to investigate the past history of an old debt in a satisfactory manner without examining both creditor and debtor as witnesses. Again, unless a provision against *ex parte* decrees be inserted in Chapter III, it will not be possible to guard against *ex parte* decrees in other districts to which the Act may hereafter be extended without also extending the other provisions of Chapter II at the same time."

5. Standing crops are usually the legitimate security for an advance for the purposes of cultivation. It is proposed, therefore, by section 6 of the Bill, to make the standing crops of an agriculturist liable to be taken in execution of a decree even though they have not been specifically mortgaged for the repayment of the debt to which the decree relates.

6. The proposal to confer on Conciliators the power to require the attendance of persons against whom applications are made under section 39 of the Act was negatived by the Council of the Governor-General in 1882. The Government of Bombay has now urged the reconsideration of the proposal on the ground that the present law deprives the Conciliator in a large proportion of cases of all chance of exercising his functions. The statistics of late years fully support this view, while they prove that, where parties have attended before Conciliators, conciliation has been annually more and more successful. It is proposed, therefore, by section 7 of the Bill, to empower selected Conciliators not only to invite, but to require, the attendance before them of persons against whom applications are made.

7. Sections 8, 9 and 10 of the Bill modify those provisions of the existing law which relate to registration, by requiring documents of which the registration is compulsory under the Indian Registration Act, 1877, to be registered by Registering-officers appointed under that Act instead of by Village-Registrars appointed under the Dekkhan Agriculturists' Relief Act, 1879. But Registering-officers under the former Act are, where the executants of those documents are agriculturists, to observe the procedure prescribed for observance by Village-Registrars under the latter Act. Village-Registrars are to continue to register documents of which the registration is not compulsory under the Indian Registration Act, 1877. They are, however, to be relieved of much of the clerical labour imposed on them by the existing law. Instead of making at least two copies of the documents which they register, they are to enter in their registers, in such form as may be prescribed, abstracts only of the documents; and provision is made for granting copies of the abstracts free of charge, and for the admission of the copies as evidence of the contents of the documents.

8. The reasons for the amendments which it is proposed by section 11 of the Bill to make in section 72 of the Act are stated by the Special Judge as follows :—

"The words 'not being merely a surety for the principal debtor' were introduced by Act XXIII of 1881, in order to prevent the anomaly of the agriculturist surety of a non-agriculturist principal being held liable for a debt, after such debt has become time-barred as against his principal; but the amendment has itself produced a converse anomaly, namely, that, when principal and surety are both of them agriculturists, the extended period of limitation applies to the principal and not to the surety. As soon as the recent decisions to this effect become generally known, the result will be that even the principal debtor will lose the supposed benefit of the extended period of limitation, because few creditors will care to wait for the extended period when such waiting will deprive them of their remedy against the surety. I may mention here that the expression *suits under this Act* at the beginning of section 72 is objectionable, because there are no suits properly speaking under the Act. I think the words should be *suits of the description mentioned in section 3, clause* (*w*). This would include all suits on bonds, khatas, written acknowledgments, and the like, and would exclude suits for rent, suits for damages, &c., to which there is no necessity of applying a special law of limitation."

The 18th August, 1886.

T. C. HOPE.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 28, 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 14th July, 1886, and was referred to a Select Committee on the 11th August, 1886:—

NO. 15 OF 1886.

A Bill to declare the law in force in Upper Burma.

WHEREAS the territories which were formerly governed by King Thebaw have become part of British India;

And whereas it is expedient to declare the law in force in those territories, and for this purpose to distinguish between those territories and the territories which were under the administration of the Chief Commissioner of British Burma on the thirty-first day of December, 1885;

It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the Upper Burma Laws Act, 1886; and it shall come into force at once.

Constitution of Province of Burma.

2. (*1*) The following territories shall constitute a province to be known as Burma, namely:—

(*a*) the territories formerly governed by King Thebaw, which shall be known as "Upper Burma"; and

(*b*) the territories administered by the Chief Commissioner of British Burma on the thirty-first day of December, 1885, which shall be known as "Lower Burma."

(*2*) The Local Government, with the previous sanction of the Governor-General in Council, may from time to time, by notification in the official Gazette, transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and from that date the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(*3*) When any portion of Upper Burma is transferred to Lower Burma, the Scheduled Districts Act, 1874, shall, unless the Governor-General in Council otherwise directs, continue to be in force therein. XIV of 1874.

(*4*) When any portion of Lower Burma is transferred to Upper Burma, the Governor-General in Council may direct that that Act shall apply thereto.

Construction of expression "British Burma" in existing enactments.

3. Where in any enactment in force at the passing of this Act the expression "British Burma" occurs, it shall be construed as referring to Lower Burma.

Repeal of enactments.

4. The enactments specified in the first schedule to this Act, having been rendered unnecessary by the incorporation of Upper Burma in British India, are repealed to the extent mentioned in the third column of the schedule.

Law in force in Upper Burma.

5. (*1*) So much of each of the enactments specified in the second schedule to this Act as is at the passing of this Act in force in any part of Lower Burma which is not included in a scheduled district as defined in the Scheduled Districts Act, 1874, shall be deemed to be in force in Upper Burma generally, or in the district of Mandalay only, according as the enactment is specified in the First or Second Part of the schedule. XIV of 1874.

(2) An enactment not specified in that schedule shall not be deemed to be or to have been in force in Upper Burma or in any part of Upper Burma unless it is expressed, by special mention of Upper Burma or a part of Upper Burma, to extend thereto, or after the passing of this Act is extended thereto in exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

XIV of 1874.

(3) The Local Government may, from time to time, with the previous sanction of the Governor-General in Council, by notification in the official Gazette, declare that any enactment which is specified in that schedule or which may hereafter be extended in exercise of any such powers as aforesaid, shall no longer be in force in Upper Burma.

Modification of certain Acts in force in Upper Burma.

6. The following enactments specified in the second schedule to this Act shall, in Upper Burma, be read subject to the following modifications, namely :—

(*a*) in Act VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*), for the last sixteen words of section 4, the words "or of any person or property exempted by order of the Local Government from payment of tolls" shall be substituted ;

(*b*) in Act V of 1861 (*an Act for the Regulation of Police*), to section 2 the words "All Myothugyis and Thugyis for the time being holding office shall be police-officers, and shall be deemed to have been formally enrolled under this Act" shall be added ; and

(*c*) in Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*), after section 5 the sections and schedule in the third schedule to this Act shall be added.

[See Zanzibar Order in Council, Part III, Art. 8, cl. (*d*) (i).]

Power for Courts to construe enactments with necessary alterations.

7. For the purpose of facilitating the application of any enactment for the time being in force in Upper Burma, any Court in Upper Burma may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

[cf. Act XXXIV of 1860, s. 2, & Act XX of 1876, s. 3.]

Validation of acts done after 17th November, 1885.

8. All acts of executive authority, proceedings, decrees and sentences, which have been done, taken or passed in Upper Burma since the seventeenth day of November, 1885, and before the passing of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Local Government, shall be as valid and operative as if they had been done, taken or passed in accordance with law ; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

Validation of rules made before passing of this Act.

9. All rules, orders or instructions made or issued after the seventeenth day of November, 1885, and before the passing of this Act for the guidance of officers engaged in the administration of Upper Burma shall be deemed to have had the force of law, and shall, so far as they are consistent with this Act, continue to have the force of law until they are withdrawn, or are superseded by any Act of the Governor-General in Council, or by any Regulation under the Statute 33 Victoria, chapter 3, or by any enactment extended to Upper Burma, or by any rules, orders or instructions made or issued under any such Act, Regulation or enactment.

THE FIRST SCHEDULE.

(*See section 4.*)

ENACTMENTS REPEALED.

Number and year.	Subject.	Extent of repeal.
1	2	3
Act XXX of 1854.	An Act to provide for the levy of Duties of Customs in the Arakan, Pegu, Martaban and Tenasserim Provinces.	So much as has not been repealed.
Act IV of 1863.	An Act to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burma.	So much as has not been repealed.
Act XII of 1864.	An Act to give further effect to the provisions of Act IV of 1863.	So much as has not been repealed.
Act XXIII of 1872.	An Act for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava.	The whole.

THE SECOND SCHEDULE.

(*See section 5.*)

FIRST PART.

Enactments declared in force in Upper Burma generally.

BENGAL REGULATIONS.

Number and year.	Subject.
XI of 1812 ...	Removal of Foreign Emigrants.
III of 1818 ...	State Prisoners.

THE SECOND SCHEDULE—*contd.*

FIRST PART—*contd.*

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year.	Subject.
V of 1843 ...	Slavery.
XVIII of 1850 ...	Protection of Judicial Officers.
XIX of 1850 (except s. 24).	Apprentices.
XXXIV of 1850 ...	State Prisoners.
XXXVII of 1850 ...	Inquiries into behaviour of Public Servants.
VIII of 1851 ...	Tolls on Roads and Bridges.
XXX of 1852 ...	Naturalization of Aliens.
II of 1853 ...	Burdens on Land.
XII of 1855 ...	Executors and Administrators.
XIII of 1855 ...	Compensation for death caused by actionable wrong.
XI of 1857 ...	State Offences.
III of 1858 (s. 5) ...	State Prisoners.
XXXV of 1858 ...	Lunatics.
XXXVI of 1858 ...	Lunatic Asylums.
IX of 1859 (except s. 18, last para.).	Forfeited Property.
XV of 1859 ...	Inventions.
IX of 1860 ...	Disputes between Workmen and Employers.
XXVII of 1860 (except s. 6 and s. 24, last clause).	Collection of Debts on Successions.
XLV of 1860 ...	Penal Code.
V of 1861 ...	Police.
III of 1864 ...	Foreigners.
VI of 1864 (except s. 6).	Whipping.
III of 1865 ...	Carriers.
X of 1865 ...	Succession.
XIV of 1866 ...	Post Office.
III of 1867 ...	Public Gambling.
XXV of 1867 ...	Printing-Presses and Newspapers.
XXXII of 1867 ...	Chief Commissioners' Powers.
I of 1868 ...	General Clauses.
IV of 1869 ...	Divorce.
V of 1869 ...	Indian Articles of War.
XV of 1869 ...	Prisoners' Testimony.
XX of 1869 ...	Volunteers.
XXIII of 1870 ...	Coinage.
XXVI of 1870 ...	Prisons.
XXVII of 1870 ...	Penal Code Amendment.
I of 1871 ...	Cattle-trespass.
V of 1871 ...	Prisoners.
XXIII of 1871 ...	Pensions.
I of 1872 ...	Evidence.
XIII of 1872 ...	Patterns and Designs.
XV of 1872 ...	Christian Marriage.
XVIII of 1872 ...	Evidence Act Amendment.
XIX of 1872 ...	Penal Code Amendment.
II of 1873 ...	Burma Ferries.
X of 1873 ...	Oaths.
XIV of 1873 ...	Lunatic Soldiers.
IV of 1874 ...	Foreign Recruiting.
IX of 1874 ...	European Vagrancy.
XIV of 1874 ...	Scheduled Districts.
V of 1875 ...	Native Soldiers.
IX of 1875 ...	Majority.

THE SECOND SCHEDULE—*concld.*

FIRST PART—*concld.*

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*concld.*

Number and year.	Subject.
XIII of 1875 ...	Probates.
XIX of 1876 (except s. 12).	Dramatic Performances.
II of 1877 ...	Probates.
XI of 1877 ...	Military Lunatics.
XV of 1877 ...	Limitation.
VI of 1878 ...	Treasure Trove.
XI of 1878 (except ss. 9 and 30).	Arms.
III of 1879 (ss. 2, 4 and 8). ...	Destruction of Records.
IV of 1879 ...	Railways.
XXI of 1879 ...	Extradition.
III of 1880 ...	Cantonments.
III of 1882 (s. 3) ...	Seditious Publications.
VIII of 1882 ...	Penal Code Amendment.
IX of 1882 ...	Prisoners Act Amendment.
XX of 1882 ...	Paper Currency.
IV of 1883 ...	Railways.
XVI of 1884 ...	Burma Gaming.
XIII of 1885 ...	Telegraphs.
X of 1886 (ss. 21-25, both inclusive).	Penal Code and Prisoners' Act Amendment.
XIII of 1886 ...	Securities.

SECOND PART.

Enactments declared in force in the Mandalay District only.

Number and year.	Subject.
IX of 1872 ...	Contracts.
I of 1877 ...	Specific Relief.
V of 1881 ...	Probate and Administration.
XXVI of 1881 ...	Negotiable Instruments.
II of 1885 ...	Negotiable Instruments Act Amendment.
IV of 1886 ...	Contract Act Amendment.

THE THIRD SCHEDULE.

(*See section 6, cl. (c).*)

ADDITION TO THE WHIPPING ACT.

"6. (*1*) Notwithstanding anything in the foregoing sections of this Act, a person convicted of an offence specified in the schedule to this Act, or of any offence which the Local Government, with the previous sanction of the Governor-General in Council, may add to that schedule, may be punished with whipping, either in lieu of, or in addition to, any other punishment to which he may be liable.

"(*2*) The Local Government may at any time suspend the operation of this section in whole or in part in any district or part of a district, and, with the previous sanction of the Governor-General in Council, remove the suspension of its operation.

THE THIRD SCHEDULE—*contd.*

X of 1882. "7. Sections 390 to 395 (both inclusive) of the Code of Criminal Procedure, 1882, shall be read as part of this Act."

"THE SCHEDULE.

(See section 6 sub-section (1).)

Section of Indian Penal Code.	Offence.
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.
121*A*	Conspiring to commit certain offences against the State.
122	Collecting arms, &c., with the intention of waging war against the Queen.
124*A*	Exciting, or attempting to excite, disaffection.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
325	Voluntarily causing grievous hurt.
326	Voluntarily causing grievous hurt by dangerous weapons or means.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.
386	Extortion by putting a person in fear of death or grievous hurt.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.
392	Robbery.
393	Attempt to commit robbery.
394	Person voluntarily causing hurt in committing, or attempting to commit, robbery, or any other person jointly concerned in such robbery.

THE THIRD SCHEDULE—*concld.*

Section of Indian Penal Code.	Offence.
395	Dacoity.
396	Murder in dacoity.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.
399	Making preparation to commit dacoity.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.
402	Being one of five or more persons assembled for the purpose of committing dacoity.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.
435	Mischief by fire, or explosive substance, with intent to cause damage to amount of one hundred rupees or upwards, or, in case of agricultural produce, ten rupees or upwards.
436	Mischief by fire, or explosive substance, with intent to destroy a house, &c.
440	Mischief committed after preparation made for causing death or hurt, &c.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.
459	Grievous hurt caused whilst committing lurking house-trespass or housebreaking.
460	Death or grievous hurt caused by one of several persons jointly concerned in housebreaking by night, &c.
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.
	Abetment of any of the foregoing offences.
	Attempt to commit any of those offences which are not themselves expressed to be attempts to commit offences."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to declare the law in force in the territories of Upper Burma, which were annexed to British India on the 26th of February, 1886.

2. It is proposed to unite those territories in one province with the territories at present known as British Burma, but, as it is not desirable to introduce immediately into the new territories all the law at present in force in British Burma, it is necessary to distinguish between those territories and British Burma. This the Bill accordingly does (section 2) by dividing the province of Burma into two parts—Upper Burma, the lately annexed territories, and Lower Burma, corresponding to the present British Burma. As, however, in consequence of the present boundary having been aligned without regard to the limits of ancient divisions, it may be convenient to transfer some small portions of Upper Burma to Lower Burma, and of Lower Burma to Upper Burma, the Bill confers special power on the Local Government to do this, subject to the sanction of the Governor-General in Council. In order further to prevent any question being raised as to the local application of Acts at present applying to "British Burma," the Bill (section 3) declares that in enactments now in force that expression is to be construed as referring to Lower Burma.

3. Section 4 repeals some Acts which the incorporation of Upper Burma in British India renders it unnecessary to retain on the Statute-book.

4. Section 5 declares the enactments which are to come into force in Upper Burma. These enactments are enumerated in a schedule which has been prepared by the local authorities. This schedule is based primarily on the schedule to the Arakan Hill District Laws Regulation, 1874, but contains some additional laws which appear to be required by the circumstances of Upper Burma. There is also added a second part to the schedule, specifying a few enactments which are to come into force in the Mandalay district only, where a somewhat more elaborate Code of Laws is required than elsewhere. After declaring these enactments to be in force, the section bars the application of all other enactments, but saves any power of extending enactments which may be conferred by section 5 of the Scheduled Districts Act, 1874, or by any other enactment for the time being in force. Lastly, the section confers on the Local Government a power of withdrawing any enactment which is contained in the schedule or which may hereafter be extended.

5. Section 6 makes certain modifications in Acts VIII of 1851, V of 1861, and VI of 1864, which are considered necessary to adapt them to the peculiar circumstances of Upper Burma, while section 7 permits Courts in Upper Burma, when applying any enactment for the time being in force, to construe it with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court. This provision, which is taken from the Zanzibar Order in Council of 1884, will, it is hoped, in conjunction with the powers conferred on the Local Government by section 6, clause (*c*), of the Scheduled Districts Act, 1874, be sufficient to remove any technical difficulties which might possibly be raised as to the working of any enactment in force in Upper Burma.

6. Section 8 provides an indemnity which seems necessary in order to cover possible cases that might arise with respect to the action of British officers during the reign of martial law or during the absence of all law in Upper Burma.

7. Finally, section 9, following section 25 of the Indian Councils Act, 1861, validates the Instructions to Civil Officers and other directions issued since the occupation of Upper Burma.

The 14th July, 1886.

C. P. ILBERT.

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 11th August, 1886:—

No. 16 OF 1886.

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto; It is hereby enacted as follows:—

Short title, local extent and commencement.

1. (*1*) This Act may be called the Suits Valuation Act, 1886; and

(*2*) It shall extend to such local areas, and come into force therein on such dates, as the Governor-General in Council, by notification in the Gazette of India, from time to time directs.

Power for Local Government to make rules to determine value of land for purposes of jurisdiction.

2. (*1*) The Local Government may from time to time, with the previous sanction of the Governor-General in Council, make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (*d*).

(*2*) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of the local area in which this Act is in force in the territories under the administration of the Local Government, and the value so determined may vary from place to place within the local area or part thereof to which the rules apply.

Value of relief sought in certain suits not to exceed value of the land to which those suits relate.

3. Where a suit mentioned in paragraph iv of section 7, or in article 17 of Schedule II, of the Court-fees Act, 1870, relates to land or an interest in land, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest to which the suit relates as determined by the rules made under the last foregoing section.

Ad valorem court-fee value in other suits to be value for purposes of jurisdiction.

4. Where in suits other than those referred to in sections 2 and 3 court-fees are payable *ad valorem* under the Court-fees Act, 1870, the value as determinable for the computation of court-fees shall be the value for purposes of jurisdiction. VII of 1870.

Procedure where objection is taken on appeal that suit was not properly valued for purposes of jurisdiction.

5. (*1*) The objection that a suit was not properly valued for purposes of jurisdiction shall not be entertained by an appellate Court unless the objection was taken in the Court of first instance. [Act XII of 1881, s. 206.]

(*2*) If the objection was taken in the Court of first instance but the appellate Court has before it the materials necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the proper Court. [Act XII of 1881, s. 207.]

(*3*) If the appellate Court has not those materials before it, it shall proceed under the rules applicable to it with respect to the hearing of appeals; but if it remands the suit, or frames and refers issues for trial, or requires additional evidence to be taken, it may direct its order either to the Court prescribed in that behalf in those rules or to any Court competent, in its opinion, to entertain the suit; and the objection that the order of the appellate Court was directed to a Court which was not competent to entertain the suit shall not be taken on further appeal. [Act XII of 1881, s. 208.]

(*4*) Nothing in this section shall be construed to affect the provisions of section 28 of the Court-fees Act, 1870. VII of 1870.

Repeal of section 14 of the Madras Civil Courts Act, 1873.

6. On and from the date on which rules under this Act take effect in any part of the territories under the administration of the Governor of Fort Saint George in Council to which the Madras Civil Courts Act, 1873, extends, section 14 of that Act shall be repealed as regards that part: III of 1873.

Provided that the repeal of that section shall not affect the jurisdiction of any Court with respect to any suit instituted in that part before the rules take effect therein.

Time and procedure for making rules.

7. (*1*) Rules may be made under this Act at any time after the passing thereof.

(2) A Local Government shall, before making rules under this Act, consult the High Court with respect thereto and publish a draft of the proposed rules in the official Gazette.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Local Government 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 before the Act has come into force in the local area for which the rule has been made or till the expiration of one month after the rule 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 made as required by this section.

STATEMENT OF OBJECTS AND REASONS.

THE principal object of this Bill is to prescribe a simple mode of valuing suits relating to land for the purpose of determining the jurisdiction of the Courts with respect to them. Most of those suits are of course cognizable exclusively by Civil Courts, but some of them, as for instance, suits in the Punjab under section 9 of the Specific Relief Act, may be tried by Revenue Courts.

2. It has been brought to the notice of the Government that, while the Civil Courts Acts of the several Provinces, with the exception of that in force in the Presidency of Madras, prescribe no special rules for fixing the value for jurisdiction of the subject-matter of land-suits, but simply define the limit of the jurisdiction of each grade of Court by the money-value of the subject-matter in suit, thus leaving the market-value to be the strictly legal criterion, a practice has sprung up, generally in the inferior Courts, of accepting, in the absence of any express provision of law to the contrary, the court-fee valuation as laid down in section 7, paragraph v, of Act VII of 1870, for purposes of jurisdiction also.

3. The, generally admitted result is that land-suits are undervalued and disposed of by Courts not strictly competent to try them. In order to remedy this state of things the present Bill has been prepared. It empowers (section 2) the Local Government to frame rules, subject to the sanction of the Governor-General in Council, for determining the value of land in the territories under its administration for purposes of jurisdiction in the suits mentioned in section 7, paragraphs v and vi, and paragraph x, clause (*d*), of the Court-fees Act, 1870, namely, suits for possession of land, to enforce a right of pre-emption, and for specific performance of an award relating to land. These rules are to be made after consultation with the High Court; and the Bill provides (section 7) a procedure for the publication of proposed rules, so that the Courts and the public may have an opportunity of preferring any objections which they may have to them before the rules are made. The Bill further declares (section 3) that where a suit mentioned in paragraph iv of section 7, or article 17 of Schedule II, of the Court-fees Act, relates to land, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land to which the suit relates as determined by the rules under the Act.

4. In addition to the foregoing provisions, which relate exclusively to land-suits, section 4 provides that in other suits in which court-fees are payable *ad valorem*, the value for purposes of jurisdiction shall be estimated in accordance with the rules which regulate the value for court-fee purposes.

5. Section 5 of the Bill is taken from sections 206-208 of the North-Western Provinces Rent Act, 1881, and has been inserted at the suggestion of Sir Charles Turner, late Chief Justice of Madras. It lays down a special procedure for cases in which the objection that a suit was not properly valued for purposes of jurisdiction is taken in an appellate Court, an objection which the Bill declares may not be entertained unless it was taken in the Court of first instance.

6. Lastly, the Bill (section 6) repeals section 14 of the Madras Civil Courts Act, 1873, which enacts the rule of valuation which it is the object of this Bill to abolish, namely, the valuation for jurisdiction in the case of land-suits shall be in accordance with the court-fee valuation prescribed by section 7, paragraph v, of the Court-fees Act, 1870. In order, however, to prevent hardship or inconvenience to suitors, it is provided that this repeal shall not affect any suit instituted before the rules under the proposed Act take effect.

The 11th August, 1886.

C. P. ILBERT.

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 11th August, 1886:—

NO. 17 OF 1886.

A Bill to amend the Indian Evidence Act, 1872.

WHEREAS it is expedient that Revenue-officers should not be compelled to say whence they obtain information with respect to offences against the public revenue; It is hereby enacted as follows:—

New section substituted for section 125 of the Evidence Act.

1. The following section shall be substituted for section 125 of the Indian Evidence Act, 1872, namely: 1 of 1872.

Information as to commission of offences.

"125. (1) No Magistrate, Police-officer or Revenue-officer shall be compelled to say whence he got any information as to the commission of any offence.

(2) 'Revenue-officer' in this section means any officer employed in or about the business of any branch of the public revenue." [Act X, 1876, s. 3.]

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to prevent officers of any department concerned with any branch of the public revenue from being compelled to say whence they got any information as to the commission of any offence.

In England not only is it the case that witnesses may not be compelled to disclose, but they are not even permitted to be asked, the names of those from whom they receive information as to frauds on the revenue (*Russell on Crimes and Misdemeanours*, Fifth Edition, III, 553). The law on the subject is further stated in Bell's *Laws of Excise* as follows:—

"It is a rule of evidence applicable to criminal cases, and the same rule has always been held to apply to penal informations at the suit of the revenue, that a witness is not permitted to disclose privileged communications brought to his knowledge for the furtherance of justice. 'This is not the privilege of the witness, but may be justly called a public privilege, and is observed on a principle of public policy and from regard to public interests' (1 *Phil. Ev.* 272). Hence 'those questions which tend to the discovery of the channels by which the disclosure was made to the officers of justice, are not permitted to be asked' (*Rex* v. *Hardy*, 24 Howell's S. T. 753—Eyre, L. C. J.). 'If the name of the informer were to be disclosed, no man would make a discovery, and public justice would be defeated' (*Id.*, p. 814—Buller, J.). In the case of *Attorney-General* v. *Bryant* it was held that a witness for the Crown could not be asked 'Did you give the information?' (15 M. & W. 169)."

It cannot be ascertained from the records of the Legislative Department why the English law with respect to the disclosure by Revenue-officers of the source of information as to the commission of offences against the revenue was not incorporated in the Indian Evidence Act, 1872. The omission has caused much inconvenience, and is even said to be seriously impairing the efficiency of the Excise and Salt Departments in the Presidency of Bombay.

C. P. ILBERT.

The 11th August, 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 18th August, 1886:—

NO. 18 OF 1886.

A Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879.
XXIII of 1881.
XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word "Ahmadnagar", namely:—

"but may from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay."

Addition to section 2.

4. To section 2 the following shall be added, namely:—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease."

Amendment of section 12.

5. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire" the following shall be substituted, namely:—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

6. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold" the following shall be substituted, namely:—

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

Addition to section 40.

7. To section 40 the following shall be added, namely:—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code."

XLV of 1860.

Addition to proviso to section 56.

8. To the proviso to section 56 the following shall be added, namely :—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act."

III of 1877.

9. *(1)* For the second paragraph of section 58 the following shall be substituted, namely :—

Amendment of, and addition to, section 58.

"As soon as all the intending executants have executed any instrument under section 57, the Village-Registrar shall register it by entering in his register an abstract of it in such manner and with such particulars as the Inspector General of Registration may, from time to time, with the previous sanction of the Local Government, prescribe, and shall then deliver the instrument to the party entitled to the custody of it."

(2) In the third paragraph of the same section, the words "and each such copy" are repealed.

(3) After the same section the following shall be added, namely :—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

10. After Chapter VIII and section 63 the following shall be inserted, namely :—

New chapter and section to follow Chapter VIII and section 63.

"CHAPTER VIII A.

"REGISTRATION UNDER THE INDIAN REGISTRATION ACT, 1877.

"63A. *(1)* When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

III of 1877.

III of 1877

"*(2)* An instrument to which sub-section *(1)* applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section."

11. *(1)* In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause *(w)*," shall be substituted.

Amendment of section 72.

(2) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(3) For the proviso to the same section the following shall be substituted, namely :—

"Provided that nothing in this section shall—

"(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist; or

"(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make in the Dekkhan Agriculturists' Relief Act, 1879, certain amendments suggested by a report on the working of the Act and by the further experience gained during the four years which have elapsed since the Act last underwent revision.

2. By section 3 of the Bill it is proposed to empower the Local Government, with the previous sanction of the Governor-General in Council, to extend the Act wholly or in part to any district in the Presidency of Bombay. The effect of this provision will be to render it unnecessary for the Council of the Governor-General to undertake legislation whenever it may be deemed expedient to extend to any district either the whole of the Act or any particular provisions of it, such as those requiring the history of transactions with agriculturist-debtors to be investigated or those relating to the mode of taking accounts.

3. By section 4 the expression "lease" is defined as in the Indian Registration Act, 1877. The insertion of this definition in section 2 of the Act is deemed desirable because in section 56 the word "lease" must be taken to mean a kabuliyat or undertaking to cultivate or occupy rather than a lease in its ordinary sense.

4. Section 5 has been introduced, on the recommendation of the Special Judge, for reasons which are stated as follows :—

"Section 7 of the Act merely makes the examination of the defendant compulsory in all suits under Chapter II, which includes even non-agriculturist suits; but sections 12-14 apply to many suits which affect agriculturists only and do not fall under Chapter II, and it is even more important that the defendant should be examined as a witness in such suits than in many of the suits to which Chapter II applies. The defendant is generally the debtor, but in redemption-suits it is the plaintiff who is the debtor, and it is his examination that is most necessary. It is moreover almost impossible for the Courts to investigate the past history of an old debt in a satisfactory manner without examining both creditor and debtor as witnesses. Again, unless a provision against *ex parte* decrees be inserted in Chapter III, it will not be possible to guard against *ex parte* decrees in other districts to which the Act may hereafter be extended without also extending the other provisions of Chapter II at the same time."

5. Standing crops are usually the legitimate security for an advance for the purposes of cultivation. It is proposed, therefore, by section 6 of the Bill, to make the standing crops of an agriculturist liable to be taken in execution of a decree even though they have not been specifically mortgaged for the repayment of the debt to which the decree relates.

6. The proposal to confer on Conciliators the power to require the attendance of persons against whom applications are made under section 39 of the Act was negatived by the Council of the Governor-General in 1882. The Government of Bombay has now urged the reconsideration of the proposal on the ground that the present law deprives the Conciliator in a large proportion of cases of all chance of exercising his functions. The statistics of late years fully support this view, while they prove that, where parties have attended before Conciliators, conciliation has been annually more and more successful. It is proposed, therefore, by section 7 of the Bill, to empower selected Conciliators not only to invite, but to require, the attendance before them of persons against whom applications are made.

7. Sections 8, 9 and 10 of the Bill modify those provisions of the existing law which relate to registration, by requiring documents of which the registration is compulsory under the Indian Registration Act, 1877, to be registered by Registering-officers appointed under that Act instead of by Village-Registrars appointed under the Dekkhan Agriculturists' Relief Act, 1879. But Registering-officers under the former Act are, where the executants of those documents are agriculturists, to observe the procedure prescribed for observance by Village-Registrars under the latter Act. Village-Registrars are to continue to register documents of which the registration is not compulsory under the Indian Registration Act, 1877. They are, however, to be relieved of much of the clerical labour imposed on them by the existing law. Instead of making at least two copies of the documents which they register, they are to enter in their registers, in such form as may be prescribed, abstracts only of the documents; and provision is made for granting copies of the abstracts free of charge, and for the admission of the copies as evidence of the contents of the documents.

8. The reasons for the amendments which it is proposed by section 11 of the Bill to make in section 72 of the Act are stated by the Special Judge as follows :—

"The words 'not being merely a surety for the principal debtor' were introduced by Act XXIII of 1881, in order to prevent the anomaly of the agriculturist surety of a non-agriculturist principal being held liable for a debt, after such debt has become time-barred as against his principal; but the amendment has itself produced a converse anomaly, namely, that, when principal and surety are both of them agriculturists, the extended period of limitation applies to the principal and not to the surety. As soon as the recent decisions to this effect become generally known, the result will be that even the principal debtor will lose the supposed benefit of the extended period of limitation, because few creditors will care to wait for the extended period when such waiting will deprive them of their remedy against the surety. I may mention here that the expression *suits under this Act* at the beginning of section 72 is objectionable, because there are no suits properly speaking under the Act. I think the words should be *suits of the description mentioned in section 3, clause (w)*. This would include all suits on bonds, khatas, written acknowledgments, and the like, and would exclude suits for rent, suits for damages, &c., to which there is no necessity of applying a special law of limitation."

The 18th August, 1886.

T. C. HOPE.

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 25th August, 1886:—

No. 19 OF 1886.

A Bill to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. *(1)* This Act may be called the Jhánsí and Morar Act, 1886; and

(2) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the fort and town of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands in the neighbourhood of the town and fort of Jhánsí should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands in that neighbourhood to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government, should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands in the neighbourhood thereof which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district;

XIV of 1874.

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands in the neighbourhood thereof which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or those lands, shall then come into force in the town and fort or those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874.

XIV of 1874.

Validation of acts done since the beginning of March, 1886.

[cf. Act XX of 1876, s. 3.]

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

PART II.

And whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of

XIV of 1882. XVIII of 1867. XII of 1881. the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district; It is hereby further enacted as follows :—

Execution of decrees of Gwalior Courts.

6. (*1*) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

(*2*) The Deputy Commissioner may for any sufficient cause withhold his sanction to the making of the application, or permit the application to be made on any conditions which in the circumstances he deems it proper to impose.

XV of 1877. (*3*) The fact that an application is barred by the Indian Limitation Act, 1877, may be a sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(*4*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

PART III.

And whereas it is expedient that traders and others who were entitled immediately before the cession of the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor-General in Council, and that the period of limitation in these cases should be extended; It is hereby further enacted as follows :—

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

7. (*1*) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 74 and 75 of the second schedule to the Indian Limitation Act, 1877, or to make to any XV of 1877. such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor-General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction.

(*2*) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (*1*) is instituted or made, shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(*3*) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

STATEMENT OF OBJECTS AND REASONS.

1. This Bill is drawn in three Parts.

2. The object of Part I is to incorporate in the Jhánsí district the fort and town of Jhánsí, which were lately ceded by the Mahárájá Scindia to the British Government in exchange for the cantonment of Morar. The town and fort have already been declared by proclamation under the Statute 28 & 29 Vic., c. 17, section 4, to be subject to the Lieutenant-Governorship of the North-Western Provinces, but legislation is required for the annexation of the town and fort to the Jhánsí district, and for the assimilation of the law in force therein to that in force in the district. The provisions necessary to effect these objects are contained in sections 2 and 3 of the Bill, while section 4 makes it clear that the ceded territory will be part of the scheduled district of Jhánsí; and section 5, which is taken from the corresponding provision in the Upper Burma Laws Bill now before the Legislative Council, validates all acts done since the date of the cession and before the commencement of the Act. As negotiations are at present pending for the exchange of certain lands in the neighbourhood of Jhánsí, the provisions of sections 2, 3 and 4 of the Bill are made prospective, so as to cover the lands which may be ceded.

3. The object of Part II is to give effect to certain decrees and orders of the Gwalior Courts which, by reason of cession of territory, have ceased to be enforceable in those Courts.

4. The object of Part III is to afford relief to certain traders and others formerly carrying on business within the cantonment of Morar who had money-claims enforceable in the local Courts at the time of the cession of the cantonment to the Mahárájá. As the British Courts in the cantonment have necessarily been abolished, these persons have now no means of recovering the amounts due to them at Morar, whilst to follow their debtors to the various places to which they have migrated, and proceed against them in the Civil Courts there, would,

in many cases, put the creditors to greater expenses than the amount of the debts due to them. It is proposed, therefore, by section 7 of the Bill that persons who may have been entitled to file suits of certain classes, or applications for or with respect to the execution of decrees in suits of those classes, in a Morar Civil Court at the date of the cession of the cantonment, may file the suits and applications in the Civil Courts at Jhánsí or Agra, or at any other place appointed by the Governor-General in Council in this behalf, and that the Courts having jurisdiction at those places shall dispose of the suits and applications. In order to save debts which might otherwise have become time-barred, the same section declares that in computing the period of limitation for the suits and applications, the time which has elapsed between the date of the cession of the cantonment and the commencement of the Act shall be excluded.

The 25th August, 1886.

C. P. ILBERT.

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 25th August, 1886:—

NO. 20 OF 1886.

THE NATIVE PASSENGER SHIPS BILL, 1886.

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37. Penalty for not obtaining bill of health at Aden.
38. Penalty for excess of number specified in certificate.
39. Penalty for bringing native passengers from foreign port in excess of authorized proportion.
40. Penalty for landing passenger at a place other than that at which he has contracted to land.
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SCHEDULE.—ENACTMENTS REPEALED.

A Bill to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to native passenger ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Native Passenger Ships Act, 1886. — Short title.

[Act VIII, 1876, s. 2.] Extent and application.

2. (*1*) It extends to the whole of British India, and applies—

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;

(*b*) to all native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in sub-section (*2*), to vessels carrying more than thirty passengers being natives of Asia or Africa.

(*2*) But it does not apply—

(i) to any ship-of-war or transport belonging to, or in the service of, Her Majesty, or

(ii) to any ship-of-war belonging to any Foreign Prince or State, or

(iii) to any sailing-vessel not carrying as passengers more than thirty natives of Asia or Africa, or

(iv) to any steamer not carrying as passengers more than sixty such natives, or

(v) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India:

[New.] Provided, with respect to clauses (iii) and (iv) of this sub-section, that the Local Government may, with the previous sanction of the Governor-General in Council, declare all or any of the provisions of this Act to apply to sailing-vessels, or any class of sailing-vessels, carrying as passengers more than fifteen natives of Asia or Africa, and to steamers, or any class of steamers, carrying as passengers more than thirty such natives.

[Act VIII, 1876, s. 3.] Commencement.

3. This Act shall come into force on such day as the Governor-General in Council, by notification in the *Gazette of India* appoints.

[Act VIII, 1876, s. 4.] Repeal.

4. (*1*) On and from that day the enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column thereof.

(*2*) But all ports, places and officers appointed, rules, declarations and exemptions made, bonds executed, directions given and certificates granted under any of those enactments shall, so far as may be, be deemed to be respectively appointed, made, executed, given and granted under this Act; and

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

[Act VIII, 1876, s. 5.] Definitions.

5. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace and, at the Port of Aden, the Resident or an Assistant Resident:

(*2*) "ship" includes every description of vessel used in navigation not propelled by oars:

(*3*) "master" includes every person (other than a pilot) having command or charge of a ship:

(*4*) "passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include either a person in attendance on another person who is not a native of Asia or Africa, or a child under one year of age:

(*5*) "voyage" means the whole distance between the ship's port of departure and her final port of arrival:

(*6*) "long voyage" means any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:

(*7*) "short voyage" means any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is in ordinary circumstances more than five days from the next one. This is a short voyage.

(*8*) "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

The Native Passenger Ships Bill, 1886.
(Chapter II.—Rules for all Voyages.—Sections 6-15.)

CHAPTER II.

RULES FOR ALL VOYAGES.

[Act VIII, 1876, s. 6.] Ships to sail only from ports appointed by the Government.

6. (*1*) A ship carrying passengers shall not depart or proceed from, or discharge passengers at, any port or place within British India other than a port or place appointed in this behalf by the Local Government.

(*2*) After a ship has departed or proceeded upon a voyage from a port or place so appointed, a person shall not be received on board as a passenger except at some other port or place so appointed.

[Act VIII, 1876, s. 7.] Master to give notice of day of sailing.

7. (*1*) The master, owner or agent of a ship so departing or proceeding shall give notice to an officer authorised in this behalf by the Local Government that the ship is to carry native passengers, and of her destination, and of the proposed time of sailing.

(*2*) The notice shall be given not less than twenty-four hours before that time.

[Act VIII, 1876, s. 8.] Power to enter and inspect ship.

8. After receiving the notice, the officer aforesaid, or a person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

[Act VIII, 1876, s. 9.] Ship not to sail without two certificates.

9. (*1*) A ship intended to carry passengers shall not commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(*2*) The officer of the Government whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

[Act VIII, 1876, s. 10.] Contents of certificate A.

10. The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of passengers which she is capable of carrying.

[Act VIII, 1876, s. 11.] Contents of certificate B.

11. The second of the certificates (hereinafter called "certificate B") shall state—

(*a*) the voyage which the ship is to make and the intermediate ports, if any, at which she is to touch;

(*b*) that she has the proper complement of officers and seamen;

(*c*) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules;

[New.]

(*d*) that the master holds certificate A;

(*e*) if the ship is to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather;

(*f*) if she is to sail to any port in the Red Sea, that she is propelled principally by steam and, if she is to carry more than one hundred passengers being natives of Asia or Africa, that she has on board a medical officer licensed in accordance with the rules under this Act; and [Act XVII, 1883, s. 2.]

(*g*) such other particulars, if any, as may be prescribed by those rules.

[Act VIII, 1876, s. 12.] Grant of certificates.

12. The person by whom certificate A and certificate B are to be granted shall be the officer referred to in section 7.

[Act VIII, 1876, s. 13.] Substitute for certificate A.

13. Where the master of a ship produces to that officer either of the following certificates, namely—

(*a*) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(*b*) a certificate granted under the authority of a British Indian Government on a date not more than one year before the proposed day of sailing and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed, [Act VII, 1884, s. 41.]

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

[Act VIII, 1876, s. 14.] Survey of ship.

14. (*1*) After receiving the notice required by section 7, the officer aforesaid may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the voyage which she is to make:

Provided that he shall not cause a ship holding a certificate mentioned in section 13, clause (*a*) or clause (*b*), to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the voyage.

(*2*) If the officer aforesaid causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted and ventilated for the voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for the voyage, the expense of the survey shall be paid by the Local Government.

[Act VIII, 1876, s. 15.] Discretion as to grant of certificate.

15. (*1*) The officer authorized to grant a certificate under this Act in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the passengers.

The Native Passenger Ships Bill, 1886.
(Chapter II.—Rules for all Voyages.—Sections 16-17.—Chapter III.—Rules for short Voyages.—Sections 18-20.—Chapter IV.—Rules for long Voyages.—Sections 21-23.)

(2) But save as aforesaid, and subject to the provisions of sub-section (3), it shall be in the discretion of the officer aforesaid to grant or withhold a certificate under this Act.

[Act VIII, 1876, s. 16.] (3) In the exercise of that discretion that officer shall be subject to the control of the Local Government, and of any intermediate authority which that Government appoints in this behalf.

[Act VIII, 1876, s. 17.] **16.** The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Act in respect of the ship, and shall keep those copies so posted up in that part during the voyage.

Copy of certificates to be exhibited.

[Act VIII, 1876, s. 18, amended.] **17.** If an officer appointed in this behalf by the Local Government is satisfied that a passenger has brought on board a ship for his own use provisions of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, apply so far as regards the supply of provisions for that passenger.

Supply by passengers of their own provisions.

CHAPTER III.

RULES FOR SHORT VOYAGES.

[Act VIII, 1876, s. 19.] **18.** (1) For seasons of fair weather, a ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and six superficial feet available for each upper-deck passenger.

Space to be available for passengers.

(2) For seasons of foul weather, a ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and twelve superficial feet available for each upper-deck passenger.

(3) For seasons of foul weather, a ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

(4) But in seasons of foul weather a ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

[Act VIII, 1876, s. 20.] **19.** If a ship performing a short voyage takes additional passengers on board at an intermediate port or place, the master shall obtain a supplementary certificate from the proper officer at that port, stating—

Ship taking additional passengers at intermediate port.

(a) the number of passengers so taken on board; and

(b) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules:

Provided that, if the certificate B held by the master of the ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the full number of passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate.

[Act VIII, 1876, s. 21.] **20.** When the ship reaches her final port of arrival, the master shall notify, to such officer as the Governor-General in Council appoints in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

Report of deaths on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

[Act VIII, 1876, s. 22.] **21.** (1) A ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

Space to be available for passengers.

(2) A ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

[Act VIII, 1876, s. 23.] **22.** The master of a ship departing or proceeding on a long voyage from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the passengers and the number of the crew, and shall deliver them to the officer appointed under section 20, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

Statement of passengers.

[Act VIII, 1876, s. 24.] **23.** The master shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of

Deaths on voyage.

The Native Passenger Ships Bill, 1886.
(Chapter IV.—Rules for long Voyages.—Sections 24-30.—Chapter V.—Penalties.—Sections 31-33)

arrival if it is a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

[Act VIII, 1876, s. 25.] **24.** (1) In either of the following cases, namely,—

Ship taking additional passengers and touching at intermediate port.

(a) if, after the ship has departed or proceeded on a long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers, or

(b) if the ship upon her voyage touches or arrives at any such port, having previously received on board additional passengers at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the proper officer at that port, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

(2) All the foregoing provisions of this Act in that behalf shall be applicable to any certificate granted or statement made under this section.

[Act XVII, 1883, s. 3.] **25.** In the case of a ship sailing from any port in British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant the clearance unless and until the master, owner or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of Rs. 5,000, conditioned—

Bond where ship clears for port in Red Sea.

(a) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers; and

(b) that the master and medical officer (if any) of the ship shall comply with on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships sailing between ports in British India and ports in the Red Sea as the Governor-General in Council may make under this Act.

[Act VIII, 1876, s. 27, & Act XVII, 1883, s. 4.] **26.** A ship carrying more than sixty passengers being natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea, or from any port in the Red Sea to any port in British India, shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

Ships sailing to or from port in Red Sea to touch at Aden.

[Act VIII, 1876, s. 28, & Act XVIII, 1883, s. 5.] **27.** The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board the ship.

Bill of health at Aden.

[Act XVII, 1883, s. 6.] **28.** A ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers being natives of Asia or Africa shall have on board a medical officer licensed in accordance with the rules under this Act.

Certain ships to carry medical officer.

[Act XVII, 1883, s. 6.] **29.** A ship sailing from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

Certain ships to be propelled by steam.

[Act XVII, 1883, s. 6.] **30.** (1) The Local Government may direct that no passenger shall be received on board any ship or any ship of a specified class sailing from any port in British India to any port in the Red Sea unless and until the passenger has been inspected, at such time and place as the Local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose.

Power for Local Government to direct medical inspection of passengers.

(2) If, in the opinion of the officer making an inspection under this section, a passenger is suffering from any dangerously infectious or contagious disease, the passenger shall not be permitted to embark.

CHAPTER V.

PENALTIES.

[Act VIII, 1876, s. 29.] **31.** If a ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 6, sub-section (1), or section 9, or if a person is received as a passenger on board a ship in contravention of the provisions of section 6, sub-section (2), the master or owner shall, for every passenger conveyed in the ship, or for every passenger so discharged or received on board, be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

Penalty for ship unlawfully departing or receiving passengers on board.

[New.] Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

[Act VIII, 1876, s. 30.] **32.** If a person impedes or refuses to allow the entry or inspection authorized under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for opposing entry on or inspection of ships.

[Act VIII, 1876, s. 31.] **33.** If a master or owner wilfully fails to comply with the requirements of section 16 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty for not exhibiting copy of certificates.

The Native Passenger Ships Bill, 1886.
(Chapter V.—Penalties.—Sections 34-44.)

[Act VIII, 1876, s. 32.] **34.** If a master fails to comply with any of the requirements of section 22 or section 23, as to the statement of passengers, or wilfully makes any false entry or note in or on any such statement, or wilfully fails to obtain any such supplementary certificate as is mentioned in section 19, or to report deaths as required by section 20, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for not complying with requirements as to statement of passengers and certain other matters.

[Act VIII, 1876, s. 33.] **35.** If a master, after having obtained any of the certificates mentioned in section 9, section 19 or section 24, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for fraudulent alteration in ship after certificate obtained.

[Act VIII, 1876, s. 34.] **36.** If a master wilfully, and without satisfactory excuse, omits to supply to any passenger the allowance of food, fuel and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

Penalty for failing to supply passengers with prescribed provisions.

[Act VIII, 1876, s. 35.] **37.** If the master of a ship to which section 26 applies wilfully fails to touch at Aden, or leaves that port without having obtained a bill of health under that section, he shall, for every such offence, be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for not obtaining bill of health at Aden.

[Act VIII, 1876, s. 36.] **38.** (*1*) If a ship has on board a number of passengers which, regard being had to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, on arriving from a port where a certificate could not be procured, has on board a number of passengers exceeding the number allowed by this Act for the ship, the master and owner shall, for every passenger over and above the number allowed by the certificate or by this Act, as the case may be, be each punished with fine which may extend to twenty rupees, and the master shall further be liable for each of the passengers over and above that number to imprisonment for a term which may extend to one week:

Penalty for excess of number specified in certificate.

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(*2*) Any officer authorized in this behalf by the Local Government may cause all passengers over and above the number allowed by the certificate or by this Act, as the case may be, to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the master or owner of the ship as if the cost was a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

39. If a ship bringing native passengers from any port or place beyond British India, into any port or place in British India, has on board a number of passengers greater either than in the proportion prescribed by section 18 or section 21 or under section 57 (as the case may be) or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every passenger in excess of that proportion or of that number, be each punished with fine which may extend to twenty rupees. [Act VIII, 1876, s. 37.]

Penalty for bringing native passengers from foreign port in excess of authorized proportion.

40. If the master of a ship to which this Act applies lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to a month, or with both. [Act VIII, 1876 s. 38.]

Penalty for landing passenger at a place other than that at which he has contracted to land.

41. If a ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers, or assurance to them, with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract, engagement or assurance was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both. [New.]

Penalty for making voyage in contravention of contract with passengers.

42. If the master or medical officer of any such ship as is referred to in section 26 wilfully breaks, or omits or neglects to obey, any rule under this Act applicable to the ship, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both. [Act XVII, 1883, s. 7.]

Penalty on master or medical officer of certain ships disobeying rules.

43. If a ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers has not on board a medical officer as required by section 28, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both. [Act XVII, 1883, s. 7.]

Penalty on master of certain ships sailing without medical officer.

44. If a ship sailing from or to any port in British India to or from any port in the Red Sea is not principally propelled by steam, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both. [Act XVII, 1883, s. 7.]

Penalty on master and owner of certain ships not propelled by steam.

The Native Passenger Ships Bill, 1886.
(Chapter V.—Penalties.—Sections 45—50.—Chapter VI.—Supplemental Provisions.—Sections 51-53.)

[Act XVII, 1883, s. 7.] **45.** If the master of a ship to which a direction under section 30 applies knowingly receives on board the ship any person in contravention of that section, he shall be punished with fine which may extend to five hundred rupees for each person so received, or with imprisonment which may extend to three months, or with both.

Penalty on master receiving passenger in contravention of section 30.

Procedure.

[Act VIII, 1876, s. 39.] **46.** (*1*) Offences against this Act shall be punishable by a Magistrate.

Adjudication of offences, and levy of fine by distress on ship.

(*2*) If the person on whom a fine is imposed under this Act is the master or owner of a ship and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

[Act VIII, 1876, s. 40.] **47.** For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

[Act VIII, 1876, s. 41.] **48.** The penalties to which masters and owners of ships are made liable by this Act shall be enforced only on information laid at the instance of the officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

[Act VIII, 1876, s. 42.] **49.** A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed or in or towards payment of the expenses of the proceedings.

Application of fines.

[Act VIII, 1876, s. 43.] **50.** (*1*) Whenever, in the course of any legal proceeding under this Act, the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

Depositions receivable when witnesses cannot be produced.

Provided that the deposition shall not be admissible unless—

(*a*) it is authenticated by the signature of the Justice, Magistrate or consular officer;

(*b*) it was made in the presence of the person accused; and

(*c*) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

[Act VIII, 1876, s. 44.] **51.** (*1*) The Chief Officer of Customs, or the officer, if any, appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting the ship and the passengers conveyed therein to the officer at the port from which the ship commenced her voyage, and to the officer at any other port within British India where the passengers or any of them embarked.

Information to be sent to ports of embarkation.

(*2*) Any officer appointed under this Act may, at any port or place in British India at which a ship to which this Act applies touches, board the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and other matters have been complied with.

[Act VIII, 1876, s. 45.] **52.** In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as aforesaid or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Report of Consul.

[Act VIII, 1876, s. 46.] **53.** (*1*) The Governor-General in Council may make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

Power for Governor-General in Council and Local Government to make rules.

(*a*) the scale on which provisions, fuel and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the provisions, fuel and water; [New.]

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(*c*) the licensing and appointment of medical officers in cases where they are required under this Act to be carried; [Act XVII, 1883, s. 8.]

(*d*) the boats, anchors and cables to be provided on board;

(*e*) the instruments for purposes of navigation to be supplied;

(*f*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(*g*) the provision of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys; [New. cf. 39 & 40 Vic., c. 80, s. 21.]

The Native Passenger Ships Bill, 1886.

(Chapter VI.—Supplemental Provisions.—Sections 54-59.)

(Schedule.—Enactments repealed.)

[Act XVII, 1883, s. 8.] (*h*) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;

[Act XVII, 1883, s. 8.] (*i*) the access of between-decks passengers to the upper deck; and

(*j*) generally, to carry out the purposes of this Act.

[New.] (*2*) The Local Government may make rules consistent with this Act to regulate, in the case of any ship or class of ships to which this Act applies, the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Act in that behalf.

[New.] (*3*) In making a rule under this section, the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

[New.] **54.** (*1*) An authority making rules under the last foregoing section shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making rules.

(*2*) The publication shall be made in such manner as the Governor-General in Council, by notification in the *Gazette of India*, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into 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 the last foregoing section 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 that section shall be conclusive proof that it has been duly made.

[Act VIII, 1876, s. 47.] **55.** The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

Appointment of officers.

[Act VIII, 1876, s. 48.] **56.** The Governor-General in Council may declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and, for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

Power to declare what shall be deemed "seasons of fair weather" and "long voyages."

[Act VII, 1876, s. 49.] **57.** The Governor-General in Council may by order prescribe, in the case of any ship or class of ships and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be available for passengers; and the order shall override the provisions of sections 18 and 21 so far as they apply to that ship or class of ships.

Power to prescribe space to be available for passengers.

[Act XVII, 1883, s. 9.] **58.** The Local Government may, with the previous sanction of the Governor-General in Council, for any special reason and subject to such conditions as it thinks fit, exempt any ship or class of ships from any provision of this Act.

Power to exempt ship from provisions of Act.

[New.] **59.** All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers exerciseable from time to time.

SCHEDULE.

ENACTMENTS REPEALED.

(See section 4.)

Number and year.	Title.	Extent of repeal.
VIII of 1876	Native Passenger Ships Act, 1876.	The whole.
XVII of 1883	Native Passenger Ships Act, 1883.	The whole.
VII of 1884	Indian Steamships Act, 1884.	Section 41.

STATEMENT OF OBJECTS AND REASONS.

The law relating to native passenger ships is contained in three enactments, namely, the Native Passenger Ships Act, VIII of 1876, and the amending Acts, XVII of 1883 and VII of 1884. Further amendments having now become necessary, the opportunity has been taken to consolidate the law in a single measure.

2. The amendments are not numerous and will be noticed in the order in which they occur in the Bill—

(*a*) *Section 2.*—The primary object of the proviso to sub-section (*2*) of this section is to confer on the Government of Bombay the power of having certain small vessels engaged in the pilgrim-trade between Western India and the Hedjaz examined with a view to ascertaining whether or not they are seaworthy.

(*b*) *Section 11, clause* (*c*).—The corresponding section of the Act of 1876 requires certificate B to state that provisions, fuel and pure water sufficient for the voyage have been placed on board. It is now proposed to require the certificate to state that the supply is sufficient not only for the voyage but for any probable period of detention in quarantine. On one occasion at least the Government has had to undertake the maintenance of a shipload of pilgrims whose private stock of provisions had become exhausted.

(*c*) *Section 41.*—Cases have occurred in which pilgrims who had engaged their passages on the understanding that they would proceed direct to the Hedjaz have been taken on long coasting voyages. The deception thus practised has caused great hardship, pilgrims very frequently taking their own provisions with them (section 18, Act VIII, 1876) and very rarely taking more than is absolutely necessary for their support on the voyage which they believe themselves to have undertaken.

(*d*) *Section 53, sub-section* (*1*), *clause* (*g*).—It is proposed, following section 21 of the English Merchant Shipping Act, 1876, to empower the Governor-General in Council to require native passenger ships to be provided with means for making signals of distress and with life-saving apparatus.

(*e*) *Section 53, sub-section* (*2*).—This sub-section is designed to meet a suggestion made by Mr. T. M. Cook, of the firm of Messrs. Thomas Cook & Son, that the embarkation of pilgrims in the "Roads" at Bombay during the monsoon should be forbidden, and that pilgrim-carrying ships should be required to go into dock for the purpose of receiving their passengers during that season.

(*f*) *Section 54.*—This section requires drafts of any rules which it is proposed to make under the Act to be published for the information of the public before the rules are made.

The 25th August, 1886.

A. COLVIN.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 4, 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 18th August, 1886:—

NO. 18 OF 1886.

A Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(*2*) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "chapter" a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879.
XXIII of 1881.
XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word "Ahmadnagar", namely:—

"but may from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay."

Addition to section 2.

4. To section 2 the following shall be added, namely:—

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease."

Amendment of section 12.

5. In section 12, for the words "the Court shall, if the amount of the creditor's claim is disputed, enquire" the following shall be substituted, namely:—

"the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire".

Amendment of section 22.

6. In section 22, for the words "No agriculturist's immoveable property shall be attached or sold" the following shall be substituted, namely:—

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

Addition to section 40.

7. To section 40 the following shall be added, namely:—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code."

XLV of 1860.

Addition to proviso to section 56.

8. To the proviso to section 56 the following shall be added, namely :—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act."

III of 1877.

Amendment of, and addition to, section 58.

9. *(1)* For the second paragraph of section 58 the following shall be substituted, namely :—

"As soon as all the intending executants have executed any instrument under section 57, the Village-Registrar shall register it by entering in his register an abstract of it in such manner and with such particulars as the Inspector General of Registration may, from time to time, with the previous sanction of the Local Government, prescribe, and shall then deliver the instrument to the party entitled to the custody of it."

(2) In the third paragraph of the same section, the words "and each such copy" are repealed.

(3) After the same section the following shall be added, namely :—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter and section to follow Chapter VIII and section 63.

10. After Chapter VIII and section 63 the following shall be inserted, namely :—

"CHAPTER VIII A.

"REGISTRATION UNDER THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

III of 1877.

"63A. *(1)* When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877. III of 1877.

"*(2)* An instrument to which sub-section *(1)* applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section."

Amendment of section 72.

11. *(1)* In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause (*w*)," shall be substituted.

(2) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(3) For the proviso to the same section the following shall be substituted, namely :—

"Provided that nothing in this section shall—

"(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist; or

"(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make in the Dekkhan Agriculturists' Relief Act, 1879, certain amendments suggested by a report on the working of the Act and by the further experience gained during the four years which have elapsed since the Act last underwent revision.

2. By section 3 of the Bill it is proposed to empower the Local Government, with the previous sanction of the Governor-General in Council, to extend the Act wholly or in part to any district in the Presidency of Bombay. The effect of this provision will be to render it unnecessary for the Council of the Governor-General to undertake legislation whenever it may be deemed expedient to extend to any district either the whole of the Act or any particular provisions of it, such as those requiring the history of transactions with agriculturist-debtors to be investigated or those relating to the mode of taking accounts.

3. By section 4 the expression "lease" is defined as in the Indian Registration Act, 1877. The insertion of this definition in section 2 of the Act is deemed desirable because in section 56 the word "lease" must be taken to mean a kabuliyat or undertaking to cultivate or occupy rather than a lease in its ordinary sense.

4. Section 5 has been introduced, on the recommendation of the Special Judge, for reasons which are stated as follows :—

"Section 7 of the Act merely makes the examination of the defendant compulsory in all suits under Chapter II, which includes even non-agriculturist suits; but sections 12-14 apply to many suits which affect agriculturists only and do not fall under Chapter II, and it is even more important that the defendant should be examined as a witness in such suits than in many of the suits to which Chapter II applies. The defendant is generally the debtor, but in redemption-suits it is the plaintiff who is the debtor, and it is his examination that is most necessary. It is moreover almost impossible for the Courts to investigate the past history of an old debt in a satisfactory manner without examining both creditor and debtor as witnesses. Again, unless a provision against *ex parte* decrees be inserted in Chapter III, it will not be possible to guard against *ex parte* decrees in other districts to which the Act may hereafter be extended without also extending the other provisions of Chapter II at the same time."

5. Standing crops are usually the legitimate security for an advance for the purposes of cultivation. It is proposed, therefore, by section 6 of the Bill, to make the standing crops of an agriculturist liable to be taken in execution of a decree even though they have not been specifically mortgaged for the repayment of the debt to which the decree relates.

6. The proposal to confer on Conciliators the power to require the attendance of persons against whom applications are made under section 39 of the Act was negatived by the Council of the Governor-General in 1882. The Government of Bombay has now urged the reconsideration of the proposal on the ground that the present law deprives the Conciliator in a large proportion of cases of all chance of exercising his functions. The statistics of late years fully support this view, while they prove that, where parties have attended before Conciliators, conciliation has been annually more and more successful. It is proposed, therefore, by section 7 of the Bill, to empower selected Conciliators not only to invite, but to require, the attendance before them of persons against whom applications are made.

7. Sections 8, 9 and 10 of the Bill modify those provisions of the existing law which relate to registration, by requiring documents of which the registration is compulsory under the Indian Registration Act, 1877, to be registered by Registering-officers appointed under that Act instead of by Village-Registrars appointed under the Dekkhan Agriculturists' Relief Act, 1879. But Registering-officers under the former Act are, where the executants of those documents are agriculturists, to observe the procedure prescribed for observance by Village-Registrars under the latter Act. Village-Registrars are to continue to register documents of which the registration is not compulsory under the Indian Registration Act, 1877. They are, however, to be relieved of much of the clerical labour imposed on them by the existing law. Instead of making at least two copies of the documents which they register, they are to enter in their registers, in such form as may be prescribed, abstracts only of the documents; and provision is made for granting copies of the abstracts free of charge, and for the admission of the copies as evidence of the contents of the documents.

8. The reasons for the amendments which it is proposed by section 11 of the Bill to make in section 72 of the Act are stated by the Special Judge as follows :—

"The words 'not being merely a surety for the principal debtor' were introduced by Act XXIII of 1881, in order to prevent the anomaly of the agriculturist surety of a non-agriculturist principal being held liable for a debt, after such debt has become time-barred as against his principal; but the amendment has itself produced a converse anomaly, namely, that, when principal and surety are both of them agriculturists, the extended period of limitation applies to the principal and not to the surety. As soon as the recent decisions to this effect become generally known, the result will be that even the principal debtor will lose the supposed benefit of the extended period of limitation, because few creditors will care to wait for the extended period when such waiting will deprive them of their remedy against the surety. I may mention here that the expression *suits under this Act* at the beginning of section 72 is objectionable, because there are no suits properly speaking under the Act. I think the words should be *'suits of the description mentioned in section 3, clause (w)*. This would include all suits on bonds, khatas, written acknowledgments, and the like, and would exclude suits for rent, suits for damages, &c., to which there is no necessity of applying a special law of limitation."

The 18th August, 1886.

T. C. HOPE.

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 25th August, 1886:—

NO. 19 OF 1886.

A Bill to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. *(1)* This Act may be called the Jhánsí and Morar Act, 1886; and

(2) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the fort and town of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands in the neighbourhood of the town and fort of Jhánsí should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands in that neighbourhood to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government, should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands in the neighbourhood thereof which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district; XIV of 1874.

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands in the neighbourhood thereof which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or those lands, shall then come into force in the town and fort or those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874. XIV of 1874.

Validation of acts done since the beginning of March, 1886.

[cf. Act XX of 1876, s. 3.]

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

PART II.

And whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of

XIV of 1882. XVIII of 1867. XII of 1881. the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district; It is hereby further enacted as follows:—

Execution of decrees of Gwalior Courts.

6. (*1*) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

(*2*) The Deputy Commissioner may for any sufficient cause withhold his sanction to the making of the application, or permit the application to be made on any conditions which in the circumstances he deems it proper to impose.

XV of 1877. (*3*) The fact that an application is barred by the Indian Limitation Act, 1877, may be a sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(*4*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

PART III.

And whereas it is expedient that traders and others who were entitled immediately before the cession of the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor-General in Council, and that the period of limitation in these cases should be extended; It is hereby further enacted as follows:—

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

7. (*1*) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 74 and 75 of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor-General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction. XV of 1877.

(*2*) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (*1*) is instituted or made, shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(*3*) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

STATEMENT OF OBJECTS AND REASONS.

1. This Bill is drawn in three Parts.

2. The object of Part I is to incorporate in the Jhánsí district the fort and town of Jhánsí, which were lately ceded by the Mahárájá Scindia to the British Government in exchange for the cantonment of Morar. The town and fort have already been declared by proclamation under the Statute 28 & 29 Vic., c. 17, section 4, to be subject to the Lieutenant-Governorship of the North-Western Provinces, but legislation is required for the annexation of the town and fort to the Jhánsí district, and for the assimilation of the law in force therein to that in force in the district. The provisions necessary to effect these objects are contained in sections 2 and 3 of the Bill, while section 4 makes it clear that the ceded territory will be part of the scheduled district of Jhánsí; and section 5, which is taken from the corresponding provision in the Upper Burma Laws Bill now before the Legislative Council, validates all acts done since the date of the cession and before the commencement of the Act. As negotiations are at present pending for the exchange of certain lands in the neighbourhood of Jhánsí, the provisions of sections 2, 3 and 4 of the Bill are made prospective, so as to cover the lands which may be ceded.

3. The object of Part II is to give effect to certain decrees and orders of the Gwalior Courts which, by reason of cession of territory, have ceased to be enforceable in those Courts.

4. The object of Part III is to afford relief to certain traders and others formerly carrying on business within the cantonment of Morar who had money-claims enforceable in the local Courts at the time of the cession of the cantonment to the Mahárájá. As the British Courts in the cantonment have necessarily been abolished, these persons have now no means of recovering the amounts due to them at Morar, whilst to follow their debtors to the various places to which they have migrated, and proceed against them in the Civil Courts there, would,

in many cases, put the creditors to greater expenses than the amount of the debts due to them. It is proposed, therefore, by section 7 of the Bill that persons who may have been entitled to file suits of certain classes, or applications for or with respect to the execution of decrees in suits of those classes, in a Morar Civil Court at the date of the cession of the cantonment, may file the suits and applications in the Civil Courts at Jhánsí or Agra, or at any other place appointed by the Governor-General in Council in this behalf, and that the Courts having jurisdiction at those places shall dispose of the suits and applications. In order to save debts which might otherwise have become time-barred, the same section declares that in computing the period of limitation for the suits and applications, the time which has elapsed between the date of the cession of the cantonment and the commencement of the Act shall be excluded.

The 25th August, 1886.

C. P. ILBERT.

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 25th August, 1886:—

No. 20 OF 1886.

THE NATIVE PASSENGER SHIPS BILL, 1886.

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SCHEDULE.—ENACTMENTS REPEALED.

A Bill to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to native passenger ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Native Passenger Ships Act, 1886. — Short title.

[Act VIII, 1876, s. 2.] Extent and application.

2. (*1*) It extends to the whole of British India, and applies—

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;

(*b*) to all native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in sub-section (*2*), to vessels carrying more than thirty passengers being natives of Asia or Africa.

(*2*) But it does not apply—

(i) to any ship-of-war or transport belonging to, or in the service of, Her Majesty, or

(ii) to any ship-of-war belonging to any Foreign Prince or State, or

(iii) to any sailing-vessel not carrying as passengers more than thirty natives of Asia or Africa, or

(iv) to any steamer not carrying as passengers more than sixty such natives, or

(v) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India:

Provided, with respect to clauses (iii) and (iv) of this sub-section, that the Local Government may, with the previous sanction of the Governor-General in Council, declare all or any of the provisions of this Act to apply to sailing-vessels, or any class of sailing-vessels, carrying as passengers more than fifteen natives of Asia or Africa, and to steamers, or any class of steamers, carrying as passengers more than thirty such natives. [New.]

3. This Act shall come into force on such day as the Governor-General in Council, by notification in the *Gazette of India* appoints. [Act VIII, 1876, s. 3.] Commencement.

4. (*1*) On and from that day the enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column thereof. [Act VIII, 1876, s. 4.] Repeal.

(*2*) But all ports, places and officers appointed, rules, declarations and exemptions made, bonds executed, directions given and certificates granted under any of those enactments shall, so far as may be, be deemed to be respectively appointed, made, executed, given and granted under this Act; and

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

5. In this Act, unless there is something repugnant in the subject or context,— [Act VIII, 1876, s. 5.] Definitions.

(*1*) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace and, at the Port of Aden, the Resident or an Assistant Resident:

(*2*) "ship" includes every description of vessel used in navigation not propelled by oars:

(*3*) "master" includes every person (other than a pilot) having command or charge of a ship:

(*4*) "passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include either a person in attendance on another person who is not a native of Asia or Africa, or a child under one year of age:

(*5*) "voyage" means the whole distance between the ship's port of departure and her final port of arrival:

(*6*) "long voyage" means any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:

(*7*) "short voyage" means any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is in ordinary circumstances more than five days from the next one. This is a short voyage.

(*8*) "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

The Native Passenger Ships Bill, 1886.
(Chapter II.—Rules for all Voyages.—Sections 6-15.)

CHAPTER II.

RULES FOR ALL VOYAGES.

[Act VIII, 1876, s. 6.] Ships to sail only from ports appointed by the Government.

6. (*1*) A ship carrying passengers shall not depart or proceed from, or discharge passengers at, any port or place within British India other than a port or place appointed in this behalf by the Local Government.

(*2*) After a ship has departed or proceeded upon a voyage from a port or place so appointed, a person shall not be received on board as a passenger except at some other port or place so appointed.

[Act VIII, 1876, s. 7.] Master to give notice of day of sailing.

7. (*1*) The master, owner or agent of a ship so departing or proceeding shall give notice to an officer authorised in this behalf by the Local Government that the ship is to carry native passengers, and of her destination, and of the proposed time of sailing.

(*2*) The notice shall be given not less than twenty-four hours before that time.

[Act VIII, 1876, s. 8.] Power to enter and inspect ship.

8. After receiving the notice, the officer aforesaid, or a person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

[Act VIII, 1876, s. 9.] Ship not to sail without two certificates.

9. (*1*) A ship intended to carry passengers shall not commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(*2*) The officer of the Government whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

[Act VIII, 1876, s. 10.] Contents of certificate A.

10. The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of passengers which she is capable of carrying.

[Act VIII, 1876, s. 11.] Contents of certificate B.

11. The second of the certificates (hereinafter called "certificate B") shall state—

(*a*) the voyage which the ship is to make and the intermediate ports, if any, at which she is to touch;

(*b*) that she has the proper complement of officers and seamen;

(*c*) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules; [New.]

(*d*) that the master holds certificate A;

(*e*) if the ship is to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather;

(*f*) if she is to sail to any port in the Red Sea, that she is propelled principally by steam and, if she is to carry more than one hundred passengers being natives of Asia or Africa, that she has on board a medical officer licensed in accordance with the rules under this Act; and [Act XVII, 1883, s. 2.]

(*g*) such other particulars, if any, as may be prescribed by those rules.

[Act VIII, 1876, s. 12.] Grant of certificates.

12. The person by whom certificate A and certificate B are to be granted shall be the officer referred to in section 7.

[Act VIII, 1876, s. 13.] Substitute for certificate A.

13. Where the master of a ship produces to that officer either of the following certificates, namely—

(*a*) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(*b*) a certificate granted under the authority of a British Indian Government on a date not more than one year before the proposed day of sailing and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed, [Act VII, 1884, s. 41.]

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

[Act VIII, 1876, s. 14.] Survey of ship.

14. (*1*) After receiving the notice required by section 7, the officer aforesaid may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the voyage which she is to make:

Provided that he shall not cause a ship holding a certificate mentioned in section 13, clause (*a*) or clause (*b*), to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the voyage.

(*2*) If the officer aforesaid causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted and ventilated for the voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for the voyage, the expense of the survey shall be paid by the Local Government.

[Act VIII, 1876, s. 15.] Discretion as to grant of certificate.

15. (*1*) The officer authorized to grant a certificate under this Act in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the passengers.

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(Chapter II.—Rules for all Voyages.—Sections 16-17.—Chapter III.—Rules for short Voyages.—Sections 18-20.—Chapter IV.—Rules for long Voyages.—Sections 21-23.)

(2) But save as aforesaid, and subject to the provisions of sub-section (3), it shall be in the discretion of the officer aforesaid to grant or withhold a certificate under this Act.

[Act VIII, 1876, s. 16.] (3) In the exercise of that discretion that officer shall be subject to the control of the Local Government, and of any intermediate authority which that Government appoints in this behalf.

[Act VIII, 1876, s. 17.] Copy of certificates to be exhibited.

16. The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Act in respect of the ship, and shall keep those copies so posted up in that part during the voyage.

[Act VIII, 1876, s. 18, amended.] Supply by passengers of their own provisions.

17. If an officer appointed in this behalf by the Local Government is satisfied that a passenger has brought on board a ship for his own use provisions of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, apply so far as regards the supply of provisions for that passenger.

CHAPTER III.

RULES FOR SHORT VOYAGES.

[Act VIII, 1876, s. 19.] Space to be available for passengers.

18. (1) For seasons of fair weather, a ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and six superficial feet available for each upper-deck passenger.

(2) For seasons of foul weather, a ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and twelve superficial feet available for each upper-deck passenger.

(3) For seasons of foul weather, a ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

(4) But in seasons of foul weather a ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

[Act VIII, 1876, s. 20.] Ship taking additional passengers at intermediate port.

19. If a ship performing a short voyage takes additional passengers on board at an intermediate port or place, the master shall obtain a supplementary certificate from the proper officer at that port, stating—

(a) the number of passengers so taken on board; and

(b) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules:

Provided that, if the certificate B held by the master of the ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the full number of passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate.

[Act VIII, 1876, s. 21.] Report of deaths on the voyage.

20. When the ship reaches her final port of arrival, the master shall notify, to such officer as the Governor-General in Council appoints in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

[Act VIII, 1876, s. 22.] Space to be available for passengers.

21. (1) A ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

(2) A ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

[Act VIII, 1876, s. 23.] Statement of passengers.

22. The master of a ship departing or proceeding on a long voyage from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the passengers and the number of the crew, and shall deliver them to the officer appointed under section 20, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

[Act VIII, 1876, s. 24.] Deaths on voyage.

23. The master shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of

The Native Passenger Ships Bill, 1886.
(Chapter IV.—Rules for long Voyages.—Sections 24-30.—Chapter V.—Penalties.—Sections 31-33)

arrival if it is a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

[Act VIII, 1876, s. 25.] Ship taking additional passengers and touching at intermediate port.

24. (1) In either of the following cases, namely,—

(a) if, after the ship has departed or proceeded on a long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers, or

(b) if the ship upon her voyage touches or arrives at any such port, having previously received on board additional passengers at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the proper officer at that port, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

(2) All the foregoing provisions of this Act in that behalf shall be applicable to any certificate granted or statement made under this section.

[Act XVII, 1883, s. 3.] Bond where ship clears for port in Red Sea.

25. In the case of a ship sailing from any port in British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant the clearance unless and until the master, owner or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of Rs. 5,000, conditioned—

(a) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers; and

(b) that the master and medical officer (if any) of the ship shall comply with on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships sailing between ports in British India and ports in the Red Sea as the Governor-General in Council may make under this Act.

[Act VIII, 1876, s. 27, & Act XVII, 1883, s. 4.] Ships sailing to or from port in Red Sea to touch at Aden.

26. A ship carrying more than sixty passengers being natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea, or from any port in the Red Sea to any port in British India, shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

[Act VIII, 1876, s. 28, & Act XVIII, 1883, s. 5.] Bill of health at Aden.

27. The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board the ship.

[Act XVII, 1883, s. 6.] Certain ships to carry medical officer.

28. A ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers being natives of Asia or Africa shall have on board a medical officer licensed in accordance with the rules under this Act.

[Act XVII, 1883, s. 6.] Certain ships to be propelled by steam.

29. A ship sailing from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

[Act XVII, 1883, s. 6.] Power for Local Government to direct medical inspection of passengers.

30. (1) The Local Government may direct that no passenger shall be received on board any ship or any ship of a specified class sailing from any port in British India to any port in the Red Sea unless and until the passenger has been inspected, at such time and place as the Local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose.

(2) If, in the opinion of the officer making an inspection under this section, a passenger is suffering from any dangerously infectious or contagious disease, the passenger shall not be permitted to embark.

CHAPTER V.

PENALTIES.

[Act VIII, 1876, s. 29.] Penalty for ship unlawfully departing or receiving passengers on board.

31. If a ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 6, sub section (1), or section 9, or if a person is received as a passenger on board a ship in contravention of the provisions of section 6, sub-section (2), the master or owner shall, for every passenger conveyed in the ship, or for every passenger so discharged or received on board, be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

[New.] Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

[Act VIII, 1876, s. 30.] Penalty for opposing entry on or inspection of ships.

32. If a person impedes or refuses to allow the entry or inspection authorized under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

[Act VIII, 1876, s. 31.] Penalty for not exhibiting copy of certificates.

33. If a master or owner wilfully fails to comply with the requirements of section 16 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

The Native Passenger Ships Bill, 1886.
(Chapter V.—Penalties.—Sections 34-44.)

[Act VIII, 1876, s. 32.] **34.** If a master fails to comply with any of the requirements of section 22 or section 23, as to the statement of passengers, or wilfully makes any false entry or note in or on any such statement, or wilfully fails to obtain any such supplementary certificate as is mentioned in section 19, or to report deaths as required by section 20, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for not complying with requirements as to statement of passengers and certain other matters.

[Act VIII, 1876, s. 33.] **35.** If a master, after having obtained any of the certificates mentioned in section 9, section 19 or section 24, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for fraudulent alteration in ship after certificate obtained.

[Act VIII, 1876, s. 34.] **36.** If a master wilfully, and without satisfactory excuse, omits to supply to any passenger the allowance of food, fuel and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

Penalty for failing to supply passengers with prescribed provisions.

[Act VIII, 1876, s. 35.] **37.** If the master of a ship to which section 26 applies wilfully fails to touch at Aden, or leaves that port without having obtained a bill of health under that section, he shall, for every such offence, be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for not obtaining bill of health at Aden.

[Act VIII, 1876, s. 36.] **38.** (*1*) If a ship has on board a number of passengers which, regard being had to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, on arriving from a port where a certificate could not be procured, has on board a number of passengers exceeding the number allowed by this Act for the ship, the master and owner shall, for every passenger over and above the number allowed by the certificate or by this Act, as the case may be, be each punished with fine which may extend to twenty rupees, and the master shall further be liable for each of the passengers over and above that number to imprisonment for a term which may extend to one week:

Penalty for excess of number specified in certificate.

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(*2*) Any officer authorized in this behalf by the Local Government may cause all passengers over and above the number allowed by the certificate or by this Act, as the case may be, to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the master or owner of the ship as if the cost was a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

[Act VIII, 1876, s. 37.] **39.** If a ship bringing native passengers from any port or place beyond British India, into any port or place in British India, has on board a number of passengers greater either than in the proportion prescribed by section 18 or section 21 or under section 57 (as the case may be) or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every passenger in excess of that proportion or of that number, be each punished with fine which may extend to twenty rupees.

Penalty for bringing native passengers from foreign port in excess of authorized proportion.

[Act VIII, 1876 s. 38.] **40.** If the master of a ship to which this Act applies lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

[New.] **41. If a ship, otherwise than by reason of perils** of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers, or assurance to them, with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract, engagement or assurance was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty for making voyage in contravention of contract with passengers.

[Act XVII, 1883, s. 7.] **42.** If the master or medical officer of any such ship as is referred to in section 26 wilfully breaks, or omits or neglects to obey, any rule under this Act applicable to the ship, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master or medical officer of certain ships disobeying rules.

[Act XVII, 1883, s. 7.] **43.** If a ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers has not on board a medical officer as required by section 28, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master of certain ships sailing without medical officer.

[Act XVII, 1883, s. 7.] **44.** If a ship sailing from or to any port in British India to or from any port in the Red Sea is not principally propelled by steam, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty on master and owner of certain ships not propelled by steam.

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(Chapter V.—Penalties.—Sections 45—50.—Chapter VI.—Supplemental Provisions.—Sections 51-53.)

[Act XVII, 1883, s. 7.] **45.** If the master of a ship to which a direction under section 30 applies knowingly receives on board the ship any person in contravention of that section, he shall be punished with fine which may extend to five hundred rupees for each person so received, or with imprisonment which may extend to three months, or with both.

Penalty on master receiving passenger in contravention of section 30.

Procedure.

[Act VIII, 1876, s. 39.] **46.** (*1*) Offences against this Act shall be punishable by a Magistrate.

Adjudication of offences, and levy of fine by distress on ship.

(*2*) If the person on whom a fine is imposed under this Act is the master or owner of a ship and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

[Act VIII, 1876, s. 40.] **47.** For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

[Act VIII, 1876, s. 41.] **48.** The penalties to which masters and owners of ships are made liable by this Act shall be enforced only on information laid at the instance of the officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

[Act VIII, 1876, s. 42.] **49.** A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed or in or towards payment of the expenses of the proceedings.

Application of fines.

[Act VIII, 1876, s. 43.] **50.** (*1*) Whenever, in the course of any legal proceeding under this Act, the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

Depositions receivable when witnesses cannot be produced.

Provided that the deposition shall not be admissible unless—

(*a*) it is authenticated by the signature of the Justice, Magistrate or consular officer;

(*b*) it was made in the presence of the person accused; and

(*c*) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

[Act VIII, 1876, s. 44.] **51.** (*1*) The Chief Officer of Customs, or the officer, if any, appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting the ship and the passengers conveyed therein to the officer at the port from which the ship commenced her voyage, and to the officer at any other port within British India where the passengers or any of them embarked.

Information to be sent to ports of embarkation.

(*2*) Any officer appointed under this Act may, at any port or place in British India at which a ship to which this Act applies touches, board the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and other matters have been complied with.

[Act VIII, 1876, s. 45.] **52.** In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as aforesaid or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Report of Consul.

[Act VIII, 1876, s. 46.] **53.** (*1*) The Governor-General in Council may make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

Power for Governor-General in Council and Local Government to make rules.

(*a*) the scale on which provisions, fuel and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the provisions, fuel and water; [New.]

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(*c*) the licensing and appointment of medical officers in cases where they are required under this Act to be carried; [Act XVII, 1883, s. 8.]

(*d*) the boats, anchors and cables to be provided on board;

(*e*) the instruments for purposes of navigation to be supplied;

(*f*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(*g*) the provision of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys; [New. cf. 39 & 40 Vic., c. 80, s. 21.]

The Native Passenger Ships Bill, 1886.
(Chapter VI.—Supplemental Provisions.—Sections 54-59.)
(Schedule.—Enactments repealed.)

[Act XVII, 1883, s. 8.] (*h*) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;

[Act XVII, 1883, s. 8.] (*i*) the access of between-decks passengers to the upper deck; and

(*j*) generally, to carry out the purposes of this Act.

[New.] (*2*) The Local Government may make rules consistent with this Act to regulate, in the case of any ship or class of ships to which this Act applies, the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Act in that behalf.

[New.] (*3*) In making a rule under this section, the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

[New.] **54.** (*1*) An authority making rules under the last foregoing section shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making rules.

(*2*) The publication shall be made in such manner as the Governor-General in Council, by notification in the *Gazette of India*, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into 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 the last foregoing section 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 that section shall be conclusive proof that it has been duly made.

[Act VIII, 1876, s. 47.] **55.** The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

Appointment of officers.

[Act VIII, 1876, s. 48.] **56.** The Governor-General in Council may declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and, for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

Power to declare what shall be deemed "seasons of fair weather" and "long voyages."

[Act VII, 1876, s. 49.] **57.** The Governor-General in Council may by order prescribe, in the case of any ship or class of ships and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be available for passengers; and the order shall override the provisions of sections 18 and 21 so far as they apply to that ship or class of ships.

Power to prescribe space to be available for passengers.

[Act XVII, 1883, s. 9.] **58.** The Local Government may, with the previous sanction of the Governor-General in Council, for any special reason and subject to such conditions as it thinks fit, exempt any ship or class of ships from any provision of this Act.

Power to exempt ship from provisions of Act.

[New.] **59.** All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers exerciseable from time to time.

SCHEDULE.

ENACTMENTS REPEALED.

(*See section 4.*)

Number and year.	Title.	Extent of repeal.
VIII of 1876	Native Passenger Ships Act, 1876.	The whole.
XVII of 1883	Native Passenger Ships Act, 1883.	The whole.
VII of 1884	Indian Steamships Act, 1884.	Section 41.

STATEMENT OF OBJECTS AND REASONS.

The law relating to native passenger ships is contained in three enactments, namely, the Native Passenger Ships Act, VIII of 1876, and the amending Acts, XVII of 1883 and VII of 1884. Further amendments having now become necessary, the opportunity has been taken to consolidate the law in a single measure.

2. The amendments are not numerous and will be noticed in the order in which they occur in the Bill—

(*a*) *Section 2.*—The primary object of the proviso to sub-section (*2*) of this section is to confer on the Government of Bombay the power of having certain small vessels engaged in the pilgrim-trade between Western India and the Hedjaz examined with a view to ascertaining whether or not they are seaworthy.

(*b*) *Section 11, clause* (*c*).—The corresponding section of the Act of 1876 requires certificate B to state that provisions, fuel and pure water sufficient for the voyage have been placed on board. It is now proposed to require the certificate to state that the supply is sufficient not only for the voyage but for any probable period of detention in quarantine. On one occasion at least the Government has had to undertake the maintenance of a shipload of pilgrims whose private stock of provisions had become exhausted.

(*c*) *Section 41.*—Cases have occurred in which pilgrims who had engaged their passages on the understanding that they would proceed direct to the Hedjaz have been taken on long coasting voyages. The deception thus practised has caused great hardship, pilgrims very frequently taking their own provisions with them (section 18, Act VIII, 1876) and very rarely taking more than is absolutely necessary for their support on the voyage which they believe themselves to have undertaken.

(*d*) *Section 53, sub-section* (*1*), *clause* (*g*).—It is proposed, following section 21 of the English Merchant Shipping Act, 1876, to empower the Governor-General in Council to require native passenger ships to be provided with means for making signals of distress and with life-saving apparatus.

(*e*) *Section 53, sub-section* (*2*).—This sub-section is designed to meet a suggestion made by Mr. T. M. Cook, of the firm of Messrs. Thomas Cook & Son, that the embarkation of pilgrims in the "Roads" at Bombay during the monsoon should be forbidden, and that pilgrim-carrying ships should be required to go into dock for the purpose of receiving their passengers during that season.

(*f*) *Section 54.*—This section requires drafts of any rules which it is proposed to make under the Act to be published for the information of the public before the rules are made.

The 25th August, 1886.

A. COLVIN.

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 1st September, 1886:—

NO. 21 OF 1886.

A Bill to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows:— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

STATEMENT OF OBJECTS AND REASONS.

OCCASION having arisen in the Bombay Presidency, as it did in Upper India in 1879, for a law to provide for the better prevention of glanders among horses, the Government of Bombay has expressed a wish that the Glanders and Farcy Act, 1879, may be extended to the Bombay Presidency.

The object of this Bill is to give effect to that wish.

C. P. ILBERT.

The 1st September, 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 1st September, 1886:—

NO. 22 OF 1886.

A Bill for further shortening the language used in Acts of the Governor-General in Council, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Acts made by the Governor-General in Council, and to make certain further provisions relating to those Acts; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the General Clauses Act, 1886; and

(*2*) It shall come into force at once.

PART I.

ADDITIONAL CLAUSES.

Application of this Part.

2. This Part shall apply to this Act and to all Acts made by the Governor-General in Council under the Indian Councils Act, 1861, after the passing of this Act.

[24 & 25 Vic., c. 67.]

Definitions.

3. In any Act to which this Part applies, unless there is something repugnant in the subject or context,—

[Chapter V. Act XLV, 1860.] XLV of 1860.

(*1*) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

[cf. Act I, 1868, s. 2 (37).]

(*2*) "Chapter", "Part" and "schedule" shall denote, respectively, a Chapter and Part of, and schedule to, the Act in which the word occurs:

[cf. Act I, 1868, s. 2 (10).]

(*3*) "sub-section" shall denote a sub-section of the section in which the word occurs:

[Act VIII, 1885, s. 1 (2).]

(*4*) "commencement" used with reference to an Act, shall mean the day on which the Act comes into force:

(*5*) "financial year" means the year commencing on the first day of April: [Act I, 1868, s. 2.]

(*6*) "local authority" shall mean 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: [Act XIII, 1885, s. 3 (7).]

(*7*) "master," used with reference to a ship, means any person (except a pilot or harbour-master) having for the time being control or charge of the ship: [Act V, 1883, s. 3.]

(*8*) "offence" shall mean any act or omission made punishable by any law for the time being in force: [Act X, 1882, s. 4 (*p*).]

(*9*) "public nuisance" shall have the meaning assigned to that expression in section 268 of the Indian Penal Code: [Act XLV, 1860, s. 268.] XLV of 1860.

(*10*) "registered" shall mean registered under the law for the time being in force for the registration of documents: [Act VIII, 1885, s. 3 (*18*).]

(*11*) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions: [Act XIV, 1882, s. 2: Act VI, 1886, s. 3.]

(*12*) "ship" includes every description of vessel used in navigation not exclusively propelled by oars: [Act V, 1883, s. 3.]

(*13*) "soldier" shall mean a person who is a soldier within the meaning of the Army Act, 1881: [cf. 44 & 45 Vic., c. 58, ss. 176 (*1*) and 190 (*6*) and (*8*).] 44 & 45 Vic., c. 58.

(*14*) "value", used with reference to a suit, shall mean the amount or value of the subject-matter of the suit: and [Act XVIII, 1884, s. 3 (*c*).]

(*15*) "write", with its grammatical variations and cognate expressions, shall include "print" and "lithograph", with their grammatical variations and cognate expressions. [Act X, 1882, s. 4 (*e*): and Act XIV, 1882, s. 2.]

Making of rules and issue of orders between passing and commencement of Act.

4. Where, by an Act to which this Part applies and which is not to come into force immediately on the passing thereof, a power is conferred on the Governor-General in Council or on a Local Government or a High Court to make rules, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office [Act XVIII, 1884, s. 1 (4).]

or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, the power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act.

[Act X, 1882, s. 557.]

Powers to be exercisable by the Government from time to time.

5. Any power conferred on the Governor-General in Council or a Local Government by an Act to which this Part applies may be exercised from time to time as occasion requires.

[cf. Act XI, 1886, s. 26.]

Provisions applicable to making of rules after previous publication.

6. Where, by an Act to which this Part applies, a power to make rules is expressed to be given subject to the condition of the rules being made after previous publication, the following provisions shall apply, namely :—

(*1*) The authority having power to make the rules shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Governor-General in Council or the Local Government prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider the objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft before the date so specified.

(*5*) The publication in an official Gazette of a rule purporting to have been made in exercise of a power to make rules after previous publication shall be conclusive proof that the rule has been duly made.

[cf. 45 & 46 Vic., c. 50, s. 280.]

Computation of time.

7. (*1*) Where a limited time from any date or from the happening of any event is appointed or allowed, by an Act to which this Part applies, for the doing of any act or the taking of any proceeding in a Court or office, and the last day of the limited time is a day on which the Court or office is closed, then 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 or office is open.

(*2*) Where, by an Act to which this Part applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day, then, if the Court or office is closed on that day, 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 or office is open.

(*3*) This section does not apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877

[cf. Act XI, 1886, s. 34.]

Provisions as to offences under more than one enactment.

8. Where an act or omission constitutes an offence under two or more enactments of which either or any is an Act to which this Part applies, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

PART II.

SUPPLEMENTAL PROVISIONS.

[cf. 13 & 14 Vic., c. 21, s. 5, and Law Rep. 4 Q. B. 333.]

Amendment of section 3 (*1*), Act I, 1868.

9. The words "wholly or partially" shall be inserted before the word "repealed" in clause (*1*) of section 3 of the General Clauses Act, 1868, and shall be deemed to have been there from the commencement of that Act. I of 1868.

[I. L. R. 3 All. 214.] III of 1880.

Partial application of this Act to Act III, 1880.

10. In the Cantonments Act, 1880, the word "soldier" shall not include a warrant-officer but shall otherwise have the meaning assigned to it by clause (*13*) of section 3 of this Act.

I of 1868.

Application of this Act and Act I, 1868, to Regulations under 33 Vic., c. 3, s. 1.

11. This Act and the General Clauses Act, 1868, shall apply to all Regulations which may receive the assent of the Governor-General under the Statute 33 Victoria, chapter 3, section 1, after the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is supplementary to the General Clauses Act, 1868, and is designed, as stated in the preamble, to further shorten the language used in Acts of the Governor-General in Council.

2. In section 3 there is nothing which calls for remark. The definitions in the section will materially shorten the defining clauses of Acts to be hereafter passed.

3. Section 4 is a repetition of a clause very generally employed by the Council of the Governor-General with the object of enabling the executive authorities, in the interval between the passing of an Act and its coming into force, to make preparations for bringing the Act into full operation as soon as it is legally possible to do so.

4. The English rule that a power given to the Crown by statute, having been once exercised, is exhausted and cannot be exercised again, has been applied by Indian Courts to powers conferred by the Indian legislature on the Governor-General in Council and Local Governments. Section 5 of the Bill is intended to remove the inconvenience resulting from the application of that rule.

5. Provisions in the terms of section 6 have been inserted in no fewer than eighteen Acts during the last three or four years and form part of several pending Bills. Their object is to give persons likely to be affected by statutory rules an opportunity, before the rules are made, of making objections and suggestions with respect to any matter which it is proposed to insert in them.

6. Section 7 is taken from the English Municipal Corporations Act, 1882, and is much needed in this country in the case of acts and proceedings to which the Indian Limitation Act, 1877, does not apply.

7. Section 8 is a repetition of a section which is very frequently inserted in Acts of the Governor-General in Council.

8. Clause (*1*) of section 3 of the General Clauses Act, 1868, has always been construed by the legislature as though the words "wholly or partially" were inserted before the word "repealed." It is proposed by section 9 of the Bill to insert those words in the clause and to require them to be deemed to have been there since the Act of 1868 was passed.

9. Difficulty has been experienced by some Courts in interpreting the word "soldier" in section 14 of the Cantonments Act, III of 1880. With the judgment of the High Court for the North-Western Provinces at I. L. R. 3 All. 214, to the effect that a warrant-officer is not a soldier within that section, the military authorities are content; but they consider it desirable that the word should have a wider meaning than has recently been assigned to it in Oudh, where the Judicial Commissioner has held a private in an European regiment, employed as a telegraph-signaller, not to be a soldier within the meaning of the section.

10. Section 11 of the Bill applies the General Clauses Act, 1868, and the proposed General Clauses Act, 1886, to Regulations to be hereafter made under the Statute 33 Vic., chapter 3.

The 1st September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The folllowing Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 1st September, 1886 :—

NO. 23 OF 1886.

A Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877.

XIV of 1882. XV of 1877. WHEREAS it is expedient to amend the Code of Civil Procedure and the Indian Limitation Act, 1877; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Civil Procedure Code Amendment Act, 1886; and

(*2*) It shall come into force on the first day of January, 1887.

Construction.

2. (*1*) In this Act "section" means a section, and "Chapter" a Chapter, of the Code of Civil Procedure.

XIV of 1882.

(*2*) All references to that Code made in enactments heretofore passed or hereafter to be passed shall be read as if made to that Code as amended by this Act.

[Cf. Act XV, 1882, Schedule I.]

Repeal of part of section 8.

3. The second paragraph of section 8 is hereby repealed.

[I. L. R. 4 All. 423 and 5 All. 277.]

Addition to section 17.

4. In section 17, after Explanation II, the following shall be inserted, namely :—

"EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely :—

(i) at the place where the contract was made,

(ii) at the place where the contract was to be performed, and

(iii) at the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

[I. L. R. 6 Cal. 370. Cf. Rules under Judicature Acts, XVI. 2.]

Amendment of section 27.

5. In section 27, after the words "the Court may" the words "at any time" shall be inserted.

[I. L. R. 9 Cal. 695; 6 Mad. 239; 5 Bom. 609; and 7 All. 79.]

Amendment of section 53.

6. In section 53, for the words "at or before the first hearing" the words "at any stage of the suit" shall be substituted.

[Government of India (Financial Dept.) Resolution No. 225, dated the 12th April, 1882.]

Repeal of section 95.

7. Section 95 is hereby repealed.

Addition to section 137.

8. In section 137, after the word "pleader" the words "or recognised agent" shall be inserted.

Amendment of section 141.

9. (*1*) For the proviso to section 141 the following shall be substituted, namely :—

"Provided that—

(*a*) if the document is an entry in a shop-book or other book, the party on whose behalf the book is produced may furnish a copy of the entry; and

(*b*) if the document is an entry in a record produced from a public office or by a public officer, or an entry in a book belonging to a person other than a party on whose behalf the book is produced, the Court may require a copy of the entry to be furnished—

(i) where the record or book is produced on behalf of a party, then by that party, or

(ii) where the record or book is produced in obedience to an order of the Court acting of its own motion, then by either or any party;

and the copy of the entry may be endorsed as aforesaid and shall be filed as part of the record, and the Court shall mark the entry and shall then return the book or record to the person producing it."

(*2*) To the same section the following shall be added, namely :—

"If a party required under this section to furnish a copy of an entry in a record or book fails to comply with the requisition, the Court may cause the copy to be made and order the cost thereof to be levied by attachment and sale of the moveable property of the defaulting party."

[Cf. s. 162 of the Code.]

Addition to section 216.

10. To section 216 the following shall be added, namely :—

[I. L. R. 7 All. 284.]

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

11. For the proviso to section 245 the following shall be substituted, namely:— Amendment of section 245.

"Provided that, in the case of a decree for money,—

(*a*) if the Court has reason to believe that the decree can be satisfied by execution against the property of the debtor, it may in its discretion refuse execution against his person;

(*b*) the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been made."

12. (*1*) In section 266, for clause (*h*) the following shall be substituted, namely:— Amendment of, and addition to, section 266.

"(*h*) the salary of a public officer or of any servant of a Railway Company to the extent of—

(i) the whole of the salary where the salary does not exceed twenty rupees;

(ii) twenty rupees where the salary exceeds twenty rupees and does not exceed forty rupees; and

(iii) one moiety of the salary in any other case."

(*2*) In the same section, after clause (*l*), the following shall be inserted, namely:—

24 & 25 Vic., c. 67. "(*m*) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree."

13. In section 271, between the words "or shall" and the words "break open any outer door of a dwelling-house" the words "without the special order of the Court causing the execution of the process" shall be inserted. Amendment of section 271.

14. To section 320 the following shall be added, namely:— Addition to section 320.

[I. L. R. 5 All. 314.] "The rules may also provide for the cases in which, the authorities to which, and the conditions on which, orders passed by the Collector or his subordinates under this Code or the rules thereunder shall be subject to appeal, and for the revision of the proceedings of appellate authorities in respect of those orders.

[I. L. R. 7 Bom. 332.] "In executing a decree transferred to the Collector under this section, the Collector and his subordinates shall be subject to the control of the Court only to the extent expressly provided by this Code."

15. (*1*) In section 341, after clause (*f*), the following shall be inserted, namely:— Addition to section 341.

"or

"(*g*) if his discharge is ordered by the Government on the ground of his suffering from any infectious or contagious disease, or by the District Court or, in a presidency-town, the committing Court on the ground of his suffering from any serious illness."

(*2*) In the proviso to the same section the word "committing" shall be inserted before the word "Court."

16. (*1*) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted. [I. L. R. 11 Cal. 451.] Amendment of Chapter XX.

(*2*) In section 350, for the words "judgment-debtor's discharge" the word "application", and for the words "is not entitled" the words "ought not", shall be substituted.

(*3*) For section 351 the following shall be substituted, namely:—

"351. (*1*) If the Court is satisfied that the statements in the application are substantially true, the Court may declare the judgment-debtor to be an insolvent and appoint a receiver of his property. Declaration of insolvency and appointment of receiver.

"(*2*) If the Court is not so satisfied, it shall reject the application."

(*4*) In section 352 the word "then" shall be repealed, and to that section the following shall be prefixed, namely:—

"When the Court has declared the judgment-debtor to be an insolvent." [I. L. R. All. 268.]

(*5*) To section 355 the following shall be added, namely:—

"In determining whether the insolvent should be discharged, and, if so, on what conditions, the Court shall have regard to whether he has committed any of the acts of misconduct referred to in section 359."

(*6*) In section 357 the figures and word "351 or" shall be omitted in each place where they occur.

(*7*) In section 359, for the words "Whenever, at the hearing under section 350 it is proved that the applicant has—" the words "Whenever in the course of proceedings on an application under this Chapter it is proved that the judgment-debtor has—" shall be substituted.

(*8*) For the second paragraph of section 360 the following shall be substituted, namely:— [I. L. R. 8 Bom. 196, & 7 Mad. 510.]

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made, in execution of a decree for money passed by that Court."

17. (*1*) For sections 363 and 364 the following shall be substituted, namely:— Amendment of Chapter XXI.

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court shall cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall cause an entry to that effect to be made on the record, and the suit shall thereupon proceed." [I. L. R. 12 Cal. 590; 11 Mad. 1; 8 All. 693; Punjab Record, Vol. XXI, No. 7, Civil Judgment No. 30; Rules under Judicature Acts. L.] Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone.

(*2*) For section 365 the following shall be substituted, namely:—

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court, at any time before an order for the abatement of the suit is passed, to have his name entered on the record in place of the deceased plaintiff, and thereupon the Court shall enter his name and the suit shall proceed." Procedure in case of death of sole or sole surviving plaintiff.

(*3*) In section 366 the words "within the time limited by law" are hereby repealed.

(*4*) In the third paragraph of section 368, between the words "the plaintiff may" and the words "make an application" the words "at any time before an order for the abatement of the suit is passed" shall be inserted.

(*5*) In the last paragraph of section 368, the words "within the period prescribed therefor" and the words "unless he satisfies the Court that he had sufficient cause for not making the application within such period" are hereby repealed.

[I. L. R. 9 Bom. 56, and 7 All. 396.] (*6*) To section 368, as amended by this section, the following shall be added, namely:—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

[I. L. R. 6 Bom. 482, and Act VIII, 1859, s. 35.] **18.** To section 381 the following shall be added, namely:— Addition to section 381.

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time fixed, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

[Act XIV, 1882, s. 588 (8); Act XV 1877, Sched. II, No. 163.] XV of 1877. "The provisions of this Code and of the Indian Limitation Act, 1877, with respect to an application and order under section 103 shall, so far as they can be made applicable, apply to an application for an order, and to an order, for setting aside a dismissal under this section."

19. In section 386, for the words "of a High Court" the words "or other person" shall be substituted. Amendment of section 386.

20. To section 396 the following shall be added, namely:— Addition to section 396.

[24 & 25 Vic., c. 40. Cf. I. L. R. 10 Cal. 675.] "If it appears to the Court that the property, by reason of its nature or of the number of the parties interested therein or of any other circumstance, cannot conveniently be divided, the Court may, if it thinks fit, on the request of any of the parties interested and notwithstanding the dissent of any others of them, pass a decree for the sale of the property and for the distribution of the proceeds among the parties according to their respective rights in the property."

21. In section 419, after the words "Government Pleader in any Court" the words "or such other person as the Local Government may for any Court appoint in this behalf" shall be inserted. Amendment of section 419.

22. To section 432 the following shall be added, namely:— Addition to section 432.

"An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief."

23. For section 433 the following shall be substituted, namely:— Substitution of new section for section 433.

"433. (*1*) Any such Prince or Chief, and any ambassador or envoy of a Foreign State, may, with the consent of the Governor-General in Council certified by the signature of one of the Secretaries to the Government of India (but not without such consent), be sued in any competent Court. Suits against Princes, Chiefs, ambassadors and envoys.

"(*2*) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another, trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued in relation to his possession of that property.

"(*3*) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor-General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy."

24. Section 434 shall become section 651. [Act X, 1886, s. 24 (2).] Transposition of section 434.

25. After section 433 the following section shall be inserted, namely:— Insertion of new section 434.

"434. A Sovereign Prince or ruling Chief may sue, and shall be sued, in the name of his State: [Cf. I. L. R. 3 All. 690: 7 Bom. H. C. Rep. O. C. J. 150.] Style of Princes and Chiefs as parties to suits.

"Provided that in giving the consent referred to in the last foregoing section the Governor-General in Council may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name."

26. (*1*) After the first paragraph of section 443 the following shall be inserted, namely:— [Cf. paragraph 4 of the Statement of Objects and Reasons of the Guardians and Wards Bill, 1886.] Amendment of Chapter XXXI.

"Where an authority competent in this behalf has appointed or declared a guardian or guardians of the person or property, or both, of the minor, the Court shall appoint him or one of them, as the case may be, to be the guardian for the suit under this section unless it considers, for reasons to be recorded by it, that some other person ought to be so appointed."

(2) After section 416 the following shall be added, namely :—

"If the next friend is not a guardian appointed or declared by an authority competent in this behalf, and the application under this section is made by a guardian so appointed or declared who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend unless it considers, for reasons to be recorded by it, that the guardian ought not to be appointed the next friend of the minor."

(3) For section 461 the following shall be substituted, namely :—

Receipt by next friend or guardian *ad litem* of property under decree for minor.

"461. (1) A next friend or guardian for the suit shall not receive any money or other moveable property under a decree or order in favour of a minor without the leave of the Court.

"(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is not thereby entitled to receive the money or other moveable property under the decree or order, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application."

(4) For section 464 the following shall be substituted, namely :—

Saving of local laws.

"464. Nothing in this Chapter shall be construed to affect, or in any way derogate from, the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind."

[2 Swanst. 518, and I. L. R. 8 Cal. 32, and 7 All. 178.]

Amendment of section 539.

27. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted.

[I. L. R. 8 Cal. 272, 2 Bom. 644, & 4 All. 387.]

Addition to section 540.

28. To section 540 the following shall be added, namely :—

"An appeal may lie under this section from an original decree passed *ex parte*."

[Cf. Act X, 1877, s. 561, & I. L. R. 8 Bom. 559 & 4 All. 218.]

Amendment of, and addition to, section 561.

29. (1) For the proviso to the first paragraph of section 561 the following shall be substituted, namely :—

"provided he has, not less than seven days before the hearing, filed the objection in the Appellate Court and left with the chief ministerial officer of the Court a notice of the filing thereof for service on the appellant or his pleader."

[I. L. R. 4 All. 430.]

(2) To the same section the following shall be added, namely :—

XV of 1877.

"The provisions of section 5 of the Indian Limitation Act, 1877, applicable to an appeal shall apply to the objection and notice under this section."

Amendment of section 568.

30. In section 568, clause (b), for the word "for" where that word first occurs, the word "or" shall be substituted.

[I. L. R. 2 Mad. 75.]

Addition to section 584.

31. To section 584 the following shall be added, namely :—

"An appeal may lie under this section from an appellate decree passed *ex parte*.

Amendment of section 588.

32. In section 588, clause (9), for the word "or" the word "for" shall be substituted.

[*Gazette of India*, 19th August, 1882, Part I, page 355.]

Repeal of section 599 and part of section 601.

33. Section 599, and in section 601 the words "within thirty days from the date of the order", are hereby repealed.

Addition to section 626.

34. To section 626 the following proviso shall be added, namely :—

"and

"(c) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (a) to this section, be disposed of by his successor."

[I. L. R. 10 Cal. 80 and 4 All. 278.]

Amendment of, and addition to, section 648.

35. (1) For the third paragraph of section 648 the following shall be substituted :—

"and the Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him."

(2) To section 648 the following shall be added, namely :—

[Cf. Provincial Small Cause Courts Bill, 1885, s. 19.]

"Where a person to be arrested or property to be attached under this section 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."

Addition to section 652.

36. To section 652 the following shall be added namely :— [New.]

"A High Court not established under the Statute 24 and 25 Victoria, chapter 104 (*an Act for establishing High Courts of Judicature in India*) may from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might under section 15 of that Statute make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town. Rules so made shall be published in the same manner, and shall thereupon have the same force, as rules made and published under this section for the regulation of matters connected with procedure."

Amendment of the Indian Limitation Act, 1877.

37. (1) Nos. 171, 171A and 171B of the second schedule to the Indian Limitation Act, 1877, are hereby repealed. XV of 1877.

(2) In No. 171C of that schedule, for the words "of the same Code" the words and figures "or section 582 of the Code of Civil Procedure" shall be substituted.

[Cf. I. L. R. 7 All. 6[illegible] Punjab Record. Vol. XXI. No. Civil Judgment No. 2[illegible] XIV of 1[illegible]

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to correct certain minor defects in the Code of Civil Procedure which have been brought to the notice of the Government of India during the four years which have elapsed since the Code was passed, and to amend that portion of the Indian Limitation Act, 1877, which relates to Chapter XXI of the Code.

The several amendments which it is proposed to make in the Code are noticed in the following remarks in the order in which they occur in the Bill :—

Section 3.—The second paragraph of section 8 of the Code, which, as the second paragraph of section 8 of Act X of 1877, was repealed by the Presidency Small Cause Courts Act, XV of 1882, was unintentionally reproduced in Act XIV of 1882. *Its place has been taken* by section 23 and the second schedule of the Presidency Small Cause Courts Act.

Section 4.—The Explanation which it is proposed to add to section 17 of the Code is suggested by the cases reported at I. L. R. 4 All. 423 and 5 All. 277.

Section 5.—The addition proposed by this section to be made to section 27 of the Code has been suggested by Mr. Justice Plowden of the Punjab Chief Court with reference to the remark of Pontifex J. at I. L. R. 6 Cal. 376.

Section 6.—In proposing to amend section 53 of the Code in the manner set forth in this section, the Government of India has followed the almost unanimous advice of the authorities whom it consulted in its letter Nos. 22-27, dated the 5th January, 1886.

Section 7.—In April, 1882, the Governor-General in Council published a resolution directing that postage-charges on all processes, notices and such other documents as are issued from any Court, and are required to be transmitted by post, should in future be paid by means of service postage-stamps without any additional charge being levied from the parties at whose instance the documents are issued. This resolution practically superseded the section of the Code which it is now proposed to repeal.

Section 8.—The addition to section 137 of the Code has been suggested by Bábú Brajendra Coomar Seal, the District Judge of Bankoora, on the ground of the difficulty which occurs in obtaining affidavits where the applicant under the section is a *pardánashin* lady.

Section 9.—The object of the amendments proposed to be made in section 141 of the Code is to remove the inconvenience caused to both public officers and private persons by the detention of their records in Civil Courts. The detention of the records of a village-accountant may bring his work to a standstill, and the Hon'ble Mr. Gibbon stated to the Select Committee on the Bengal Tenancy Bill that the inconvenience is quite as great in the case of private as of public records.

Section 10.—The addition to section 216 removes the doubt expressed in the case reported at I. L. R. 7 All. 284.

Section 11.—The circumstances which have suggested clause (a) of the proposed proviso to section 245 of the Code have been described in the Statement of Objects and Reasons of the Debtors Bill. If the clause becomes part of the Code, the Courts will be competent to require the property of a judgment-debtor to be proceeded against before proceedings are taken against his person.

Section 12.—As clause (h) of section 266 is at present drawn, half the salary of a public officer or railway servant in receipt of a monthly salary of twenty-one rupees may be attached. This was not the intention of the legislature.

The primary object of the additional clause (m) which it is proposed to insert in the section is to empower the Council of the Governor of Bombay to proceed with a Bill to declare and amend the law relating to *toda girás* allowances.

Section 13.—This section has been introduced at the suggestion of the Advocate General of Bombay, its object being to abolish, as regards the seizure of moveable property, the privilege conferred on debtors by the fourth resolution in Semayne's case (Smith's Leading Cases, Vol. I). At present that privilege operates mainly to enable debtors to avoid or delay payment of their just debts.

Section 14.—The necessity for the first of the proposed additions to section 320 of the Code is shown by the Full Bench judgment of the High Court for the North-Western Provinces at I. L. R. 5 All. 314. As regards the second addition, it appears to the Government of India that, if the Collector is to act effectively under section 320 and the following sections of the Code, he ought to be subject to the control of the Civil Court only to the extent expressly provided by the Code, being as to the rest subject only to the control of the higher revenue-authorities.

Section 15.—The addition to section 341 has been proposed by the High Court and Government of Madras with reference to cases which have recently occurred in Southern India. In one of these cases the debtor committed to prison was suffering from leprosy in an advanced

form, and in the other the prisoner was suffering from illness so serious as in the opinion of the medical officer to render it necessary that he should be immediately released from confinement.

Section 16.—The object of sub-sections (*1*) to (*7*) is to assimilate practice under Chapter XX of the Code to that to be prescribed by the proposed Indian Bankruptcy Act.

Sub-section (*8*) is designed to extend the jurisdiction of subordinate Courts in matters of insolvency. Most cases under Chapter XX are of little importance and may properly be disposed of by munsifs. Where any considerable sum is involved, the District Judge, who will have concurrent jurisdiction, can transfer the case to his own Court.

Sections 17 and 37.—The amendments proposed to be made in Chapter XXI of the Code and in the second schedule to the Indian Limitation Act, 1877, have their origin in the complaints of the hardship caused by the rules of limitation required by that Chapter and schedule to be observed in the substitution of legal representatives in the place of deceased parties to suits and appeals. With respect to these portions of the Code and Limitation Act, Mr. Rattigan, the Government Advocate of the Panjab, by whom the form of the amendments has been suggested, has recorded the following remarks :—

"Considerable hardship has been experienced in the Panjab in the working of those sections of the Civil Procedure Code which deal with the procedure to be followed in the case of the death of a plaintiff or defendant. It is of course perfectly correct and desirable that in the case of the death of one of the litigant parties, where the right to sue or be sued still survives, his legal representatives should be brought on the record, for it is clear that without such a process the suit could not validly proceed. But the hardship consists in requiring the legal representatives to apply for the above purpose within a comparatively short period after the death of the deceased plaintiff or defendant. In the Panjab it frequently happens in land-suits that fifty or a hundred persons are obliged, owing to community of interests, to sue or be sued in the one suit. Now, when such a suit comes up eventually to the Chief Court, a date for hearing is fixed which is generally not less than a year, and, at present, owing to the state of the work in the Court, is not unfrequently eighteen months from the date of filing the appeal. Within this period it often happens that one or more of the litigants is or are carried off by death from disease or violence; the representatives of the deceased, or the appellants, being ignorant agriculturists and not knowing the requirements of the law, take no action to put the representatives on the record, and thus, when the appeal finally comes on for hearing, a pleader on the opposite side takes the objection that no application has been made within the prescribed period, and, this being ascertained to be the fact, the appeal abates, and the unfortunate appellants find themselves deprived of all remedy simply in consequence of a harsh limitation law of which they had no knowledge. It is true that sections 368 and 371 allow the Court to extend the period if the plaintiff (or appellant-plaintiff) adduces sufficient cause for not making the required application within the prescribed period. But in nine cases out of ten of the kind I refer to the only cause assignable is ignorance of the requirements of the law—and this of course cannot be deemed to be 'sufficient' within the meaning of the section. So that the law as it stands at present works considerable hardship, and the hardship is irremediable.

"The question therefore arises, whether it is really necessary to prescribe a hard-and-fast period of limitation within which alone an application to put the legal representatives of a deceased plaintiff or defendant on the record can be entertained.

"For my own part I cannot see that there is any such necessity. If I remember rightly, the rules framed under the English Judicature Acts do not prescribe a period for such applications, and I do not see why the Indian law should do so. It would surely be sufficient to require the legal representatives of a deceased plaintiff or defendant, where the right to sue or be sued survived, to be put on the record; and to leave it to the Court to direct this to be done within such time, and upon such terms as to costs or otherwise, as it thinks fit."

Sub-section (*6*) of section 15 of the Bill is intended to cure the defect noticed at I. L. R. 9 Bom. 56.

Section 18.—This section, which would restore the rule of the Code of 1859, has been proposed by Mr. Justice Straight.

Section 19.—The amendment made in section 386 of the Code by Act XII of 1879, whereby commissions to examine witnesses are required to be issued to a Court or a pleader of a High Court, has caused much inconvenience. In remote parts of the country High Court pleaders do not exist, and in few parts have Judges leisure to close their Courts and travel considerable distances for the purpose of taking the evidence of persons who cannot appear before them. Moreover, in some Provinces the Government maintains a staff of officials among whose duties is the execution of these commissions.

Section 20.—The addition which it is proposed to make to section 396 has been suggested by a gentleman of long standing at the Bombay bar. It is based on the Partition Act, 1868 (31 & 32 Vic., c. 40).

Section 21.—A Government Pleader does not exist in every Court.

Section 22.—It has been doubted whether the Government is empowered by section 432 to appoint a person generally to prosecute and defend all suits which it may from time to time be necessary to prosecute or defend on behalf of a Prince or Chief. It is obviously inconvenient that the Government should be compelled to make a special appointment in the case of each particular suit.

Sections 23 and 25.—The object of these sections is (*a*) to define more precisely, with reference to the definition of "Government" in section 2 of the Code, by whom consent to the institution of a suit against a Sovereign Prince, ruling Chief, ambassador or envoy may be given; (*b*) to make the provisions of section 433 more elastic as regards the mode of giving the consent, the

cases in which the consent may be given, and the Courts to which the consent may apply; and (*c*) to prescribe the name in which a Prince or Chief may sue and is to be sued. To effect this last object it is proposed that a Prince or Chief may sue and shall ordinarily be sued in the name of his State.

Section 24.—Section 434 of the Code, under which execution may be had of a decree in a suit between British subjects, is out of place in a chapter relating to Suits by Aliens and by or against Foreign and Native Rulers. The section may conveniently take the place of section 651, which was repealed in March last by Act X of 1886.

Section 26.—The amendments proposed by this section to be made in Chapter XXXI of the Code are those referred to in paragraph 4 of the Statement of Objects and Reasons of the Guardians and Wards Bill. The additions to sections 443 and 446 confer on a guardian who has been appointed, or whose title has been declared, by a Civil Court, Court of Wards or other competent authority, a preferential right to be appointed next friend or guardian for the suit. The amendment of section 461 gives effect to a suggestion by Sir Charles Turner, late Chief Justice of Madras, that, when a Court makes over property to a next friend or guardian for the suit who is not a duly constituted guardian of the property of the minor, it 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. Section 464, as amended, saves all local laws relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

Section 27.—There are two reported cases, I. L. R. 8 Cal. 32, and I. L. R. 7 All. 178, with respect to the meaning to be assigned to the words "direct interest" in section 539. It appears that the authority for the insertion of the words "having a direct interest in the trust" is *In the matter of the Masters, Governors and Trustees of the Bedford Charity* (2 Swanst. 470). There certain Jews, some being residents of Bedford and others being members of Dutch and German Synagogues in London, sought to establish the title of Jews to the benefit of the Bedford Charity. It was contended that under Sir Samuel Romilly's Act (52 Geo. III, c. 101), on which section 539 of the Code of Civil Procedure is based, *any two or more persons* might be petitioners, and therefore the Jews of the London Synagogues, who, though *not interested*, considered it their duty to support the claims of those of their own persuasion, might be petitioners. With respect to that contention, Lord Eldon, admitting that every person possessing the character of an inhabitant of Bedford and describing himself as an object of the charity was entitled to apply to the Court, asked how he could notice the members of the London Synagogues. "Under Sir Samuel Romilly's Act," he observed, * * * "no person can petition who has not *a direct interest* in the charity. The Act indeed, authorises 'any two or more persons' to present a petition, but I conceive that those words must be understood to mean persons having *an interest*. * * * Those who are *interested* in the fund, provided Sir Samuel Romilly's Act, or the Bedford Charity Act, apply to this case, namely, persons residing in Bedford, are entitled to the summary interference of the Court, but I know not on what ground these gentlemen residing in London can appear as petitioners."

The contention which Lord Eldon overruled was that any one, though he had no interest whatever, might petition. He did, no doubt, remark that "no person can petition who has not a direct interest," but he immediately qualified that remark by adding that the words of the Act "must be understood to mean persons having an interest." The case cannot, therefore, it seems, be taken as an authority for the proposition that the interest of the petitioner must be direct. On the contrary, it may be inferred from the case that an indirect interest would have been deemed sufficient; for, when, in support of the contention that the words "any persons" comprehend persons who may not have an interest, the counsel for the petitioners pointed out that, in the instance of charities for relief of the blind and the poor, it had been the practice to receive the petition of the minister of the parish, Lord Eldon observed that "the petition of the minister of the parish is received, because the poor may be burdensome to him."

It may be doubted whether the case justified the insertion of the word "direct" in the Code, where it assumes a peculiar pointedness and must have some definite meaning assigned to it; and after consultation with the High Courts it has been decided to propose the removal of the word.

Sections 28 and 31.—It is proposed, in accordance with the advice of the great majority of the authorities consulted by the Government of India in its letter of the 5th January last, to declare *ex parte* decrees to be appealable.

Section 29.—Section 561 has been so amended as to require the objection to be filed in the Appellate Court, and notice of the filing thereof to be given to the appellant, and to admit of the objection being filed and the notice given at any time not less than seven days before the actual date of hearing; and, on the suggestion of Bábú Brajendra Coomar Seal, it applies to the objection and notice under the provisions of section 5 of the Indian Limitation Act, 1877, applicable to an appeal.

Sections 30 and 32.—The amendments proposed to be made by these sections merely correct typographical errors in sections 568 and 588 of the Code.

Section 33.—Section 599, and the portion of section 601 which it is proposed to repeal, were repealed by Act XV of 1877 and were unintentionally reproduced in the Code of 1882.

Section 34.—This section removes a doubt which has been expressed in the cases noted on the margin of the section with respect to the construction to be placed on the word "made" in section 624.

Section 35.—Sub-section (*1*) of this section has been suggested by the following remarks of the Hon'ble Judges of the High Court at Fort William in their Registrar's reply to the letter of the Government of India of the 5th January last:—

"I am further to request attention to another point in this section (648) which, though not referred to in your letter, seems to the Judges to call for notice. The section gives absolute power to a Court to cause the arrest through another Court of a person summoned as a witness, and so to cause him to be sent under arrest to the Court issuing the process. The Court to which the warrant is sent has no power of hearing the person arrested or of dealing with any question except the giving of security by him. It seems to the Judges that this is a power far too great to be entrusted at any rate to the subordinate Courts in the Mufassal."

Sub-section (2) has been transferred to this Bill from the Provincial Small Cause Courts Bill, and will be of general application instead of being applicable to Courts of Small Causes only. With respect to the necessity for this addition to section 648, the District Judge of the 24-Parganas writes as follows:—

"Under section 648 I would also beg to point out that a warrant for the arrest of a person residing within the limits of the original jurisdiction must be executed through the High Court. This is very inconvenient to small suitors, and, in a case which occurred in my Court only a few weeks ago, a defendant preferred abandoning all attempts to get a recusant witness into Court to undergoing the trouble and expense of having a warrant of arrest served through the Original Side of the High Court. I would suggest that the procedure prescribed by section 86 should be made applicable to section 648, and that warrants of arrest which are to be served within the original jurisdiction should be executed by the Small Cause Court."

Section 36.—This section is designed to remove a doubt as to the extent of the powers of unchartered High Courts to make rules on matters not strictly connected with procedure.

The 1st September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 11, 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 25th August, 1886:—

No. 19 OF 1886.

A Bill to annex the Town and Fort of Jhánsí and certain adjacent Territory to the Jhánsí District, and for certain other purposes.

Short title and commencement.

1. *(1)* This Act may be called the Jhánsí and Morar Act, 1886; and

(2) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the fort and town of Jhánsí have been ceded to the British Government in full sovereignty by His Highness the Mahárájá Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhánsí have been declared by the Governor-General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands in the neighbourhood of the town and fort of Jhánsí should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands in that neighbourhood to be ceded to His Highness in full sovereignty by the British Government;

And whereas it is expedient that the town and fort of Jhánsí, and the lands to be ceded to the British Government, should be annexed to the Jhánsí district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands in the neighbourhood thereof which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhánsí district; XIV of 1874.

It is hereby enacted as follows:—

Annexation of ceded lands to Jhánsí district.

2. The town and fort of Jhánsí, and the lands in the neighbourhood thereof which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhánsí district.

Assimilation of law in force in ceded lands to law in force in Jhánsí district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhánsí district and not in the town and fort of Jhánsí or those lands, shall then come into force in the town and fort or those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhánsí.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhánsí and the lands shall be deemed to form part of the district of Jhánsí mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874. XIV of 1874.

Validation of acts done since the beginning of March, 1886.

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to [cf. Act XX of 1876, s. 3.]

the town and fort of Jhánsí since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

PART II.

And whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of the Jhánsí district under the Code of Civil Procedure or the Jhánsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhánsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhánsí district; It is hereby further enacted as follows:—

XIV of 1882.
XVIII of 1867.
XII of 1881.

Execution of decrees of Gwalior Courts.

6. (*1*) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhánsí district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

(*2*) The Deputy Commissioner may for any sufficient cause withhold his sanction to the making of the application, or permit the application to be made on any conditions which in the circumstances he deems it proper to impose.

XV of 1877.

(*3*) The fact that an application is barred by the Indian Limitation Act, 1877, may be a sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhánsí to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(*4*) Subject to revision by the Commissioner of the Jhánsí Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

PART III.

And whereas it is expedient that traders and others who were entitled immediately before the cession of the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhánsí and Agra, and at any other place from time to time appointed in this behalf by the Governor-General in Council, and that the period of limitation in these cases should be extended; It is hereby further enacted as follows:—

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

7. (*1*) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 74 and 75 of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhánsí or Agra, or other place appointed in that behalf by the Governor-General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction.

XV of 1877.

(*2*) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhánsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (*1*) is instituted or made, shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(*3*) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.

STATEMENT OF OBJECTS AND REASONS.

1. This Bill is drawn in three Parts.

2. The object of Part I is to incorporate in the Jhánsí district the fort and town of Jhánsí, which were lately ceded by the Mahárájá Scindia to the British Government in exchange for the cantonment of Morar. The town and fort have already been declared by proclamation under the Statute 28 & 29 Vic., c. 17, section 4, to be subject to the Lieutenant-Governorship of the North-Western Provinces, but legislation is required for the annexation of the town and fort to the Jhánsí district, and for the assimilation of the law in force therein to that in force in the district. The provisions necessary to effect these objects are contained in sections 2 and 3 of the Bill, while section 4 makes it clear that the ceded territory will be part of the scheduled district of Jhánsí; and section 5, which is taken from the corresponding provision in the Upper Burma Laws Bill now before the Legislative Council, validates all acts done since the date of the cession and before the commencement of the Act. As negotiations are at present pending for the exchange of certain lands in the neighbourhood of Jhánsí, the provisions of sections 2, 3 and 4 of the Bill are made prospective, so as to cover the lands which may be ceded.

3. The object of Part II is to give effect to certain decrees and orders of the Gwalior Courts which, by reason of cession of territory, have ceased to be enforceable in those Courts.

4. The object of Part III is to afford relief to certain traders and others formerly carrying on business within the cantonment of Morar who had money-claims enforceable in the local Courts at the time of the cession of the cantonment to the Mahárájá. As the British Courts in the cantonment have necessarily been abolished, these persons have now no means of recovering the amounts due to them at Morar, whilst to follow their debtors to the various places to which they have migrated, and proceed against them in the Civil Courts there, would, in many cases, put the creditors to greater expenses than the amount of the debts due to them. It is proposed, therefore, by section 7 of the Bill that persons who may have been entitled to file suits of certain classes, or applications for or with respect to the execution of decrees in suits of those classes, in a Morar Civil Court at the date of the cession of the cantonment, may file the suits and applications in the Civil Courts at Jhánsí or Agra, or at any other place appointed by the Governor-General in Council in this behalf, and that the Courts having jurisdiction at those places shall dispose of the suits and applications. In order to save debts which might otherwise have become time-barred, the same section declares that in computing the period of limitation for the suits and applications, the time which has elapsed between the date of the cession of the cantonment and the commencement of the Act shall be excluded.

The 25th August, 1886.

C. P. ILBERT.

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 25th August, 1886:—

NO. 20 OF 1886.

THE NATIVE PASSENGER SHIPS BILL, 1886.

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SCHEDULE.—ENACTMENTS REPEALED.

A Bill to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to native passenger ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Native Passenger Ships Act, 1886. — Short title.

[Act VIII, 1876, s. 2.] Extent and application. 2. (*1*) It extends to the whole of British India, and applies—

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;

(*b*) to all native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in sub-section (*2*), to vessels carrying more than thirty passengers being natives of Asia or Africa.

(*2*) But it does not apply—

(i) to any ship-of-war or transport belonging to, or in the service of, Her Majesty, or

(ii) to any ship-of-war belonging to any Foreign Prince or State, or

(iii) to any sailing-vessel not carrying as passengers more than thirty natives of Asia or Africa, or

(iv) to any steamer not carrying as passengers more than sixty such natives, or

(v) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India:

[New.] Provided, with respect to clauses (iii) and (iv) of this sub-section, that the Local Government may, with the previous sanction of the Governor-General in Council, declare all or any of the provisions of this Act to apply to sailing-vessels, or any class of sailing-vessels, carrying as passengers more than fifteen natives of Asia or Africa, and to steamers, or any class of steamers, carrying as passengers more than thirty such natives.

[Act VIII, 1876, s. 3.] Commencement. 3. This Act shall come into force on such day as the Governor-General in Council, by notification in the *Gazette of India* appoints.

[Act VIII, 1876, s. 4.] Repeal. 4. (*1*) On and from that day the enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column thereof.

(*2*) But all ports, places and officers appointed, rules, declarations and exemptions made, bonds executed, directions given and certificates granted under any of those enactments shall, so far as may be, be deemed to be respectively appointed, made, executed, given and granted under this Act; and

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

[Act VIII, 1876, s. 5.] Definitions. 5. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace and, at the Port of Aden, the Resident or an Assistant Resident:

(*2*) "ship" includes every description of vessel used in navigation not propelled by oars:

(*3*) "master" includes every person (other than a pilot) having command or charge of a ship:

(*4*) "passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include either a person in attendance on another person who is not a native of Asia or Africa, or a child under one year of age:

(*5*) "voyage" means the whole distance between the ship's port of departure and her final port of arrival:

(*6*) "long voyage" means any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:

(*7*) "short voyage" means any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is in ordinary circumstances more than five days from the next one. This is a short voyage.

(*8*) "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

The Native Passenger Ships Bill, 1886.
(Chapter II.—Rules for all Voyages.—Sections 6-15.)

CHAPTER II.

RULES FOR ALL VOYAGES.

[Act VIII, 1876, s. 6.] Ships to sail only from ports appointed by the Government. 6. (*1*) A ship carrying passengers shall not depart or proceed from, or discharge passengers at, any port or place within British India other than a port or place appointed in this behalf by the Local Government.

(*2*) After a ship has departed or proceeded upon a voyage from a port or place so appointed, a person shall not be received on board as a passenger except at some other port or place so appointed.

[Act VIII, 1876, s. 7.] Master to give notice of day of sailing. 7. (*1*) The master, owner or agent of a ship so departing or proceeding shall give notice to an officer authorised in this behalf by the Local Government that the ship is to carry native passengers, and of her destination, and of the proposed time of sailing.

(*2*) The notice shall be given not less than twenty-four hours before that time.

[Act VIII, 1876, s. 8.] Power to enter and inspect ship. 8. After receiving the notice, the officer aforesaid, or a person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

[Act VIII, 1876, s. 9.] Ship not to sail without two certificates. 9. (*1*) A ship intended to carry passengers shall not commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(*2*) The officer of the Government whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

[Act VIII, 1876, s. 10.] Contents of certificate A. 10. The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of passengers which she is capable of carrying.

[Act VIII, 1876, s. 11.] Contents of certificate B. 11. The second of the certificates (hereinafter called "certificate B") shall state—

(*a*) the voyage which the ship is to make and the intermediate ports, if any, at which she is to touch;

(*b*) that she has the proper complement of officers and seamen;

(*c*) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules;

[New.]

(*d*) that the master holds certificate A;

(*e*) if the ship is to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather;

(*f*) if she is to sail to any port in the Red Sea, that she is propelled principally by steam and, if she is to carry more than one hundred passengers being natives of Asia or Africa, that she has on board a medical officer licensed in accordance with the rules under this Act; and [Act XVII, 1883, s. 2.]

(*g*) such other particulars, if any, as may be prescribed by those rules.

[Act VIII, 1876, s. 12.] Grant of certificates. 12. The person by whom certificate A and certificate B are to be granted shall be the officer referred to in section 7.

[Act VIII, 1876, s. 13.] Substitute for certificate A. 13. Where the master of a ship produces to that officer either of the following certificates, namely—

(*a*) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(*b*) a certificate granted under the authority of a British Indian Government on a date not more than one year before the proposed day of sailing and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed, [Act VII, 1884, s. 41.]

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

[Act VIII 1876, s. 14.] Survey of ship. 14. (*1*) After receiving the notice required by section 7, the officer aforesaid may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the voyage which she is to make:

Provided that he shall not cause a ship holding a certificate mentioned in section 13, clause (*a*) or clause (*b*), to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the voyage.

(*2*) If the officer aforesaid causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted and ventilated for the voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for the voyage, the expense of the survey shall be paid by the Local Government.

[Act VIII, 1876, s. 15.] Discretion as to grant of certificate. 15. (*1*) The officer authorized to grant a certificate under this Act in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the passengers.

The Native Passenger Ships Bill, 1886.
(Chapter II.—Rules for all Voyages.—Sections 16-17.—Chapter III.—Rules for short Voyages.—Sections 18-20.—Chapter IV.—Rules for long Voyages.—Sections 21-23.)

(2) But save as aforesaid, and subject to the provisions of sub-section (3), it shall be in the discretion of the officer aforesaid to grant or withhold a certificate under this Act.

[Act VIII, 1876, s. 16.] (3) In the exercise of that discretion that officer shall be subject to the control of the Local Government, and of any intermediate authority which that Government appoints in this behalf.

[Act VIII, 1876, s. 17.] **16.** The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Act in respect of the ship, and shall keep those copies so posted up in that part during the voyage.

Copy of certificates to be exhibited.

[Act VIII, 1876, s. 18, amended.] **17.** If an officer appointed in this behalf by the Local Government is satisfied that a passenger has brought on board a ship for his own use provisions of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, apply so far as regards the supply of provisions for that passenger.

Supply by passengers of their own provisions.

CHAPTER III.

RULES FOR SHORT VOYAGES.

[Act VIII, 1876, s. 19.] **18.** (1) For seasons of fair weather, a ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and six superficial feet available for each upper-deck passenger.

Space to be available for passengers.

(2) For seasons of foul weather, a ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and twelve superficial feet available for each upper-deck passenger.

(3) For seasons of foul weather, a ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and shall contain on the upper-deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

(4) But in seasons of foul weather a ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

[Act VIII, 1876, s. 20.] **19.** If a ship performing a short voyage takes additional passengers on board at an intermediate port or place, the master shall obtain a supplementary certificate from the proper officer at that port, stating—

Ship taking additional passengers at intermediate port.

(a) the number of passengers so taken on board; and

(b) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable), according to the scale for the time being prescribed by those rules:

Provided that, if the certificate B held by the master of the ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the full number of passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate.

[Act VIII, 1876, s. 21.] **20.** When the ship reaches her final port of arrival, the master shall notify, to such officer as the Governor-General in Council appoints in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

Report of deaths on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

[Act VIII, 1876, s. 22.] **21.** (1) A ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

Space to be available for passengers.

(2) A ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

[Act VIII, 1876, s. 23.] **22.** The master of a ship departing or proceeding on a long voyage from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the passengers and the number of the crew, and shall deliver them to the officer appointed under section 20, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

Statement of passengers.

[Act VIII, 1876, s. 24.] **23.** The master shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of

Deaths on voyage.

The Native Passenger Ships Bill, 1886.
(Chapter IV.—Rules for long Voyages.—Sections 24-30.—Chapter V.—Penalties.—Sections 31-33.)

arrival if it is a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

[Act VIII, 1876, s. 25.] **24.** (1) In either of the following cases, namely,—

Ship taking additional passengers and touching at intermediate port.

(a) if, after the ship has departed or proceeded on a long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers, or

(b) if the ship upon her voyage touches or arrives at any such port, having previously received on board additional passengers at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the proper officer at that port, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

(2) All the foregoing provisions of this Act in that behalf shall be applicable to any certificate granted or statement made under this section.

[Act XVII, 1883, s. 3.] **25.** In the case of a ship sailing from any port in British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant the clearance unless and until the master, owner or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of Rs. 5,000, conditioned—

Bond where ship clears for port in Red Sea.

(a) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers; and

(b) that the master and medical officer (if any) of the ship shall comply with on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships sailing between ports in British India and ports in the Red Sea as the Governor-General in Council may make under this Act.

[Act VIII, 1876, s. 27, & Act XVII, 1883, s. 4.] **26.** A ship carrying more than sixty passengers being natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea, or from any port in the Red Sea to any port in British India, shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

Ships sailing to or from port in Red Sea to touch at Aden.

[Act VIII, 1876, s. 28, & Act XVIII, 1883, s. 5.] **27.** The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board the ship.

Bill of health at Aden.

[Act XVII, 1883, s. 6.] **28.** A ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers being natives of Asia or Africa shall have on board a medical officer licensed in accordance with the rules under this Act.

Certain ships to carry medical officer.

[Act XVII, 1883, s. 6.] **29.** A ship sailing from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

Certain ships to be propelled by steam.

[Act XVII, 1883, s. 6.] **30.** (1) The Local Government may direct that no passenger shall be received on board any ship or any ship of a specified class sailing from any port in British India to any port in the Red Sea unless and until the passenger has been inspected, at such time and place as the Local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose.

Power for Local Government to direct medical inspection of passengers.

(2) If, in the opinion of the officer making an inspection under this section, a passenger is suffering from any dangerously infectious or contagious disease, the passenger shall not be permitted to embark.

CHAPTER V.

PENALTIES.

[Act VIII, 1876, s. 29.] **31.** If a ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 6, sub-section (1), or section 9, or if a person is received as a passenger on board a ship in contravention of the provisions of section 6, sub-section (2), the master or owner shall, for every passenger conveyed in the ship, or for every passenger so discharged or received on board, be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

Penalty for ship unlawfully departing or receiving passengers on board.

[New.] Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

[Act VIII, 1876, s. 30.] **32.** If a person impedes or refuses to allow the entry or inspection authorized under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for opposing entry on or inspection of ships.

[Act VIII, 1876, s. 31.] **33.** If a master or owner wilfully fails to comply with the requirements of section 16 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty for not exhibiting copy of certificates.

The Native Passenger Ships Bill, 1886.
(Chapter V.—Penalties.—Sections 34-44.)

[Act VIII, 1876, s. 32.]

34. If a master fails to comply with any of the requirements of section 22 or section 24, as to the statement of passengers, or wilfully makes any false entry or note in or on any such statement, or wilfully fails to obtain any such supplementary certificate as is mentioned in section 19, or to report deaths as required by section 20, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for not complying with requirements as to statement of passengers and certain other matters.

[Act VIII, 1876, s. 33.]

35. If a master, after having obtained any of the certificates mentioned in section 9, section 19 or section 24, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for fraudulent alteration in ship after certificate obtained.

[Act VIII, 1876, s. 34.]

36. If a master wilfully, and without satisfactory excuse, omits to supply to any passenger the allowance of food, fuel and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

Penalty for failing to supply passengers with prescribed provisions.

[Act VIII, 1876, s. 35.]

37. If the master of a ship to which section 26 applies wilfully fails to touch at Aden, or leaves that port without having obtained a bill of health under that section, he shall, for every such offence, be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for not obtaining bill of health at Aden.

[Act VIII, 1876, s. 36.]

38. (*1*) If a ship has on board a number of passengers which, regard being had to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, on arriving from a port where a certificate could not be procured, has on board a number of passengers exceeding the number allowed by this Act for the ship, the master and owner shall, for every passenger over and above the number allowed by the certificate or by this Act, as the case may be, be each punished with fine which may extend to twenty rupees, and the master shall further be liable for each of the passengers over and above that number to imprisonment for a term which may extend to one week:

Penalty for excess of number specified in certificate.

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(*2*) Any officer authorized in this behalf by the Local Government may cause all passengers over and above the number allowed by the certificate or by this Act, as the case may be, to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the master or owner of the ship as if the cost was a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

[Act VIII, 1876, s. 37.]

39. If a ship bringing native passengers from any port or place beyond British India, into any port or place in British India, has on board a number of passengers greater either than in the proportion prescribed by section 18 or section 21 or under section 57 (as the case may be) or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every passenger in excess of that proportion or of that number, be each punished with fine which may extend to twenty rupees.

Penalty for bringing native passengers from foreign port in excess of authorized proportion.

[Act VIII, 1876, s. 38.]

40. If the master of a ship to which this Act applies lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

[New.]

41. If a ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers, or assurance to them, with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract, engagement or assurance was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty for making voyage in contravention of contract with passengers.

[Act XVII, 1883, s. 7.]

42. If the master or medical officer of any such ship as is referred to in section 26 wilfully breaks, or omits or neglects to obey, any rule under this Act applicable to the ship, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master or medical officer of certain ships disobeying rules.

[Act XVII, 1883, s. 7.]

43. If a ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers has not on board a medical officer as required by section 28, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master of certain ships sailing without medical officer.

[Act XVII, 1883, s. 7.]

44. If a ship sailing from or to any port in British India to or from any port in the Red Sea is not principally propelled by steam, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty on master and owner of certain ships not propelled by steam.

The Native Passenger Ships Bill, 1886.
(Chapter V.—Penalties.—Sections 45—50.—Chapter VI.—Supplemental Provisions.—Sections 51-53.)

[Act XVII, 1883, s. 7.]

45. If the master of a ship to which a direction under section 30 applies knowingly receives on board the ship any person in contravention of that section, he shall be punished with fine which may extend to five hundred rupees for each person so received, or with imprisonment which may extend to three months, or with both.

Penalty on master receiving passenger in contravention of section 30.

Procedure.

[Act VIII, 1876, s. 39.]

46. (*1*) Offences against this Act shall be punishable by a Magistrate.

Adjudication of offences, and levy of fine by distress on ship.

(*2*) If the person on whom a fine is imposed under this Act is the master or owner of a ship and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

[Act VIII, 1876, s. 40.]

47. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

[Act VIII, 1876, s. 41.]

48. The penalties to which masters and owners of ships are made liable by this Act shall be enforced only on information laid at the instance of the officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

[Act VIII, 1876, s. 42.]

49. A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed or in or towards payment of the expenses of the proceedings.

Application of fines.

[Act VIII, 1876, s. 43.]

50. (*1*) Whenever, in the course of any legal proceeding under this Act, the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

Depositions receivable when witnesses cannot be produced.

Provided that the deposition shall not be admissible unless—

(*a*) it is authenticated by the signature of the Justice, Magistrate or consular officer;

(*b*) it was made in the presence of the person accused; and

(*c*) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

[Act VIII, 1876, s. 44.]

51. (*1*) The Chief Officer of Customs, or the officer, if any, appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting the ship and the passengers conveyed therein to the officer at the port from which the ship commenced her voyage, and to the officer at any other port within British India where the passengers or any of them embarked.

Information to be sent to ports of embarkation.

(*2*) Any officer appointed under this Act may, at any port or place in British India at which a ship to which this Act applies touches, board the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and other matters have been complied with.

[Act VIII, 1876, s. 45.]

52. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as aforesaid or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Report of Consul.

[Act VIII, 1876, s. 46.]

53. (*1*) The Governor-General in Council may make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

Power for Governor-General in Council and Local Government to make rules.

(*a*) the scale on which provisions, fuel and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the provisions, fuel and water; [New.]

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(*c*) the licensing and appointment of medical officers in cases where they are required under this Act to be carried; [Act XVII, 1883, s. 8.]

(*d*) the boats, anchors and cables to be provided on board;

(*e*) the instruments for purposes of navigation to be supplied;

(*f*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(*g*) the provision of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys; [New. cf. 39 & 40 Vic., c. 80, s. 21.]

The Native Passenger Ships Bill, 1886.
(Chapter VI.—Supplemental Provisions.—Sections 54-59.)
(Schedule.—Enactments repealed.)

[Act XVII, 1883, s. 8.] (*h*) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;

[Act XVII, 1883, s. 8.] (*i*) the access of between-decks passengers to the upper deck; and

(*j*) generally, to carry out the purposes of this Act.

[New.] (*2*) The Local Government may make rules consistent with this Act to regulate, in the case of any ship or class of ships to which this Act applies, the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Act in that behalf.

[New.] (*3*) In making a rule under this section, the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

[New.] **54.** (*1*) An authority making rules under the last foregoing section shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making rules.

(*2*) The publication shall be made in such manner as the Governor-General in Council, by notification in the *Gazette of India*, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into 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 the last foregoing section 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 that section shall be conclusive proof that it has been duly made.

[Act VIII, 1876, s. 47.] **55.** The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

Appointment of officers.

[Act VIII, 1876, s. 48.] **56.** The Governor-General in Council may declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and, for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

Power to declare what shall be deemed "seasons of fair weather" and "long voyages."

[Act VII, 1876, s. 49.] **57.** The Governor-General in Council may by order prescribe, in the case of any ship or class of ships and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be available for passengers; and the order shall override the provisions of sections 18 and 21 so far as they apply to that ship or class of ships.

Power to prescribe space to be available for passengers.

[Act XVII, 1883, s. 9.] **58.** The Local Government may, with the previous sanction of the Governor-General in Council, for any special reason and subject to such conditions as it thinks fit, exempt any ship or class of ships from any provision of this Act.

Power to exempt ship from provisions of Act.

[New.] **59.** All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers exerciseable from time to time.

SCHEDULE.

ENACTMENTS REPEALED.

(See section 4.)

Number and year.	Title.	Extent of repeal.
VIII of 1876	Native Passenger Ships Act, 1876.	The whole.
XVII of 1883	Native Passenger Ships Act, 1883.	The whole.
VII of 1884	Indian Steamships Act, 1884.	Section 41.

STATEMENT OF OBJECTS AND REASONS.

The law relating to native passenger ships is contained in three enactments, namely, the Native Passenger Ships Act, VIII of 1876, and the amending Acts, XVII of 1883 and VII of 1884. Further amendments having now become necessary, the opportunity has been taken to consolidate the law in a single measure.

2. The amendments are not numerous and will be noticed in the order in which they occur in the Bill—

(*a*) *Section 2.*—The primary object of the proviso to sub-section (*2*) of this section is to confer on the Government of Bombay the power of having certain small vessels engaged in the pilgrim-trade between Western India and the Hedjaz examined with a view to ascertaining whether or not they are seaworthy.

(*b*) *Section 11, clause* (*c*).—The corresponding section of the Act of 1876 requires certificate B to state that provisions, fuel and pure water sufficient for the voyage have been placed on board. It is now proposed to require the certificate to state that the supply is sufficient not only for the voyage but for any probable period of detention in quarantine. On one occasion at least the Government has had to undertake the maintenance of a shipload of pilgrims whose private stock of provisions had become exhausted.

(*c*) *Section 41.*—Cases have occurred in which pilgrims who had engaged their passages on the understanding that they would proceed direct to the Hedjaz have been taken on long coasting voyages. The deception thus practised has caused great hardship, pilgrims very frequently taking their own provisions with them (section 18, Act VIII, 1876) and very rarely taking more than is absolutely necessary for their support on the voyage which they believe themselves to have undertaken.

(*d*) *Section 53, sub-section* (*1*), *clause* (*g*).—It is proposed, following section 21 of the English Merchant Shipping Act, 1876, to empower the Governor-General in Council to require native passenger ships to be provided with means for making signals of distress and with life-saving apparatus.

(*e*) *Section 53, sub-section* (*2*).—This sub-section is designed to meet a suggestion made by Mr. T. M. Cook, of the firm of Messrs. Thomas Cook & Son, that the embarkation of pilgrims in the "Roads" at Bombay during the monsoon should be forbidden, and that pilgrim-carrying ships should be required to go into dock for the purpose of receiving their passengers during that season.

(*f*) *Section 54.*—This section requires drafts of any rules which it is proposed to make under the Act to be published for the information of the public before the rules are made.

A. COLVIN.

The 25th August, 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 1st September, 1886:—

NO. 21 OF 1886.

A Bill to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows:— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

STATEMENT OF OBJECTS AND REASONS.

OCCASION having arisen in the Bombay Presidency, as it did in Upper India in 1879, for a law to provide for the better prevention of glanders among horses, the Government of Bombay has expressed a wish that the Glanders and Farcy Act, 1879, may be extended to the Bombay Presidency.

The object of this Bill is to give effect to that wish.

C. P. ILBERT.

The 1st September, 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 1st September, 1886:—

NO. 22 OF 1886.

A Bill for further shortening the language used in Acts of the Governor-General in Council, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Acts made by the Governor-General in Council, and to make certain further provisions relating to those Acts; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the General Clauses Act, 1886; and

(2) It shall come into force at once.

PART I.

ADDITIONAL CLAUSES.

Application of this Part.

2. This Part shall apply to this Act and to all Acts made by the Governor-General in Council under the Indian Councils Act, 24 & 25 Vic., c. 67. 1861, after the passing of this Act.

Definitions.

3. In any Act to which this Part applies, unless there is something repugnant in the subject or context,—

[Chapter V, Act XLV, 1860.] XLV of 1860.

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

[cf. Act I, 1868, s. 3 (10).]

(2) "Chapter", "Part" and "schedule" shall denote, respectively, a Chapter and Part of, and schedule to, the Act in which the word occurs:

[cf. Act I, 1868, s. 2 (10).]

(3) "sub-section" shall denote a sub-section of the section in which the word occurs:

Act VIII, 1885, s. 1 (2).]

(4) "commencement", used with reference to an Act, shall mean the day on which the Act comes into force:

[Act I, 1868, s. 2.]

(5) "financial year" means the year commencing on the first day of April:

[Act XIII, 1885, s. 2 (7).]

(6) "local authority" shall mean 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:

[Act V, 1868, s. 3.]

(7) "master," used with reference to a ship, means any person (except a pilot or harbour-master) having for the time being control or charge of the ship:

[Act X, 1882, s. 4 (p).]

(8) "offence" shall mean any act or omission made punishable by any law for the time being in force:

[Act XLV, 1860, s. 268.] XLV of 1860.

(9) "public nuisance" shall have the meaning assigned to that expression in section 268 of the Indian Penal Code:

[Act VIII, 1885, s. 3 (18).]

(10) "registered" shall mean registered under the law for the time being in force for the registration of documents:

[Act XIV, 1882, s. 2: Act VI, 1886, s. 3.]

(11) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions:

[Act V, 1868, s. 3.]

(12) "ship" includes every description of vessel used in navigation not exclusively propelled by oars:

[cf. 44 & 45 Vic., c. 58, ss. 176 (1) and 190 (6) and (8).] 44 & 45 Vic., c. 58.

(13) "soldier" shall mean a person who is a soldier within the meaning of the Army Act, 1881:

[Act XVIII, 1884, s. 3 (8).]

(14) "value", used with reference to a suit, shall mean the amount or value of the subject-matter of the suit: and

[Act X, 1882, s. 4 (e): and Act XIV, 1882, s. 2.]

(15) "write", with its grammatical variations and cognate expressions, shall include "print" and "lithograph", with their grammatical variations and cognate expressions.

Making of rules and issue of orders between passing and commencement of Act.

4. Where, by an Act to which this Part applies and which is not to come into force immediately on the passing thereof, a power is conferred on the Governor-General in Council or on a Local Government or a High Court, to make rules, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office

[Act XVIII, 1884, s. 1 (4).]

or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, the power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act.

[Act X, 1882, s. 557.]

Powers to be exercisable by the Government from time to time.

5. Any power conferred on the Governor-General in Council or a Local Government by an Act to which this Part applies may be exercised from time to time as occasion requires.

[cf. Act XI, 1886, s. 26.]

Provisions applicable to making of rules after previous publication.

6. Where, by an Act to which this Part applies, a power to make rules is expressed to be given subject to the condition of the rules being made after previous publication, the following provisions shall apply, namely :—

(*1*) The authority having power to make the rules shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Governor-General in Council or the Local Government prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider the objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft before the date so specified.

(*5*) The publication in an official Gazette of a rule purporting to have been made in exercise of a power to make rules after previous publication shall be conclusive proof that the rule has been duly made.

[cf. 45 & 46 Vic., c. 50, s. 280.]

Computation of time.

7. (*1*) Where a limited time from any date or from the happening of any event is appointed or allowed, by an Act to which this Part applies, for the doing of any act or the taking of any proceeding in a Court or office, and the last day of the limited time is a day on which the Court or office is closed, then 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 or office is open.

(*2*) Where, by an Act to which this Part applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day, then, if the Court or office is closed on that day, 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 or office is open.

(*3*) This section does not apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877.

[cf. Act XI 1886, s. 34.]

Provisions as to offences under more than one enactment.

8. Where an act or omission constitutes an offence under two or more enactments of which either or any is an Act to which this Part applies, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

PART II.

SUPPLEMENTAL PROVISIONS.

[cf. 13 & 14 Vic., c. 21, s. 5, and Law Rep. 4 Q. B. 333.]

Amendment of section 3 (*1*), Act I, 1868.

9. The words "wholly or partially" shall be inserted before the word "repealed" in clause (*1*) of section 3 of the General Clauses Act, 1868, and shall be deemed to have been there from the commencement of that Act. I of 1868.

[I. L. R. 3 All. 214.] III of 1880.

Partial application of this Act to Act III, 1880.

10. In the Cantonments Act, 1880, the word "soldier" shall not include a warrant-officer but shall otherwise have the meaning assigned to it by clause (*13*) of section 3 of this Act.

I of 1868.

Application of this Act and Act I, 1868, to Regulations under 33 Vic., c. 3, s. 1.

11. This Act and the General Clauses Act, 1868, shall apply to all Regulations which may receive the assent of the Governor-General under the Statute 33 Victoria, chapter 3, section 1, after the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is supplementary to the General Clauses Act, 1868, and is designed, as stated in the preamble, to further shorten the language used in Acts of the Governor-General in Council.

2. In section 3 there is nothing which calls for remark. The definitions in the section will materially shorten the defining clauses of Acts to be hereafter passed.

3. Section 4 is a repetition of a clause very generally employed by the Council of the Governor-General with the object of enabling the executive authorities, in the interval between the passing of an Act and its coming into force, to make preparations for bringing the Act into full operation as soon as it is legally possible to do so.

4. The English rule that a power given to the Crown by statute, having been once exercised, is exhausted and cannot be exercised again, has been applied by Indian Courts to powers conferred by the Indian legislature on the Governor-General in Council and Local Governments. Section 5 of the Bill is intended to remove the inconvenience resulting from the application of that rule.

5. Provisions in the terms of section 6 have been inserted in no fewer than eighteen Acts during the last three or four years and form part of several pending Bills. Their object is to give persons likely to be affected by statutory rules an opportunity, before the rules are made, of making objections and suggestions with respect to any matter which it is proposed to insert in them.

6. Section 7 is taken from the English Municipal Corporations Act, 1882, and is much needed in this country in the case of acts and proceedings to which the Indian Limitation Act, 1877, does not apply.

7. Section 8 is a repetition of a section which is very frequently inserted in Acts of the Governor-General in Council.

8. Clause (*1*) of section 3 of the General Clauses Act, 1868, has always been construed by the legislature as though the words "wholly or partially" were inserted before the word "repealed." It is proposed by section 9 of the Bill to insert those words in the clause and to require them to be deemed to have been there since the Act of 1868 was passed.

9. Difficulty has been experienced by some Courts in interpreting the word "soldier" in section 14 of the Cantonments Act, III of 1880. With the judgment of the High Court for the North-Western Provinces at I. L. R. 3 All. 214, to the effect that a warrant-officer is not a soldier within that section, the military authorities are content; but they consider it desirable that the word should have a wider meaning than has recently been assigned to it in Oudh, where the Judicial Commissioner has held a private in an European regiment, employed as a telegraph-signaller, not to be a soldier within the meaning of the section.

10. Section 11 of the Bill applies the General Clauses Act, 1868, and the proposed General Clauses Act, 1886, to Regulations to be hereafter made under the Statute 33 Vic., chapter 3.

The 1st September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The folllowing Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 1st September, 1886:—

NO. 23 OF 1886.

A Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877.

XIV of 1882. XV of 1877. WHEREAS it is expedient to amend the Code of Civil Procedure and the Indian Limitation Act, 1877; It is hereby enacted as follows:—

Short title and commencement. **1.** (*1*) This Act may be called the Civil Procedure Code Amendment Act, 1886; and

(*2*) It shall come into force on the first day of January, 1887.

Construction. **2.** (*1*) In this Act "section" means a section, and "Chapter" a Chapter, of the Code of Civil Procedure.

XIV of 1882. (*2*) All references to that Code made in enactments heretofore passed or hereafter to be passed shall be read as if made to that Code as amended by this Act.

[Cf. Act XV, 1882, Schedule I.] [I. L. R. 4 All. 423 and 5 All. 277.] Repeal of part of section 8. **3.** The second paragraph of section 8 is hereby repealed.

Addition to section 17. **4.** In section 17, after Explanation II, the following shall be inserted, namely:—

"EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely:—

(i) at the place where the contract was made,

(ii) at the place where the contract was to be performed, and

(iii) at the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

[I. L. R. 6 Cal. 370. Cf. Rules under Judicature Acts. XVI. 2.] Amendment of section 27. **5.** In section 27, after the words "the Court may" the words "at any time" shall be inserted.

Amendment of section 53. **6.** In section 53, for the words "at or before the first hearing" the words "at any stage of the suit" shall be substituted. [I. L. R. 9 Cal. 695; 6 Mad. 239; 5 Bom. 609; and 7 All. 79.]

Repeal of section 95. **7.** Section 95 is hereby repealed. [Government of India (Financial Dept.) Resolution No. 225, dated the 12th April, 1882.]

Addition to section 137. **8.** In section 137, after the word "pleader" the words "or recognised agent" shall be inserted.

Amendment of section 141. **9.** (*1*) For the proviso to section 141 the following shall be substituted, namely:—

"Provided that—

(*a*) if the document is an entry in a shop-book or other book, the party on whose behalf the book is produced may furnish a copy of the entry; and

(*b*) if the document is an entry in a record produced from a public office or by a public officer, or an entry in a book belonging to a person other than a party on whose behalf the book is produced, the Court may require a copy of the entry to be furnished—

(i) where the record or book is produced on behalf of a party, then by that party, or

(ii) where the record or book is produced in obedience to an order of the Court acting of its own motion, then by either or any party;

and the copy of the entry may be endorsed as aforesaid and shall be filed as part of the record, and the Court shall mark the entry and shall then return the book or record to the person producing it."

(*2*) To the same section the following shall be added, namely:—

"If a party required under this section to furnish a copy of an entry in a record or book fails to comply with the requisition, the Court may cause the copy to be made and order the cost thereof to be levied by attachment and sale of the moveable property of the defaulting party." [Cf. s. 162 of the Code.]

Addition to section 216. **10.** To section 216 the following shall be added, namely:— [I. L. R. 7 All. 284.]

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

11. For the proviso to section 245 the following shall be substituted, namely :— (Amendment of section 245.)

"Provided that, in the case of a decree for money,—

(*a*) if the Court has reason to believe that the decree can be satisfied by execution against the property of the debtor, it may in its discretion refuse execution against his person;

(*b*) the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been made."

12. (*1*) In section 266, for clause (*h*) the following shall be substituted, namely :— (Amendment of, and addition to, section 266.)

"(*h*) the salary of a public officer or of any servant of a Railway Company to the extent of—

(i) the whole of the salary where the salary does not exceed twenty rupees;

(ii) twenty rupees where the salary exceeds twenty rupees and does not exceed forty rupees; and

(iii) one moiety of the salary in any other case."

(*2*) In the same section, after clause (*l*), the following shall be inserted, namely :—

24 & 25 Vic., c. 67. "(*m*) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree."

13. In section 271, between the words "or shall" and the words "break open any outer door of a dwelling-house" the words "without the special order of the Court causing the execution of the process" shall be inserted. (Amendment of section 271.)

14. To section 320 the following shall be added, namely :— (Addition to section 320.)

[I. L. R. 5 All. 314.] "The rules may also provide for the cases in which, the authorities to which, and the conditions on which, orders passed by the Collector or his subordinates under this Code or the rules thereunder shall be subject to appeal, and for the revision of the proceedings of appellate authorities in respect of those orders.

[I. L. R. 7 Bom. 382.] "In executing a decree transferred to the Collector under this section, the Collector and his subordinates shall be subject to the control of the Court only to the extent expressly provided by this Code."

15. (*1*) In section 341, after clause (*f*), the following shall be inserted, namely :— (Addition to section 341.)

"or

"(*g*) if his discharge is ordered by the Government on the ground of his suffering from any infectious or contagious disease, or by the District Court or, in a presidency-town, the committing Court on the ground of his suffering from any serious illness."

(*2*) In the proviso to the same section the word "committing" shall be inserted before the word "Court."

16. (*1*) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted. [I. L. R. 11 Cal. 451.] (Amendment of Chapter XX.)

(*2*) In section 350, for the words "judgment-debtor's discharge" the word "application", and for the words "is not entitled" the words "ought not", shall be substituted.

(*3*) For section 351 the following shall be substituted, namely :—

"351. (*1*) If the Court is satisfied that the statements in the application are substantially true, the Court may declare the judgment-debtor to be an insolvent and appoint a receiver of his property. (Declaration of insolvency and appointment of receiver.)

"(*2*) If the Court is not so satisfied, it shall reject the application."

(*4*) In section 352 the word "then" shall be repealed, and to that section the following shall be prefixed, namely :—

"When the Court has declared the judgment-debtor to be an insolvent." [I. L. R. All. 268.]

(*5*) To section 355 the following shall be added, namely :—

"In determining whether the insolvent should be discharged, and, if so, on what conditions, the Court shall have regard to whether he has committed any of the acts of misconduct referred to in section 359."

(*6*) In section 357 the figures and word "351 or" shall be omitted in each place where they occur.

(*7*) In section 359, for the words "Whenever, at the hearing under section 350 it is proved that the applicant has—" the words "Whenever, in the course of proceedings on an application under this Chapter it is proved that the judgment-debtor has—" shall be substituted.

(*8*) For the second paragraph of section 360 the following shall be substituted, namely :— [I. L. R. Bom. 156; 7 Mad. 536.]

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made, in execution of a decree for money passed by that Court."

17. (*1*) For sections 363 and 364 the following shall be substituted, namely :— (Amendment of Chapter XXI.)

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court shall cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall cause an entry to that effect to be made on the record, and the suit shall thereupon proceed." (Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone.) [I. L. R. Cal. 500; Mad. 1; All. 692; Punjab Record, Vol. XXI, No. 7, Civil Judgment No. 9; Rules under Judicature Acts, L.]

(*2*) For section 365 the following shall be substituted, namely :—

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court, at any time before an order for the abatement of the suit is passed, to have his name entered on the record in place of the deceased plaintiff, and thereupon the Court shall enter his name and the suit shall proceed." (Procedure in case of death of sole or sole surviving plaintiff.)

(*3*) In section 366 the words "within the time limited by law" are hereby repealed.

(*4*) In the third paragraph of section 368, between the words "the plaintiff may" and the words "make an application" the words "at any time before an order for the abatement of the suit is passed" shall be inserted.

(*5*) In the last paragraph of section 368, the words "within the period prescribed therefor" and the words "unless he satisfies the Court that he had sufficient cause for not making the application within such period" are hereby repealed.

[I. L. R. 9 Bom. 56, and 7 All. 396.] (*6*) To section 368, as amended by this section, the following shall be added, namely :—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

[I. L. R. 6 Bom. 483, and Act VIII, 1859, s. 35.] **18.** To section 381 the following shall be added, namely :— (Addition to section 381.)

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time fixed, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

[Act XIV, 1858, s. 588 (6); Act XV 1877, Sched. II, No. 168.] XV of 1877. "The provisions of this Code and of the Indian Limitation Act, 1877, with respect to an application and order under section 103 shall, so far as they can be made applicable, apply to an application for an order, and to an order, for setting aside a dismissal under this section."

19. In section 386, for the words "of a High Court" the words "or other person" shall be substituted. (Amendment of section 386.)

20. To section 396 the following shall be added, namely :— (Addition to section 396.)

[21 & 22 Vic., c. 40. Cf. I. L. R. 19 Cal. 500.] "If it appears to the Court that the property, by reason of its nature or of the number of the parties interested therein or of any other circumstance, cannot conveniently be divided, the Court may, if it thinks fit, on the request of any of the parties interested and notwithstanding the dissent of any others of them, pass a decree for the sale of the property and for the distribution of the proceeds among the parties according to their respective rights in the property."

21. In section 419, after the words "Government Pleader in any Court" the words "or such other person as the Local Government may for any Court appoint in this behalf" shall be inserted. (Amendment of section 419.)

22. To section 422 the following shall be added, namely :— (Addition to section 432.)

"An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief."

23. For section 433 the following shall be substituted, namely :— (Substitution of new section for section 433.)

"433. (*1*) Any such Prince or Chief, and any ambassador or envoy of a Foreign State, may, with the consent of the Governor-General in Council certified by the signature of one of the Secretaries to the Government of India (but not without such consent), be sued in any competent Court. (Suits against Princes, Chiefs, ambassadors and envoys.)

"(*2*) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another, trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued in relation to his possession of that property.

"(*3*) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor-General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy."

24. Section 434 shall become section 651. [Act X, 1886, s. 24 (2).] (Transposition of section 434.)

25. After section 433 the following section shall be inserted, namely :— (Insertion of new section 434.)

"434. A Sovereign Prince or ruling Chief may sue, and shall be sued, in the name of his State: (Style of Princes and Chiefs as parties to suits.) [Cf. I. L. R. 2 All. 690: 7 Bom. H. C. Rep. O. C. J. 150.]

"Provided that in giving the consent referred to in the last foregoing section the Governor-General in Council may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name."

26. (*1*) After the first paragraph of section 443 the following shall be inserted, namely :— (Amendment of Chapter XXXI.)

"Where an authority competent in this behalf has appointed or declared a guardian or guardians of the person or property, or both, of the minor, the Court shall appoint him or one of them, as the case may be, to be the guardian for the suit under this section unless it considers, for reasons to be recorded by it, that some other person ought to be so appointed." [Cf. paragraph 4 of the Statement of Objects and Reasons of the Guardians and Wards Bill, 1886.]

(2) After section 446 the following shall be added, namely :—

"If the next friend is not a guardian appointed or declared by an authority competent in this behalf, and the application under this section is made by a guardian so appointed or declared who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend unless it considers, for reasons to be recorded by it, that the guardian ought not to be appointed the next friend of the minor."

(3) For section 461 the following shall be substituted, namely :—

Receipt by next friend or guardian *ad litem* of property under decree for minor.

"461. (1) A next friend or guardian for the suit shall not receive any money or other moveable property under a decree or order in favour of a minor without the leave of the Court.

"(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is not thereby entitled to receive the money or other moveable property under the decree or order, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application."

(4) For section 464 the following shall be substituted, namely :—

Saving of local laws.

"464. Nothing in this Chapter shall be construed to affect, or in any way derogate from, the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind."

[2 Swanst. 518, and I. L. R. 8 Cal. 32, and 7 All. 178.]

Amendment of section 539.

27. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted.

[I. L. R. 8 Cal. 272, 2 Bom. 644, & 4 All. 387.]

Addition to section 540.

28. To section 540 the following shall be added, namely :—

"An appeal may lie under this section from an original decree passed *ex parte*."

[Cf. Act X, 1877, s. 561, & I. L. R. 8 Bom. 559 & 4 All. 248.]

Amendment of, and addition to, section 561.

29. (1) For the proviso to the first paragraph of section 561 the following shall be substituted, namely :—

"provided he has, not less than seven days before the hearing, filed the objection in the Appellate Court and left with the chief ministerial officer of the Court a notice of the filing thereof for service on the appellant or his pleader."

[I. L. R. 4 All. 430.]

(2) To the same section the following shall be added, namely :—

"The provisions of section 5 of the Indian Limitation Act, 1877, applicable to an appeal shall apply to the objection and notice under this section."

XV of 1877.

Amendment of section 568.

30. In section 568, clause (*b*), for the word "for" where that word first occurs, the word "or" shall be substituted.

[I. L. R. 2 Mad. 75.]

Addition to section 584.

31. To section 584 the following shall be added, namely :—

"An appeal may lie under this section from an appellate decree passed *ex parte*.

[*Gazette of India*, 19th August, 1882, Part I, page 355.]

Amendment of section 588.

32. In section 588, clause (9), for the word "or" the word "for" shall be substituted.

Repeal of section 599 and part of section 601.

33. Section 599, and in section 601 the words "within thirty days from the date of the order", are hereby repealed.

Addition to section 626.

34. To section 626 the following proviso shall be added, namely :—

"and

[I. L. R. 10 Cal. 80 and 4 All. 273.]

"(c) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (*a*) to this section, be disposed of by his successor."

Amendment of, and addition to, section 648.

35. (1) For the third paragraph of section 648 the following shall be substituted :—

"and the Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him."

[Cf. Provincial Small Cause Courts Bill, 1885, s. 19.]

(2) To section 648 the following shall be added, namely :—

"Where a person to be arrested or property to be attached under this section 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."

Addition to section 652.

36. To section 652 the following shall be added namely :—

[New.]

"A High Court not established under the Statute 24 and 25 Victoria, chapter 104 (*an Act for establishing High Courts of Judicature in India*) may from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might under section 15 of that Statute make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town. Rules so made shall be published in the same manner, and shall thereupon have the same force, as rules made and published under this section for the regulation of matters connected with procedure."

Amendment of the Indian Limitation Act, 1877.

37. (1) Nos. 171, 171A and 171B of the second schedule to the Indian Limitation Act, 1877, are hereby repealed.

XV of 1877.

[Cf. I. L. R. 7 All. 696; Punjab Record, Vol. XXI. No. Civil Judgment No. 81.]

(2) In No. 171C of that schedule, for the words "of the same Code" the words and figures "or section 582 of the Code of Civil Procedure" shall be substituted.

XIV of 1882.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to correct certain minor defects in the Code of Civil Procedure which have been brought to the notice of the Government of India during the four years which have elapsed since the Code was passed, and to amend that portion of the Indian Limitation Act, 1877, which relates to Chapter XXI of the Code.

The several amendments which it is proposed to make in the Code are noticed in the following remarks in the order in which they occur in the Bill :—

Section 3.—The second paragraph of section 8 of the Code, which, as the second paragraph of section 8 of Act X of 1877, was repealed by the Presidency Small Cause Courts Act, XV of 1882, was unintentionally reproduced in Act XIV of 1882. Its place has been taken by section 23 and the second schedule of the Presidency Small Cause Courts Act.

Section 4.—The Explanation which it is proposed to add to section 17 of the Code is suggested by the cases reported at I. L. R. 4 All. 423 and 5 All. 277.

Section 5.—The addition proposed by this section to be made to section 27 of the Code has been suggested by Mr. Justice Plowden of the Punjab Chief Court with reference to the remark of Pontifex J. at I. L. R. 6 Cal. 376.

Section 6.—In proposing to amend section 53 of the Code in the manner set forth in this section, the Government of India has followed the almost unanimous advice of the authorities whom it consulted in its letter Nos. 22-27, dated the 5th January, 1886.

Section 7.—In April, 1882, the Governor-General in Council published a resolution directing that postage-charges on all processes, notices and such other documents as are issued from any Court, and are required to be transmitted by post, should in future be paid by means of service postage-stamps without any additional charge being levied from the parties at whose instance the documents are issued. This resolution practically superseded the section of the Code which it is now proposed to repeal.

Section 8.—The addition to section 137 of the Code has been suggested by Bábú Brajendra Coomar Seal, the District Judge of Bankoora, on the ground of the difficulty which occurs in obtaining affidavits where the applicant under the section is a *purdánashin* lady.

Section 9.—The object of the amendments proposed to be made in section 141 of the Code is to remove the inconvenience caused to both public officers and private persons by the detention of their records in Civil Courts. The detention of the records of a village-accountant may bring his work to a standstill; and the Hon'ble Mr. Gibbon stated to the Select Committee on the Bengal Tenancy Bill that the inconvenience is quite as great in the case of private as of public records.

Section 10.—The addition to section 216 removes the doubt expressed in the case reported at I. L. R. 7 All. 284.

Section 11.—The circumstances which have suggested clause (*a*) of the proposed proviso to section 245 of the Code have been described in the Statement of Objects and Reasons of the Debtors Bill. If the clause becomes part of the Code, the Courts will be competent to require the property of a judgment-debtor to be proceeded against before proceedings are taken against his person.

Section 12.—As clause (*h*) of section 266 is at present drawn, half the salary of a public officer or railway servant in receipt of a monthly salary of twenty-one rupees may be attached. This was not the intention of the legislature.

The primary object of the additional clause (*m*) which it is proposed to insert in the section is to empower the Council of the Governor of Bombay to proceed with a Bill to declare and amend the law relating to *toda girás* allowances.

Section 13.—This section has been introduced at the suggestion of the Advocate General of Bombay, its object being to abolish, as regards the seizure of moveable property, the privilege conferred on debtors by the fourth resolution in Semayne's case (Smith's Leading Cases, Vol. I). At present that privilege operates mainly to enable debtors to avoid or delay payment of their just debts.

Section 14.—The necessity for the first of the proposed additions to section 320 of the Code is shown by the Full Bench judgment of the High Court for the North-Western Provinces at I. L. R. 5 All. 314. As regards the second addition, it appears to the Government of India that, if the Collector is to act effectively under section 320 and the following sections of the Code, he ought to be subject to the control of the Civil Court only to the extent expressly provided by the Code, being as to the rest subject only to the control of the higher revenue-authorities.

Section 15.—The addition to section 341 has been proposed by the High Court and Government of Madras with reference to cases which have recently occurred in Southern India. In one of these cases the debtor committed to prison was suffering from leprosy in an advanced

form, and in the other the prisoner was suffering from illness so serious as in the opinion of the medical officer to render it necessary that he should be immediately released from confinement.

Section 16.—The object of sub-sections (*1*) to (*7*) is to assimilate practice under Chapter XX of the Code to that to be prescribed by the proposed Indian Bankruptcy Act.

Sub-section (*8*) is designed to extend the jurisdiction of subordinate Courts in matters of insolvency. Most cases under Chapter XX are of little importance and may properly be disposed of by munsifs. Where any considerable sum is involved, the District Judge, who will have concurrent jurisdiction, can transfer the case to his own Court.

Sections 17 and 37.—The amendments proposed to be made in Chapter XXI of the Code and in the second schedule to the Indian Limitation Act, 1877, have their origin in the complaints of the hardship caused by the rules of limitation required by that Chapter and schedule to be observed in the substitution of legal representatives in the place of deceased parties to suits and appeals. With respect to these portions of the Code and Limitation Act, Mr. Rattigan, the Government Advocate of the Panjab, by whom the form of the amendments has been suggested, has recorded the following remarks :—

"Considerable hardship has been experienced in the Panjab in the working of those sections of the Civil Procedure Code which deal with the procedure to be followed in the case of the death of a plaintiff or defendant. It is of course perfectly correct and desirable that in the case of the death of one of the litigant parties, where the right to sue or be sued still survives, his legal representatives should be brought on the record, for it is clear that without such a process the suit could not validly proceed. But the hardship consists in requiring the legal representatives to apply for the above purpose within a comparatively short period after the death of the deceased plaintiff or defendant. In the Panjab it frequently happens in landsuits that fifty or a hundred persons are obliged, owing to community of interests, to sue or be sued in the one suit. Now, when such a suit comes up eventually to the Chief Court, a date for hearing is fixed which is generally not less than a year, and, at present, owing to the state of the work in the Court, is not unfrequently eighteen months from the date of filing the appeal. Within this period it often happens that one or more of the litigants is or are carried off by death from disease or violence; the representatives of the deceased, or the appellants, being ignorant agriculturists and not knowing the requirements of the law, take no action to put the representatives on the record, and thus, when the appeal finally comes on for hearing, a pleader on the opposite side takes the objection that no application has been made within the prescribed period, and, this being ascertained to be the fact, the appeal abates, and the unfortunate appellants find themselves deprived of all remedy simply in consequence of a harsh limitation law of which they had no knowledge. It is true that sections 368 and 371 allow the Court to extend the period if the plaintiff (or appellant-plaintiff) adduces sufficient cause for not making the required application within the prescribed period. But in nine cases out of ten of the kind I refer to the only cause assignable is ignorance of the requirements of the law—and this of course, cannot be deemed to be 'sufficient' within the meaning of the section. So that the law as it stands at present works considerable hardship, and the hardship is irremediable.

"The question therefore arises, whether it is really necessary to prescribe a hard-and-fast period of limitation within which alone an application to put the legal representatives of a deceased plaintiff or defendant on the record can be entertained.

"For my own part I cannot see that there is any such necessity. If I remember rightly, the rules framed under the English Judicature Acts do not prescribe a period for such applications, and I do not see why the Indian law should do so. It would surely be sufficient to require the legal representatives of a deceased plaintiff or defendant, where the right to sue or be sued survived, to be put on the record; and to leave it to the Court to direct this to be done within such time, and upon such terms as to costs or otherwise, as it thinks fit."

Sub-section (*6*) of section 15 of the Bill is intended to cure the defect noticed at I. L. R. 9 Bom. 56.

Section 18.—This section, which would restore the rule of the Code of 1859, has been proposed by Mr. Justice Straight.

Section 19.—The amendment made in section 386 of the Code by Act XII of 1879, whereby commissions to examine witnesses are required to be issued to a Court or a pleader of a High Court, has caused much inconvenience. In remote parts of the country High Court pleaders do not exist, and in few parts have Judges leisure to close their Courts and travel considerable distances for the purpose of taking the evidence of persons who cannot appear before them. Moreover, in some Provinces the Government maintains a staff of officials among whose duties is the execution of these commissions.

Section 20.—The addition which it is proposed to make to section 396 has been suggested by a gentleman of long standing at the Bombay bar. It is based on the Partition Act, 1868 (31 & 32 Vic., c. 40).

Section 21.—A Government Pleader does not exist in every Court.

Section 22.—It has been doubted whether the Government is empowered by section 432 to appoint a person generally to prosecute and defend all suits which it may from time to time be necessary to prosecute or defend on behalf of a Prince or Chief. It is obviously inconvenient that the Government should be compelled to make a special appointment in the case of each particular suit.

Sections 23 and 25.—The object of these sections is (*a*) to define more precisely, with reference to the definition of "Government" in section 2 of the Code, by whom consent to the institution of a suit against a Sovereign Prince, ruling Chief, ambassador or envoy may be given; (*b*) to make the provisions of section 433 more elastic as regards the mode of giving the consent, the

cases in which the consent may be given, and the Courts to which the consent may apply; and (*c*) to prescribe the name in which a Prince or Chief may sue and is to be sued. To effect this last object it is proposed that a Prince or Chief may sue and shall ordinarily be sued in the name of his State.

Section 24.—Section 434 of the Code, under which execution may be had of a decree in a suit between British subjects, is out of place in a chapter relating to Suits by Aliens and by or against Foreign and Native Rulers. The section may conveniently take the place of section 651, which was repealed in March last by Act X of 1886.

Section 26.—The amendments proposed by this section to be made in Chapter XXXI of the Code are those referred to in paragraph 4 of the Statement of Objects and Reasons of the Guardians and Wards Bill. The additions to sections 443 and 446 confer on a guardian who has been appointed, or whose title has been declared, by a Civil Court, Court of Wards or other competent authority, a preferential right to be appointed next friend or guardian for the suit. The amendment of section 461 gives effect to a suggestion by Sir Charles Turner, late Chief Justice of Madras, that, when a Court makes over property to a next friend or guardian for the suit who is not a duly constituted guardian of the property of the minor, it 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. Section 464, as amended, saves all local laws relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

Section 27.—There are two reported cases, I. L. R. 8 Cal. 32, and I. L. R. 7 All. 178, with respect to the meaning to be assigned to the words "direct interest" in section 539. It appears that the authority for the insertion of the words "having a direct interest in the trust" is *In the matter of the Masters, Governors and Trustees of the Bedford Charity* (2 Swanst. 470). There certain Jews, some being residents of Bedford and others being members of Dutch and German Synagogues in London, sought to establish the title of Jews to the benefit of the Bedford Charity. It was contended that under Sir Samuel Romilly's Act (52 Geo. III, c. 101), on which section 539 of the Code of Civil Procedure is based, *any two or more persons* might be petitioners, and therefore the Jews of the London Synagogues, who, though *not interested*, considered it their duty to support the claims of those of their own persuasion, might be petitioners. With respect to that contention, Lord Eldon, admitting that every person possessing the character of an inhabitant of Bedford and describing himself as an object of the charity was entitled to apply to the Court, asked how he could notice the members of the London Synagogues. "Under Sir Samuel Romilly's Act," he observed, * * * "no person can petition who has not *a direct interest* in the charity. The Act indeed, authorises 'any two or more persons' to present a petition, but I conceive that those words must be understood to mean persons having *an interest*. * * * Those who are *interested* in the fund, provided Sir Samuel Romilly's Act, or the Bedford Charity Act, apply to this case, namely, persons residing in Bedford, are entitled to the summary interference of the Court, but I know not on what ground these gentlemen residing in London can appear as petitioners."

The contention which Lord Eldon overruled was that any one, though he had no interest whatever, might petition. He did, no doubt, remark that "no person can petition who has not a direct interest," but he immediately qualified that remark by adding that the words of the Act "must be understood to mean persons having an interest." The case cannot, therefore, it seems, be taken as an authority for the proposition that the interest of the petitioner must be direct. On the contrary, it may be inferred from the case that an indirect interest would have been deemed sufficient; for, when, in support of the contention that the words "any persons" comprehend persons who may not have an interest, the counsel for the petitioners pointed out that, in the instance of charities for relief of the blind and the poor, it had been the practice to receive the petition of the minister of the parish, Lord Eldon observed that "the petition of the minister of the parish is received, because the poor may be burdensome to him."

It may be doubted whether the case justified the insertion of the word "direct" in the Code, where it assumes a peculiar pointedness and must have some definite meaning assigned to it; and after consultation with the High Courts it has been decided to propose the removal of the word.

Sections 28 and 31.—It is proposed, in accordance with the advice of the great majority of the authorities consulted by the Government of India in its letter of the 5th January last, to declare *ex parte* decrees to be appealable.

Section 29.—Section 561 has been so amended as to require the objection to be filed in the Appellate Court, and notice of the filing thereof to be given to the appellant, and to admit of the objection being filed and the notice given at any time not less than seven days before the actual date of hearing; and, on the suggestion of Bábú Brajendra Coomar Seal, it applies to the objection and notice under the provisions of section 5 of the Indian Limitation Act, 1877, applicable to an appeal.

Sections 30 and 32.—The amendments proposed to be made by these sections merely correct typographical errors in sections 568 and 588 of the Code.

Section 33.—Section 599, and the portion of section 601 which it is proposed to repeal, were repealed by Act XV of 1877 and were unintentionally reproduced in the Code of 1882.

Section 34.—This section removes a doubt which has been expressed in the cases noted on the margin of the section with respect to the construction to be placed on the word "made" in section 624.

Section 35.—Sub-section (*1*) of this section has been suggested by the following remarks of the Hon'ble Judges of the High Court at Fort William in their Registrar's reply to the letter of the Government of India of the 5th January last:—

"I am further to request attention to another point in this section (648) which, though not referred to in your letter, seems to the Judges to call for notice. The section gives absolute power to a Court to cause the arrest through another Court of a person summoned as a witness, and so to cause him to be sent under arrest to the Court issuing the process. The Court to which the warrant is sent has no power of hearing the person arrested or of dealing with any question except the giving of security by him. It seems to the Judges that this is a power far too great to be entrusted at any rate to the subordinate Courts in the Mufassal."

Sub-section (2) has been transferred to this Bill from the Provincial Small Cause Courts Bill, and will be of general application instead of being applicable to Courts of Small Causes only. With respect to the necessity for this addition to section 648, the District Judge of the 24-Parganas writes as follows:—

"Under section 648 I would also beg to point out that a warrant for the arrest of a person residing within the limits of the original jurisdiction must be executed through the High Court. This is very inconvenient to small suitors, and, in a case which occurred in my Court only a few weeks ago, a defendant preferred abandoning all attempts to get a recusant witness into Court to undergoing the trouble and expense of having a warrant of arrest served through the Original Side of the High Court. I would suggest that the procedure prescribed by section 86 should be made applicable to section 648, and that warrants of arrest which are to be served within the original jurisdiction should be executed by the Small Cause Court."

Section 36.—This section is designed to remove a doubt as to the extent of the powers of unchartered High Courts to make rules on matters not strictly connected with procedure.

The 1st September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 18, 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 1st September, 1886:—

No. 21 of 1886.

A Bill to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories administered by the Governor of Bombay in Council; It is hereby enacted as follows:— XX of 1879.

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy Act, 1879, are hereby repealed. XX of 1879.

STATEMENT OF OBJECTS AND REASONS.

OCCASION having arisen in the Bombay Presidency, as it did in Upper India in 1879, for a law to provide for the better prevention of glanders among horses, the Government of Bombay has expressed a wish that the Glanders and Farcy Act, 1879, may be extended to the Bombay Presidency.

The object of this Bill is to give effect to that wish.

C. P. ILBERT.

The 1st September, 1886.

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 1st September, 1886:—

NO. 22 OF 1886.

A Bill for further shortening the language used in Acts of the Governor-General in Council, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Acts made by the Governor-General in Council, and to make certain further provisions relating to those Acts; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the General Clauses Act, 1886; and

(2) It shall come into force at once.

PART I.

ADDITIONAL CLAUSES.

Application of this Part.

2. This Part shall apply to this Act and to all Acts made by the Governor-General in Council under the Indian Councils Act, 1861, after the passing of this Act. 24 & 25 Vic., c. 67.

Definitions.

3. In any Act to which this Part applies, unless there is something repugnant in the subject or context,—

[Chapter V, Act XLV, 1860.] XLV of 1860. (1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

[cf. Act I, 1868, s. 2 (15).] (2) "Chapter", "Part" and "schedule" shall denote, respectively, a Chapter and Part of, and schedule to, the Act in which the word occurs:

[cf. Act I, 1868, s. 2 (16).] (3) "sub-section" shall denote a sub-section of the section in which the word occurs:

[Act VIII, 1868, s. 1 (9).] (4) "commencement", used with reference to an Act, shall mean the day on which the Act comes into force:

(5) "financial year" means the year commencing on the first day of April: [Act I, 1868, s. 2.]

(6) "local authority" shall mean 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: [Act XIII, 1885, s. 3 (7).]

(7) "master," used with reference to a ship, means any person (except a pilot or harbour-master) having for the time being control or charge of the ship: [Act V, 1868, s. 3.]

(8) "offence" shall mean any act or omission made punishable by any law for the time being in force: [Act X, 1868, s. 4 (p).]

(9) "public nuisance" shall have the meaning assigned to that expression in section 268 of the Indian Penal Code: [Act XLV, 1860, s. 268.] XLV of 1860.

(10) "registered" shall mean registered under the law for the time being in force for the registration of documents: [Act VIII, 1885, s. 3 (13).]

(11) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions: [Act XIV, 1882, s. 2: Act VI, 1886, s. 3.]

(12) "ship" includes every description of vessel used in navigation not exclusively propelled by oars: [Act V, 1868, s. 3.]

(13) "soldier" shall mean a person who is a soldier within the meaning of the Army Act, 1881: [cf. 44 & 45 Vic., c. 58, ss. 176 (1) and 190 (6) and (8).] 44 & 45 Vic., c. 58.

(14) "value", used with reference to a suit, shall mean the amount or value of the subject-matter of the suit: and [Act XVIII, 1884, s. 3 (8).]

(15) "write", with its grammatical variations and cognate expressions, shall include "print" and "lithograph", with their grammatical variations and cognate expressions. [Act X, 1868, s. 4 (e): and Act XIV, 1882, s. 2.]

Making of rules and issue of orders between passing and commencement of Act.

4. Where, by an Act to which this Part applies and which is not to come into force immediately on the passing thereof, a power is conferred on the Governor-General in Council or on a Local Government or a High Court to make rules, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office [Act XVIII, 1884, s. 1 (4).]

or the appointment of any Judge or officer hereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, the power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act.

[Act X, 1882, s. 557.]

Powers to be exercisable by the Government from time to time.

5. Any power conferred on the Governor-General in Council or a Local Government by an Act to which this Part applies may be exercised from time to time as occasion requires.

[cf. Act XI, 1886, s. 26.]

Provisions applicable to making of rules after previous publication.

6. Where, by an Act to which this Part applies, a power to make rules is expressed to be given subject to the condition of the rules being made after previous publication, the following provisions shall apply, namely :—

(*1*) The authority having power to make the rules shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Governor-General in Council or the Local Government prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider the objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft before the date so specified.

(*5*) The publication in an official Gazette of a rule purporting to have been made in exercise of a power to make rules after previous publication shall be conclusive proof that the rule has been duly made.

[cf. 45 & 46 Vic., c. 50, s. 220.]

Computation of time.

7. (*1*) Where a limited time from any date or from the happening of any event is appointed or allowed, by an Act to which this Part applies, for the doing of any act or the taking of any proceeding in a Court or office, and the last day of the limited time is a day on which the Court or office is closed, then 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 or office is open.

(*2*) Where, by an Act to which this Part applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day, then, if the Court or office is closed on that day, 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 or office is open.

(*3*) This section does not apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877.

[cf. Act XI, 1886, s. 34.]

Provisions as to offences under more than one enactment.

8. Where an act or omission constitutes an offence under two or more enactments of which either or any is an Act to which this Part applies, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

PART II.

SUPPLEMENTAL PROVISIONS.

[cf. 13 & 14 Vic., c. 21, s. 5, and Law Rep. 4 Q. B. 333.]

Amendment of section 3 (*1*), Act I, 1868.

9. The words "wholly or partially" shall be inserted before the word "repealed" in clause (*1*) of section 3 of the General Clauses Act, 1868, and shall be deemed to have been there from the commencement of that Act. I of 1868.

[I. L. R. 3 All. 214; III of 1880.

Partial application of this Act to Act III, 1880.

10. In the Cantonments Act, 1880, the word "soldier" shall not include a warrant-officer but shall otherwise have the meaning assigned to it by clause (*13*) of section 3 of this Act.

I of 1868.

Application of this Act and Act I, 1868, to Regulations under 33 Vic., c. 3, s. 1.

11. This Act and the General Clauses Act, 1868, shall apply to all Regulations which may receive the assent of the Governor-General under the Statute 33 Victoria, chapter 3, section 1, after the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is supplementary to the General Clauses Act, 1868, and is designed, as stated in the preamble, to further shorten the language used in Acts of the Governor-General in Council.

2. In section 3 there is nothing which calls for remark. The definitions in the section will materially shorten the defining clauses of Acts to be hereafter passed.

3. Section 4 is a repetition of a clause very generally employed by the Council of the Governor-General with the object of enabling the executive authorities, in the interval between the passing of an Act and its coming into force, to make preparations for bringing the Act into full operation as soon as it is legally possible to do so.

4. The English rule that a power given to the Crown by statute, having been once exercised, is exhausted and cannot be exercised again, has been applied by Indian Courts to powers conferred by the Indian legislature on the Governor-General in Council and Local Governments. Section 5 of the Bill is intended to remove the inconvenience resulting from the application of that rule.

5. Provisions in the terms of section 6 have been inserted in no fewer than eighteen Acts during the last three or four years and form part of several pending Bills. Their object is to give persons likely to be affected by statutory rules an opportunity, before the rules are made, of making objections and suggestions with respect to any matter which it is proposed to insert in them.

6. Section 7 is taken from the English Municipal Corporations Act, 1882, and is much needed in this country in the case of acts and proceedings to which the Indian Limitation Act, 1877, does not apply.

7. Section 8 is a repetition of a section which is very frequently inserted in Acts of the Governor-General in Council.

8. Clause (*1*) of section 3 of the General Clauses Act, 1868, has always been construed by the legislature as though the words "wholly or partially" were inserted before the word "repealed." It is proposed by section 9 of the Bill to insert those words in the clause and to require them to be deemed to have been there since the Act of 1868 was passed.

9. Difficulty has been experienced by some Courts in interpreting the word "soldier" in section 14 of the Cantonments Act, III of 1880. With the judgment of the High Court for the North-Western Provinces at I. L. R. 3 All. 214, to the effect that a warrant-officer is not a soldier within that section, the military authorities are content; but they consider it desirable that the word should have a wider meaning than has recently been assigned to it in Oudh, where the Judicial Commissioner has held a private in an European regiment, employed as a telegraph-signaller, not to be a soldier within the meaning of the section.

10. Section 11 of the Bill applies the General Clauses Act, 1868, and the proposed General Clauses Act, 1886, to Regulations to be hereafter made under the Statute 33 Vic., chapter 3.

The 1st September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

5. b

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The folllowing Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 1st September, 1886:—

No. 23 OF 1886.

A Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877.

XIV of 1882. XV of 1877.

WHEREAS it is expedient to amend the Code of Civil Procedure and the Indian Limitation Act, 1877; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Civil Procedure Code Amendment Act, 1886; and

(*2*) It shall come into force on the first day of January, 1887.

Construction.

2. (*1*) In this Act "section" means a section, and "Chapter" a Chapter, of the Code of Civil Procedure.

XIV of 1882.

(*2*) All references to that Code made in enactments heretofore passed or hereafter to be passed shall be read as if made to that Code as amended by this Act.

[Cf. Act XV, 1882, Schedule I.]

Repeal of part of section 8.

3. The second paragraph of section 8 is hereby repealed.

[I. L. R. 4 All. 423 and 5 All. 277.]

Addition to section 17.

4. In section 17, after Explanation II, the following shall be inserted, namely:—

"EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely:—

(i) at the place where the contract was made,

(ii) at the place where the contract was to be performed, and

(iii) at the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

[I. L. R. 6 All. 270. Cf. Rules under Judicature Acts, XVI. 2.]

Amendment of section 27.

5. In section 27, after the words "the Court may" the words "at any time" shall be inserted.

Amendment of section 53.

6. In section 53, for the words "at or before the first hearing" the words "at any stage of the suit" shall be substituted.

[I. L. R. 9 Cal. 695; 6 Mad. 239; 5 Bom. 609; and 7 All. 79.]

Repeal of section 95.

7. Section 95 is hereby repealed.

[Government of India (Financial Dept.) Resolution No. 225, dated the 12th April, 1882.]

Addition to section 137.

8. In section 137, after the word "pleader" the words "or recognised agent" shall be inserted.

Amendment of section 141.

9. (*1*) For the proviso to section 141 the following shall be substituted, namely:—

"Provided that—

(*a*) if the document is an entry in a shop-book or other book, the party on whose behalf the book is produced may furnish a copy of the entry; and

(*b*) if the document is an entry in a record produced from a public office or by a public officer, or an entry in a book belonging to a person other than a party on whose behalf the book is produced, the Court may require a copy of the entry to be furnished—

(i) where the record or book is produced on behalf of a party, then by that party, or

(ii) where the record or book is produced in obedience to an order of the Court acting of its own motion, then by either or any party;

and the copy of the entry may be endorsed as aforesaid and shall be filed as part of the record, and the Court shall mark the entry and shall then return the book or record to the person producing it."

(*2*) To the same section the following shall be added, namely:—

[Cf. s. 162 of the Code.]

"If a party required under this section to furnish a copy of an entry in a record or book fails to comply with the requisition, the Court may cause the copy to be made and order the cost thereof to be levied by attachment and sale of the moveable property of the defaulting party."

Addition to section 216.

10. To section 216 the following shall be added, namely:—

[I. L. R. 7 All. 284.]

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

11. For the proviso to section 245 the following shall be substituted, namely :—

Amendment of section 245.

"Provided that, in the case of a decree for money,—

(*a*) if the Court has reason to believe that the decree can be satisfied by execution against the property of the debtor, it may in its discretion refuse execution against his person;

(*b*) the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been made."

12. (*1*) In section 266, for clause (*h*) the following shall be substituted, namely :—

Amendment of, and addition to, section 266.

"(*h*) the salary of a public officer or of any servant of a Railway Company to the extent of—

(i) the whole of the salary where the salary does not exceed twenty rupees;

(ii) twenty rupees where the salary exceeds twenty rupees and does not exceed forty rupees; and

(iii) one moiety of the salary in any other case."

(*2*) In the same section, after clause (*l*), the following shall be inserted, namely :—

24 & 25 Vic., c. 67.

"(*m*) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree."

13. In section 271, between the words "or shall" and the words "break open any outer door of a dwelling-house" the words "without the special order of the Court causing the execution of the process" shall be inserted.

Amendment of section 271.

Addition to section 320.

14. To section 320 the following shall be added, namely :—

[I. L. R. 5 All. 314.]

"The rules may also provide for the cases in which, the authorities to which, and the conditions on which, orders passed by the Collector or his subordinates under this Code or the rules thereunder shall be subject to appeal, and for the revision of the proceedings of appellate authorities in respect of those orders.

I. L. R. 7 Bom. 332.]

"In executing a decree transferred to the Collector under this section, the Collector and his subordinates shall be subject to the control of the Court only to the extent expressly provided by this Code."

15. (*1*) In section 341, after clause (*f*), the following shall be inserted, namely :—

Addition to section 341.

"or

"(*g*) if his discharge is ordered by the Government on the ground of his suffering from any infectious or contagious disease, or by the District Court or, in a presidency-town, the committing Court on the ground of his suffering from any serious illness."

(*2*) In the proviso to the same section the word "committing" shall be inserted before the word "Court."

16. (*1*) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted.

[I. L. R. Cal. 451.]

Amendment of Chapter XX.

(*2*) In section 350, for the words "judgment-debtor's discharge" the word "application", and for the words "is not entitled" the words "ought not", shall be substituted.

(*3*) For section 351 the following shall be substituted, namely :—

"351. (*1*) If the Court is satisfied that the statements in the application are substantially true, the Court may declare the judgment-debtor to be an insolvent and appoint a receiver of his property.

Declaration of insolvency and appointment of receiver.

"(*2*) If the Court is not so satisfied, it shall reject the application."

(*4*) In section 352 the word "then" shall be repealed, and to that section the following shall be prefixed, namely :—

"When the Court has declared the judgment-debtor to be an insolvent."

[I. L. R. All. 268.]

(*5*) To section 355 the following shall be added, namely :—

"In determining whether the insolvent should be discharged, and, if so, on what conditions, the Court shall have regard to whether he has committed any of the acts of misconduct referred to in section 359."

(*6*) In section 357 the figures and word "351 or" shall be omitted in each place where they occur.

(*7*) In section 359, for the words "Whenever, at the hearing under section 350 it is proved that the applicant has—" the words "Whenever in the course of proceedings on an application under this Chapter it is proved that the judgment-debtor has—" shall be substituted.

(*8*) For the second paragraph of section 360 the following shall be substituted, namely :—

[I. L. R. 3 Bom. 196, & 7 Mad. 510.]

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made, in execution of a decree for money passed by that Court."

17. (*1*) For sections 363 and 364 the following shall be substituted, namely :—

Amendment of Chapter XXI.

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court shall cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall cause an entry to that effect to be made on the record, and the suit shall thereupon proceed."

Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone.

[I. L. R. 12 Cal. 590; 9 Mad. 1; and 7 All. 693: Punjab Record, Vol. XXI. No. 7, Civil Judgment No. 81: Rules under Judicature Acts. L.]

(*2*) For section 365 the following shall be substituted, namely :—

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court, at any time before an order for the abatement of the suit is passed, to have his name entered on the record in place of the deceased plaintiff, and thereupon the Court shall enter his name and the suit shall proceed."

Procedure in case of death of sole or sole surviving plaintiff.

(*3*) In section 366 the words "within the time limited by law" are hereby repealed.

(*4*) In the third paragraph of section 368, between the words "the plaintiff may" and the words "make an application" the words "at any time before an order for the abatement of the suit is passed" shall be inserted.

(*5*) In the last paragraph of section 368, the words "within the period prescribed therefor" and the words "unless he satisfies the Court that he had sufficient cause for not making the application within such period" are hereby repealed.

[I. L. R. 9 Bom. 56, and 7 All. 396.]

(*6*) To section 368, as amended by this section, the following shall be added, namely :—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

[I. L. R. 6 Bom. 482, and Act VIII, 1859, s. 35.]

18. To section 381 the following shall be added, namely :—

Addition to section 381.

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time fixed, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

"The provisions of this Code and of the Indian Limitation Act, 1877, with respect to an application and order under section 103 shall, so far as they can be made applicable, apply to an application for an order, and to an order, for setting aside a dismissal under this section."

Act XIV, 1882, s. 588 (): Act XV 1877, Sched. II, No. 168.] XV of 1877.

19. In section 386, for the words "of a High Court" the words "or other person" shall be substituted.

Amendment of section 386.

Addition to section 396.

20. To section 396 the following shall be added, namely :—

[& 32 Vic., 40. Cf. L. R. 10 Cal. 675.]

"If it appears to the Court that the property, by reason of its nature or of the number of the parties interested therein or of any other circumstance, cannot conveniently be divided, the Court may, if it thinks fit, on the request of any of the parties interested and notwithstanding the dissent of any others of them, pass a decree for the sale of the property and for the distribution of the proceeds among the parties according to their respective rights in the property."

21. In section 419, after the words "Government Pleader in any Court" the words "or such other person as the Local Government may for any Court appoint in this behalf" shall be inserted.

Amendment of section 419.

Addition to section 432.

22. To section 432 the following shall be added, namely :—

"An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief."

Substitution of new section for section 433.

23. For section 433 the following shall be substituted, namely :—

"433. (*1*) Any such Prince or Chief, and any ambassador or envoy of a Foreign State, may, with the consent of the Governor-General in Council certified by the signature of one of the Secretaries to the Government of India (but not without such consent), be sued in any competent Court.

Suits against Princes, Chiefs, ambassadors and envoys.

"(*2*) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another, trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued in relation to his possession of that property.

"(*3*) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor-General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy."

Transposition of section 434.

24. Section 434 shall become section 651.

[Act X, 1886, s. 24 (*2*).]

25. After section 433 the following section shall be inserted, namely :—

Insertion of new section 434.

"434. A Sovereign Prince or ruling Chief may sue, and shall be sued, in the name of his State:

[Cf. I. L. R. 2 All. 690: 7 Bom. H. C. Rep. O. C. J. 150.]

Style of Princes and Chiefs as parties to suits.

"Provided that in giving the consent referred to in the last foregoing section the Governor-General in Council may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name."

26. (*1*) After the first paragraph of section 443 the following shall be inserted, namely :—

[Cf. paragraph 4 of the Statement of Objects and Reasons of the Guardians and Wards Bill, 1886.]

Amendment of Chapter XXXI.

"Where an authority competent in this behalf has appointed or declared a guardian or guardians of the person or property, or both, of the minor, the Court shall appoint him or one of them, as the case may be, to be the guardian for the suit under this section unless it considers, for reasons to be recorded by it, that some other person ought to be so appointed."

(2) After section 446 the following shall be added, namely :—

"If the next friend is not a guardian appointed or declared by an authority competent in this behalf, and the application under this section is made by a guardian so appointed or declared who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend unless it considers, for reasons to be recorded by it, that the guardian ought not to be appointed the next friend of the minor."

(3) For section 461 the following shall be substituted, namely :—

"461. (1) A next friend or guardian for the suit shall not receive any money or other moveable property under a decree or order in favour of a minor without the leave of the Court.

Receipt by next friend or guardian *ad litem* of property under decree for minor.

"(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is not thereby entitled to receive the money or other moveable property under the decree or order, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application."

(4) For section 464 the following shall be substituted, namely :—

"464. Nothing in this Chapter shall be construed to affect, or in any way derogate from, the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind."

Saving of local laws.

[2 Swanst. 518, and I. L. R. 8 Cal. 32, and 7 All. 178.]

27. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted.

Amendment of section 539.

[I. L. R. 8 Cal. 272, 2 Bom. 644, & 4 All. 387.]

28. To section 540 the following shall be added, namely :—

Addition to section 540.

"An appeal may lie under this section from an original decree passed *ex parte*."

[Cf. Act X, 1877, s. 561, & I. L. R. 8 Bom. 559 & 4 All. 248.]

29. (1) For the proviso to the first paragraph of section 561 the following shall be substituted, namely :—

Amendment of, and addition to, section 561.

"provided he has, not less than seven days before the hearing, filed the objection in the Appellate Court and left with the chief ministerial officer of the Court a notice of the filing thereof for service on the appellant or his pleader."

[I. L. R. 4 All. 430.]

(2) To the same section the following shall be added, namely :—

"The provisions of section 5 of the Indian Limitation Act, 1877, applicable to an appeal shall apply to the objection and notice under this section."

XV of 1877.

30. In section 568, clause (b), for the word "for" where that word first occurs, the word "or" shall be substituted.

Amendment of section 568.

[I. L. R. 2 Mad. 75.]

31. To section 584 the following shall be added, namely :—

Addition to section 584.

"An appeal may lie under this section from an appellate decree passed *ex parte*.

32. In section 588, clause (9), for the word "or" the word "for" shall be substituted.

Amendment of section 588.

[*Gazette of India*, 19th August, 1882, Part I, page 355.]

33. Section 599, and in section 601 the words "within thirty days from the date of the order", are hereby repealed.

Repeal of section 599 and part of section 601.

34. To section 626 the following proviso shall be added, namely :—

Addition to section 626.

"and

"(c) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (a) to this section, be disposed of by his successor."

[I. L. R. 1 Cal. 80 and 4 All. 276.]

35. (1) For the third paragraph of section 648 the following shall be substituted :—

Amendment of, and addition to, section 648.

"and the Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him."

(2) To section 648 the following shall be added, namely :—

[Cf. Provincial Small Cause Courts Bill, 1885, s. 19.]

"Where a person to be arrested or property to be attached under this section 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."

36. To section 652 the following shall be added namely :—

[New.]

Addition to section 652.

"A High Court not established under the Statute 24 and 25 Victoria, chapter 104 (*an Act for establishing High Courts of Judicature in India*) may from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might under section 15 of that Statute make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town. Rules so made shall be published in the same manner, and shall thereupon have the same force, as rules made and published under this section for the regulation of matters connected with procedure."

37. (1) Nos. 171, 171A and 171B of the second schedule to the Indian Limitation Act, 1877, are hereby repealed.

Amendment of the Indian Limitation Act, 1877.

XV of 1877.

(2) In No. 171C of that schedule, for the words "of the same Code" the words and figures "or section 582 of the Code of Civil Procedure" shall be substituted.

[Cf. I. L. R. 7 All. 66; Punjab Record, Vol. XXI. No. Civil Judgment No. 2 XIV of 18

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to correct certain minor defects in the Code of Civil Procedure which have been brought to the notice of the Government of India during the four years which have elapsed since the Code was passed, and to amend that portion of the Indian Limitation Act, 1877, which relates to Chapter XXI of the Code.

The several amendments which it is proposed to make in the Code are noticed in the following remarks in the order in which they occur in the Bill :—

Section 3.—The second paragraph of section 8 of the Code, which, as the second paragraph of section 8 of Act X of 1877, was repealed by the Presidency Small Cause Courts Act, XV of 1882, was unintentionally reproduced in Act XIV of 1882. Its place has been taken by section 23 and the second schedule of the Presidency Small Cause Courts Act.

Section 4.—The Explanation which it is proposed to add to section 17 of the Code is suggested by the cases reported at I. L. R. 4 All. 423 and 5 All. 277.

Section 5.—The addition proposed by this section to be made to section 27 of the Code has been suggested by Mr. Justice Plowden of the Punjab Chief Court with reference to the remark of Pontifex J. at I. L. R. 6 Cal. 376.

Section 6.—In proposing to amend section 53 of the Code in the manner set forth in this section, the Government of India has followed the almost unanimous advice of the authorities whom it consulted in its letter Nos. 22-27, dated the 5th January, 1886.

Section 7.—In April, 1882, the Governor-General in Council published a resolution directing that postage-charges on all processes, notices and such other documents as are issued from any Court, and are required to be transmitted by post, should in future be paid by means of service postage-stamps without any additional charge being levied from the parties at whose instance the documents are issued. This resolution practically superseded the section of the Code which it is now proposed to repeal.

Section 8.—The addition to section 137 of the Code has been suggested by Bábú Brajendra Coomar Seal, the District Judge of Bankoora, on the ground of the difficulty which occurs in obtaining affidavits where the applicant under the section is a *pardánashin* lady.

Section 9.—The object of the amendments proposed to be made in section 141 of the Code is to remove the inconvenience caused to both public officers and private persons by the detention of their records in Civil Courts. The detention of the records of a village-accountant may bring his work to a standstill, and the Hon'ble Mr. Gibbon stated to the Select Committee on the Bengal Tenancy Bill that the inconvenience is quite as great in the case of private as of public records.

Section 10.—The addition to section 216 removes the doubt expressed in the case reported at I. L. R. 7 All. 284.

Section 11.—The circumstances which have suggested clause (a) of the proposed proviso to section 245 of the Code have been described in the Statement of Objects and Reasons of the Debtors Bill. If the clause becomes part of the Code, the Courts will be competent to require the property of a judgment-debtor to be proceeded against before proceedings are taken against his person.

Section 12.—As clause (h) of section 266 is at present drawn, half the salary of a public officer or railway servant in receipt of a monthly salary of twenty-one rupees may be attached. This was not the intention of the legislature.

The primary object of the additional clause (m) which it is proposed to insert in the section is to empower the Council of the Governor of Bombay to proceed with a Bill to declare and amend the law relating to *toda girds* allowances.

Section 13.—This section has been introduced at the suggestion of the Advocate General of Bombay, its object being to abolish, as regards the seizure of moveable property, the privilege conferred on debtors by the fourth resolution in Semayne's case (Smith's Leading Cases, Vol I). At present that privilege operates mainly to enable debtors to avoid or delay payment of their just debts.

Section 14.—The necessity for the first of the proposed additions to section 320 of the Code is shown by the Full Bench judgment of the High Court for the North-Western Provinces at I. L. R. 5 All. 314. As regards the second addition, it appears to the Government of India that, if the Collector is to act effectively under section 320 and the following sections of the Code, he ought to be subject to the control of the Civil Court only to the extent expressly provided by the Code, being as to the rest subject only to the control of the higher revenue-authorities.

Section 15.—The addition to section 341 has been proposed by the High Court and Government of Madras with reference to cases which have recently occurred in Southern India. In one of these cases the debtor committed to prison was suffering from leprosy in an advanced

form, and in the other the prisoner was suffering from illness so serious as in the opinion of the medical officer to render it necessary that he should be immediately released from confinement.

Section 16.—The object of sub-sections (*1*) to (*7*) is to assimilate practice under Chapter XX of the Code to that to be prescribed by the proposed Indian Bankruptcy Act.

Sub-section (*8*) is designed to extend the jurisdiction of subordinate Courts in matters of insolvency. Most cases under Chapter XX are of little importance and may properly be disposed of by munsifs. Where any considerable sum is involved, the District Judge, who will have concurrent jurisdiction, can transfer the case to his own Court.

Sections 17 and 37.—The amendments proposed to be made in Chapter XXI of the Code and in the second schedule to the Indian Limitation Act, 1877, have their origin in the complaints of the hardship caused by the rules of limitation required by that Chapter and schedule to be observed in the substitution of legal representatives in the place of deceased parties to suits and appeals. With respect to these portions of the Code and Limitation Act, Mr. Rattigan, the Government Advocate of the Panjab, by whom the form of the amendments has been suggested, has recorded the following remarks :—

"Considerable hardship has been experienced in the Panjab in the working of those sections of the Civil Procedure Code which deal with the procedure to be followed in the case of the death of a plaintiff or defendant. It is of course perfectly correct and desirable that in the case of the death of one of the litigant parties, where the right to sue or be sued still survives, his legal representatives should be brought on the record, for it is clear that without such a process the suit could not validly proceed. But the hardship consists in requiring the legal representatives to apply for the above purpose within a comparatively short period after the death of the deceased plaintiff or defendant. In the Panjab it frequently happens in land-suits that fifty or a hundred persons are obliged, owing to community of interests, to sue or be sued in the one suit. Now, when such a suit comes up eventually to the Chief Court, a date for hearing is fixed which is generally not less than a year, and, at present, owing to the state of the work in the Court, is not unfrequently eighteen months from the date of filing the appeal. Within this period it often happens that one or more of the litigants is or are carried off by death from disease or violence; the representatives of the deceased, or the appellants, being ignorant agriculturists and not knowing the requirements of the law, take no action to put the representatives on the record, and thus, when the appeal finally comes on for hearing, a pleader on the opposite side takes the objection that no application has been made within the prescribed period, and, this being ascertained to be the fact, the appeal abates, and the unfortunate appellants find themselves deprived of all remedy simply in consequence of a harsh limitation law of which they had no knowledge. It is true that sections 368 and 371 allow the Court to extend the period if the plaintiff (or appellant-plaintiff) adduces sufficient cause for not making the required application within the prescribed period. But in nine cases out of ten of the kind I refer to the only cause assignable is ignorance of the requirements of the law—and this of course cannot be deemed to be 'sufficient' within the meaning of the section. So that the law as it stands at present works considerable hardship, and the hardship is irremediable.

"The question therefore arises, whether it is really necessary to prescribe a hard-and-fast period of limitation within which alone an application to put the legal representatives of a deceased plaintiff or defendant on the record can be entertained.

"For my own part I cannot see that there is any such necessity. If I remember rightly, the rules framed under the English Judicature Acts do not prescribe a period for such applications, and I do not see why the Indian law should do so. It would surely be sufficient to require the legal representatives of a deceased plaintiff or defendant, where the right to sue or be sued survived, to be put on the record; and to leave it to the Court to direct this to be done within such time, and upon such terms as to costs or otherwise, as it thinks fit."

Sub-section (*6*) of section 15 of the Bill is intended to cure the defect noticed at I. L R. 9 Bom, 56.

Section 18.—This section, which would restore the rule of the Code of 1859, has been proposed by Mr. Justice Straight.

Section 19.—The amendment made in section 386 of the Code by Act XII of 1879, whereby commissions to examine witnesses are required to be issued to a Court or a pleader of a High Court, has caused much inconvenience. In remote parts of the country High Court pleaders do not exist, and in few parts have Judges leisure to close their Courts and travel considerable distances for the purpose of taking the evidence of persons who cannot appear before them. Moreover, in some Provinces the Government maintains a staff of officials among whose duties is the execution of these commissions.

Section 20.—The addition which it is proposed to make to section 396 has been suggested by a gentleman of long standing at the Bombay bar. It is based on the Partition Act, 1868 (31 & 32 Vic., c. 40).

Section 21.—A Government Pleader does not exist in every Court.

Section 22.—It has been doubted whether the Government is empowered by section 432 to appoint a person generally to prosecute and defend all suits which it may from time to time be necessary to prosecute or defend on behalf of a Prince or Chief. It is obviously inconvenient that the Government should be compelled to make a special appointment in the case of each particular suit.

Sections 23 and 25.—The object of these sections is (*a*) to define more precisely, with reference to the definition of "Government" in section 2 of the Code, by whom consent to the institution of a suit against a Sovereign Prince, ruling Chief, ambassador or envoy may be given; (*b*) to make the provisions of section 433 more elastic as regards the mode of giving the consent, the

cases in which the consent may be given, and the Courts to which the consent may apply; and (*c*) to prescribe the name in which a Prince or Chief may sue and is to be sued. To effect this last object it is proposed that a Prince or Chief may sue and shall ordinarily be sued in the name of his State.

Section 24.—Section 434 of the Code, under which execution may be had of a decree in a suit between British subjects, is out of place in a chapter relating to Suits by Aliens and by or against Foreign and Native Rulers. The section may conveniently take the place of section 651, which was repealed in March last by Act X of 1886.

Section 26.—The amendments proposed by this section to be made in Chapter XXXI of the Code are those referred to in paragraph 4 of the Statement of Objects and Reasons of the Guardians and Wards Bill. The additions to sections 443 and 446 confer on a guardian who has been appointed, or whose title has been declared, by a Civil Court, Court of Wards or other competent authority, a preferential right to be appointed next friend or guardian for the suit. The amendment of section 461 gives effect to a suggestion by Sir Charles Turner, late Chief Justice of Madras, that, when a Court makes over property to a next friend or guardian for the suit who is not a duly constituted guardian of the property of the minor, it 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. Section 464, as amended, saves all local laws relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

Section 27.—There are two reported cases, I. L. R. 8 Cal. 32, and I. L. R. 7 All. 178, with respect to the meaning to be assigned to the words "direct interest" in section 539. It appears that the authority for the insertion of the words "having a direct interest in the trust" is *In the matter of the Masters, Governors and Trustees of the Bedford Charity* (2 Swanst. 470). There certain Jews, some being residents of Bedford and others being members of Dutch and German Synagogues in London, sought to establish the title of Jews to the benefit of the Bedford Charity. It was contended that under Sir Samuel Romilly's Act (52 Geo. III, c. 101), on which section 539 of the Code of Civil Procedure is based, *any two or more persons* might be petitioners, and therefore the Jews of the London Synagogues, who, though *not interested*, considered it their duty to support the claims of those of their own persuasion, might be petitioners. With respect to that contention, Lord Eldon, admitting that every person possessing the character of an inhabitant of Bedford and describing himself as an object of the charity was entitled to apply to the Court, asked how he could notice the members of the London Synagogues. "Under Sir Samuel Romilly's Act," he observed, * * * "no person can petition who has not *a direct interest* in the charity. The Act indeed, authorises 'any two or more persons' to present a petition, but I conceive that those words must be understood to mean persons having *an interest*. * * * Those who are *interested* in the fund, provided Sir Samuel Romilly's Act, or the Bedford Charity Act, apply to this case, namely, persons residing in Bedford, are entitled to the summary interference of the Court, but I know not on what ground these gentlemen residing in London can appear as petitioners."

The contention which Lord Eldon overruled was that any one, though he had no interest whatever, might petition. He did, no doubt, remark that "no person can petition who has not a direct interest," but he immediately qualified that remark by adding that the words of the Act "must be understood to mean persons having an interest." The case cannot, therefore, it seems, be taken as an authority for the proposition that the interest of the petitioner must be direct. On the contrary, it may be inferred from the case that an indirect interest would have been deemed sufficient; for, when, in support of the contention that the words "any persons" comprehend persons who may not have an interest, the counsel for the petitioners pointed out that, in the instance of charities for relief of the blind and the poor, it had been the practice to receive the petition of the minister of the parish, Lord Eldon observed that "the petition of the minister of the parish is received, because the poor may be burdensome to him."

It may be doubted whether the case justified the insertion of the word "direct" in the Code, where it assumes a peculiar pointedness and must have some definite meaning assigned to it; and after consultation with the High Courts it has been decided to propose the removal of the word.

Sections 28 and 31.—It is proposed, in accordance with the advice of the great majority of the authorities consulted by the Government of India in its letter of the 5th January last, to declare *ex parte* decrees to be appealable.

Section 29.—Section 561 has been so amended as to require the objection to be filed in the Appellate Court, and notice of the filing thereof to be given to the appellant, and to admit of the objection being filed and the notice given at any time not less than seven days before the actual date of hearing; and, on the suggestion of Bábú Brajendra Coomar Seal, it applies to the objection and notice under the provisions of section 5 of the Indian Limitation Act, 1877, applicable to an appeal.

Sections 30 and 32.—The amendments proposed to be made by these sections merely correct typographical errors in sections 568 and 588 of the Code.

Section 33.—Section 599, and the portion of section 601 which it is proposed to repeal, were repealed by Act XV of 1877 and were unintentionally reproduced in the Code of 1882.

Section 34.—This section removes a doubt which has been expressed in the cases noted on the margin of the section with respect to the construction to be placed on the word "made" in section 624.

Section 35.—Sub-section (*1*) of this section has been suggested by the following remarks of the Hon'ble Judges of the High Court at Fort William in their Registrar's reply to the letter of the Government of India of the 5th January last:—

"I am further to request attention to another point in this section (648) which, though not referred to in your letter, seems to the Judges to call for notice. The section gives absolute power to a Court to cause the arrest through another Court of a person summoned as a witness, and so to cause him to be sent under arrest to the Court issuing the process. The Court to which the warrant is sent has no power of hearing the person arrested or of dealing with any question except the giving of security by him. It seems to the Judges that this is a power far too great to be entrusted at any rate to the subordinate Courts in the Mufassal."

Sub-section (*2*) has been transferred to this Bill from the Provincial Small Cause Courts Bill, and will be of general application instead of being applicable to Courts of Small Causes only. With respect to the necessity for this addition to section 648, the District Judge of the 24-Parganas writes as follows:—

"Under section 648 I would also beg to point out that a warrant for the arrest of a person residing within the limits of the original jurisdiction must be executed through the High Court. This is very inconvenient to small suitors, and, in a case which occurred in my Court only a few weeks ago, a defendant preferred abandoning all attempts to get a recusant witness into Court to undergoing the trouble and expense of having a warrant of arrest served through the Original Side of the High Court. I would suggest that the procedure prescribed by section 86 should be made applicable to section 648, and that warrants of arrest which are to be served within the original jurisdiction should be executed by the Small Cause Court."

Section 36.—This section is designed to remove a doubt as to the extent of the powers of unchartered High Courts to make rules on matters not strictly connected with procedure.

The 1st September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 25, 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 24th September, 1886, and was referred to a Select Committee:—

NO. 24 OF 1886.

A Bill to provide for the Protection of Indigenous Tribes in Burma.

WHEREAS it is expedient to provide means for protecting Karens and other indigenous tribes in Burma from the intrusion of strangers into their villages; It is hereby enacted as follows:—

Short title, commencement and local extent.

1. (*1*) This Act may be called the Burma Indigenous Tribes Protection Act, 1886.

(*2*) It shall come into force at once; and

(*3*) It shall extend to such local areas within the limits of Lower Burma as the Local Government may from time to time, by notification in the official Gazette, specify in this behalf.

Definition of "indigenous tribes."

2. (*1*) The Karens are an indigenous tribe within the meaning of this Act.

(*2*) With the previous sanction of the Governor-General in Council, the Local Government, by notification in the official Gazette, may from time to time declare of any other class of persons in Lower Burma that that class is or forms part of an indigenous tribe, and may at any time cancel the declaration.

(*3*) While a declaration under sub-section (*2*) is in force, it shall be conclusive proof of the matter stated therein.

Definitions of "village" and 'prescribed.'

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

(*1*) "village" means any collection of ten or more houses not being either a municipality to which the British Burma Municipal Act, 1874, or the Burma Municipal Act, 1884, for the time being extends, or a town, village or hamlet in which a house-tax or a cess on houses is for the time being leviable under section 5 or section 6 of the Burma District Cesses and Rural Police Act, 1880; but it does not include a village of which members of indigenous tribes are not the majority of the residents; VII of 1874. XVII of 1884. II of 1880.

(*2*) "prescribed" means prescribed by rules under this Act.

When resident or intending resident of a village may be ejected or excluded therefrom.

4. (*1*) If not fewer than half of the cultivating householders of a village desire to eject or exclude from the village a resident or intending resident thereof, they may record that desire in the prescribed manner.

(*2*) When the cultivating householders of a village have recorded under sub-section (*1*) their desire to eject or exclude a resident or intending resident, the prescribed authority may, in the prescribed manner, eject or exclude him from the village:

Provided that a resident or intending resident of a village shall not be ejected or excluded therefrom, if he—

(*a*) is of the same indigenous tribe as the majority of the residents of the village, or

(*b*) cultivates land within three miles of the village, or

(*c*) has resided in the village for twelve years or upwards:

Provided also that a resident of a village who is ejected under this Act shall be entitled to compensation for any immoveable property belonging to him in the village.

5. (*1*) The Local Government may from time to time, with the previous sanction of the Governor-General in Council, make rules—

Power for Local Government to make rules.

(*a*) to define the mode in which the desire of the cultivating householders of a village to eject or exclude therefrom a resident or intending resident is to be ascertained and recorded;

(*b*) to declare the authority for carrying into effect the recorded desire of the cultivating householders of a village to eject or exclude a resident or intending resident therefrom, and to prescribe the procedure to be followed by that authority in ejecting or excluding him;

(*c*) to prescribe the mode in which the compensation to which an ejected resident is entitled under this Act is to be ascertained and given; and

(*d*) generally to carry out the purposes of this Act.

(*2*) When making any rule under this Act the Local Government may direct that a breach of it shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

6. (*1*) The Local Government shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in its 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 Local Government 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*) A rule made under this Act shall not take effect until it has been published in the local official Gazette.

(*5*) The publication in that Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the ejection or exclusion in certain circumstances of strangers from village-sites occupied by Karens and other indigenous tribes of Burma.

2. It would seem that Burman, Shan or Chinese strangers occasionally settle in Karen villages and cause very great annoyance to the Karens, who, in some cases, from shyness or timidity, do not resist the intruders, whilst in others they have been goaded into acts of lawlessness. The missionaries, who know more of the Karens than any English or Burman Government officers, are very persistent in urging that power must be taken to preserve the Karens, especially the wilder Karens in secluded tracts, from intruders. Mr. Crosthwaite, when officiating as Chief Commissioner of British Burma, proposed to issue rules providing for the ejection of intruders from Karen villages; but it was found on further consideration that no rules of the kind could be enforced without legal sanction. The present Chief Commissioner, sharing Mr. Crosthwaite's views has urged on the Government the necessity for legislation, in the absence of which he fears that the Karen and similar tribes may either be driven out of their settlements or resort to lawless means of getting rid of intruders.

3. In these circumstances, the present Bill has been prepared. Though of a somewhat exceptional nature, it appears to the Government of India to be warranted by the peculiarities of the relations of these indigenous tribes and their neighbours. Further, it is supported by the analogy of the provisions of section 4 of the Garo Hills Regulation, I of 1882, which prohibit the acquisition of interests in land in those hills by strangers except under special sanction.

4. The provisions of the Bill are very simple. Section 1, sub-section (3), empowers the Chief Commissioner to apply the proposed Act to such local areas as he may by notification prescribe, while section 3 defines the term village so as to restrict the operation of the proposed law to purely rural tracts. Section 4 declares the circumstances under which a resident or intending resident may be excluded or ejected from a village. These are that the majority of the residents of the village belong to some indigenous tribe and that not less than one-half of the cultivating householders of the village desire ejection or exclusion of the resident or intending resident, who must not be of the same tribe as the majority of the residents of the village, or cultivate land within three miles of the village or have resided in the village for twelve years or upwards. The section further provides for compensation to persons who have been compelled to vacate any land or house in a village in consequence of their ejection therefrom. Under section 5, the Chief Commissioner has power to make rules with the sanction of the Governor-General in Council prescribing the mode in which the desire of the cultivating householders of a village to eject or exclude any one therefrom is to be ascertained and recorded, empowering certain persons to eject or exclude persons in pursuance of the recorded desire and on behalf of the cultivating householders, and prescribing the procedure to be followed in such cases, and the mode in which compensation under the proposed Act is to be ascertained. The section further enables the Local Government to direct in any rule that a breach of it shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both. Lastly, section 6 contains the usual formal matter as to the procedure for making and publishing rules.

The 17th September, 1886.

C. P. ILBERT.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

No. II.

THE OUDH RENT BILL.

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No. II.

A Bill to consolidate and amend the law relating to Rent in Oudh.

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:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement. 1. *(1)* This Act may be called the Oudh Rent Act, 1886. [Bill, s. 1.]

(2) Save as provided thereby, it shall extend to the territories for the time being comprised in the Province of Oudh; and

(3) It shall come into force on the first day of January, 1887. [New.]

(4) Any power conferred by this Act on the Chief Commissioner 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. *(1) The Oudh Rent Act, XIX of 1868,* is hereby repealed, but all notifications published and rules made under *that* Act shall, so far as *may be,* be deemed to have been published and made *under this Act.* [Bill, s. 2.]

(2) The following enactments also are hereby repealed, namely:—

(a) section 40 of the Oudh Civil Courts Act, XXXII of 1871;

(b) sections 23 and 24 of the Oudh Laws Act, XVIII of 1876; and

(c) section 1 of Act XIV of 1878.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

Definitions. 3. In this Act, unless there is something repugnant in the subject or context,— [Bill, s. 3.]

(1) "Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act;

(2) "suit" means a suit under this Act:

(3) "land" includes the ungathered produce of land, whether spontaneous or not, and whether growing in earth or in water, *but shall not include land for the time being occupied by dwelling-houses or manufactories, or appurtenant thereto, so long as that land is not let to agricultural tenants;*

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(Chapter I.—Preliminary.—Section 4.)
(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 5-8.)

(4) "revenue" means money payable to the Government on account of land:

(5) "rent" means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or *on account* of any right in land, or on account of the use of water for irrigation:

(6) "proprietor" does not include an under-proprietor; *and* 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:

(7) "proprietary right" means a proprietor's right in land:

(8) "under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

(9) "under-proprietary right" means an under-proprietor's right in land:

(10) "tenant" means any person, not being an under-proprietor, who is liable to pay rent; *and in* the following *portions* of this Act, *namely, sections* 13, 14, 15, *17, 18, 29, 53, 54, 55, sub-sections (1) and (2), 56, 59, 60, 61, 62, 108, 126 and 138,* but in no others, the expression "tenant" shall be held to include a thekadár or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:

(11) "landlord" means any person to whom an under-proprietor or *a* tenant is liable to pay rent:

(12) "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, *and* includes the guardian of a minor and the legal curator of a lunatic or idiot:

(13) "prescribed" means prescribed from time to time by the *Chief Commissioner* by rules under this Act:

[New.] *(14) "registered" means registered under any Act for the time being in force for the registration of documents:*

[New. *(15) "signed" includes marked, when the person making the mark is unable to write his name: and*

[New.] *(16) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.*

[Bill, s. 4.] **4.** *(1)* 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.

(2) 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.

[New.] *(3) Where land not previously cultivated has been or is hereafter let by a landlord to a tenant, either after being reclaimed by or at the expense of the landlord or for the purpose of being reclaimed by the tenant, nothing in this section shall be construed to affect the conditions of any contract relating to that land until fourteen years have elapsed from the date on which the land was first brought under cultivation.*

(4) Where land has remained uncultivated during a period of seven years, it shall for the purposes of the last foregoing sub-section be deemed to have not been previously cultivated.

(5) This section does not apply to tenants having a right of occupancy or to sub-tenants.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

[Bill, s. 5.] **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 *those lands* 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 entered into between a landlord and tenant *after the twenty-second day of July, 1868.*

[Bill, s. 5A.] **6.** Nothing in the last foregoing section shall be construed to restrict the power of *a* landlord to confer by *registered document* on any persons other than those mentioned *in that section* a right of occupancy in the lands which they hold or cultivate.

Saving of power to confer right of occupancy.

[Bill, s. 6.] **7.** If a tenant having a right of occupancy *is* ejected, in accordance with the provisions of section *52*, from the land in which he possesses *the* right, he shall thereupon lose his right of occupancy in *that* land.

Loss of right of occupancy.

Tenants' Right to Pattas.

[Bill, s. 7.] **8.** Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the *tenancy*, signed by *the landlord* or his authorized agent, and containing the following particulars, *namely*:—

Tenant's right to patta.

(*a*) the quantity of land and, where the fields comprised in the patta have been numbered in a Government survey, the number of each field;

(*b*) the term for which the tenancy is to run;

(*c*) the amount of rent payable;

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 9-16.)

(*d*) the instalments in which and the times at which *that amount* is to be paid;

[New.] (*e*) *any special conditions not inconsistent with the provisions of this Act; and*

(*f*) if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

[Bill, s. 8.] **9.** Tenants having a right of occupancy are entitled to receive pattas at rates of rent determined in accordance with the provisions *of Chapter IV, Part A, of this Act.*

Patta to which tenant having right of occupancy is entitled.

[Bill, s. 9.] **10.** Tenants not having a right of occupancy are entitled to pattas for the terms and at the rates prescribed in Chapter IV, *Part* B, of this Act.

Patta to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

[Bill, s. 10.] **11.** Every landlord who grants a patta is entitled to receive from the tenant a counterpart *signed by or on behalf of the tenant.*

Landlord's right to counterpart.

Arrears of Revenue or Rent.

[Bill, s. 12.] **12.** Any instalment of revenue or rent which is not paid on or before the day when *it* 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 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 *the* rent is payable is situate, and to be payable in the same number of instalments as the revenue; and the amount of each instalment of *the* rent shall bear the same proportion to the whole of *the* rent payable for the year as the amount of each instalment of *the* revenue bears to the whole of *the* revenue payable for the year.

Receipts.

[Bill, s. 13.] **13.** *(1) Every receipt* for rent shall specify the year or years on account of which *the rent* has been paid; and any refusal to make *that* specification shall be held to be a withholding of a receipt.

Receipts for rent.

(2) If *a receipt for rent paid by an under-proprietor or tenant is withheld from him* without sufficient cause, he may recover compensation from the landlord *up to an amount* not exceeding *that of the rent paid.*

Deposit of Revenue or Rent in Court without Suit.

[Bill, s. 14.] **14.** *(1)* If *a* co-sharer, under-proprietor or tenant *from whom any revenue or rent is due in respect of the land held or cultivated by him, tenders the full amount of that revenue or rent at the usual place of payment to the person authorized to receive it, and that person does not accept the amount and forthwith give a receipt in full therefor,* the co-sharer, under-proprietor or tenant *may*, without any suit having been instituted against him, deposit *the* amount in Court to the credit of the person authorized to receive it.

Power to pay into Court amount of revenue or rent due.

(2) The 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.

[Bill, s. 15.] **15.** *(1)* The Court shall receive *the* deposit on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; and on *the applicant* making a declaration in the form set forth in Schedule A *to this Act*, 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.

(2) The declaration shall be verified in the manner prescribed for the verification of plaints *by section 52 of* the Code of Civil Procedure, and *shall be signed by* the person making *it.* XIV of 1882.

(3) Upon receiving the *deposit*, the Court shall issue to the person to whose credit it has been *paid* a notice in the form set forth in Schedule B *to this Act.*

(4) The notice shall be served by the proper officer without the payment of any fee.

(5) If the person *to whose credit the deposit has been paid*, or his recognized agent, appears and applies *for it, the Court shall cause it to be paid to him.*

(6) The application under sub-section (5) may [New.] *be on plain paper.*

[Bill, s. 16.] **16.** *Where* a deposit has been made under the provisions of *the two last foregoing sections, a* suit shall *not* 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 *the* suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Limitation for suits for balance of revenue or rent.

The Oudh Rent Bill.

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 17-22.)

Illegal Enforcement of Payment of Rent.

[Bill, s. 18.] *17. (1)* 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 *the illegal* enforcement *of the payment*, the Court may award to him compensation, not exceeding the sum of two hundred rupees, in addition to any amount for which it makes a decree in respect of *the* payment *itself*.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

(2) An award of compensation under *sub-section (1)* shall not bar any prosecution to which the person *illegally* enforcing *the* payment may be liable under any law for the time being in force.

Abatement of Rent.

[Bill, s. 19.] *18. Save as provided by section 29, sub-section (4), a* suit for an abatement of *the rent of a holding shall not* be brought by *an* under-proprietor or tenant except on the ground that the area of the *holding* has diminished, or on some ground specified in *a* lease, agreement or decree under which he holds:

Suit for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor holds a sub-settlement in a revenue-paying estate, *an* abatement shall *not* 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.

Remission of Rent.

[Bill, s. 20.] *19. (1) Notwithstanding anything in the last foregoing section, a Court, when it makes a decree for an arrear of rent, may, with the previous sanction of the Deputy Commissioner, 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 that land has been diminished by drought, 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 paid.*

Remission of rent by order of Court.

(2) Where a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given, the revenue-authorities shall take into consideration any claim made by the landlord for a remission of revenue.

[New.] *(3) A remission shall not be allowed under this section to an under-proprietor holding a sub-settlement, or to a tenant having a right of occupancy, unless a remission of revenue has been allowed on the same ground and by competent authority in the same village.*

Relinquishment of Land.

[Bill, s. 21.] *20. (1) A* tenant shall continue liable for the rent of the land in his holding unless on or before the fifteenth *day* of March in any year he gives to the landlord or *to the* recognized agent *of the landlord notice in writing* of his desire to relinquish *that* land, and relinquishes it accordingly.

Relinquishment of land by tenant.

(2) If the landlord or his recognized agent refuses to receive *the* notice or to sign and deliver a receipt *therefor*, the tenant may, before the latest date prescribed for giving *the* notice, apply *on plain paper* to the tahsildár or proper officer, and written notice *of the desire of the tenant to relinquish the land shall then be served on the landlord at the expense of the tenant.*

(3) A tenant cannot without the consent of his landlord relinquish a part only of his holding. [New.]

(4) Nothing in this section shall entitle a tenant holding under a registered document under section 69 to relinquish his holding otherwise than in accordance with the terms of that document. [New.]

[Bill, s. 21A.] *21. (1)* If a tenant abandons his holding without informing his landlord and without arranging for the cultivation of the holding, the landlord *may* at any time after the fifteenth *day* of May enter on the holding.

Abandonment of holding.

(2) Before a landlord enters *on a holding under sub-section (1)*, he shall file a notice in the prescribed form *at the office of the tahsildár for service on the tenant* stating that he has treated the holding as abandoned and is about to enter on it accordingly.

(3) When a landlord enters on a holding under sub-section (1), the tenant may institute a suit under this Act to recover possession of the holding, and the Court shall, on being satisfied that the tenant did not voluntarily abandon the holding, order recovery of possession on such terms with respect to the time of delivery of possession, the payment of arrears of rent, if any, and, if injury has been caused by the wrongful act, neglect or default of any party to the proceeding, with respect also to the payment of compensation by that party, as to the Court may seem just.

Compensation for Tenants' Improvements.

[Bill, s. 22.] *22. (1)* If *a* tenant, or *a* person from whom he has inherited, *has made* any such improvement *on his holding* as *is* hereinafter *in this Chapter* mentioned, neither he nor his representative shall be ejected from the *holding* unless and until he or his representative, as the case may be, has received compensation for the improvement:

Tenant's right to compensation for improvements.

[New.] *Provided that compensation shall not be payable for any improvement made thirty years or more before the date on which the ejectment is to take effect.*

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(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 23-26.)
(Chapter III.—Payment of Rent in kind.—Sections 27-31.)

[New.] *(2) An improvement made by a tenant for the benefit of his holding on land belonging to the person who is entitled to receive the rent of the holding shall for the purposes of this section be deemed to have been made on the holding of the tenant.*

[Bill, s. 23.] **23. Except as provided in the next following section, *a* tenant shall *not* 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.

[Bill, s. 24.] **24.** *(1)* If *a* tenant *applies for the written consent of his landlord to the making of* an improvement on his holding, and the landlord *omits or refuses* to grant it, the tenant *may* apply to the Deputy Commissioner for *permission* to make the improvement.

Reference to Deputy Commissioner when consent is refused.

(2) When an application is made to the Deputy Commissioner under sub-section (1), he shall take into consideration any objections which the landlord may have to urge *on either of the following grounds, namely:—*

(*a*) *that* the improvement is too costly or is unsuitable to the nature of the tenant's holding, or

(*b*) *that the landlord is himself* prepared to make *the* improvement,

and shall then either grant the permission on such conditions as he considers fair and equitable or refuse the application.

[New.] **25.** *(1) If either the landlord or the tenant desires the amount expended on an improvement executed with the permission of the Deputy Commissioner under the last foregoing section to be determined and registered, the Deputy Commissioner shall, on application made to him for the purpose, determine the amount of the outlay, and enter it in a register kept in the prescribed form.*

Registration of outlay on improvements.

(2) The entry in the register shall be conclusive proof of the amount of the outlay in any subsequent proceedings respecting the cost of the improvement.

[Bill, s. 25.] **26.** The word "improvement," as used in this Act, means *a* work by which the annual letting value of land has been, and at the time of *a demand for* compensation continues to be, increased, and comprises—

"Improvement" defined.

(*a*) 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 *reclamation* of waste land and jungle; and other works of a like nature:

(*b*) the renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for *the maintenance thereof and* increase durably their value.

[Bill, s. 25A.] *27.* In estimating the compensation to which a tenant is entitled *for an improvement* regard shall be had—

Principle on which compensation is to be estimated.

(*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.

[Bill, s. 25B.] 28. When a Court has assessed the amount of the compensation due to a tenant, 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.

Modes of making compensation.

[Bill, s. 26.] *29.* (1) A landlord *may* make *an* improvement on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.

Improvements by the landlord.

(2) A landlord *intending* to make an improvement shall, if *any part thereof* is to be *made on* the holding of any *such* tenant, give notice *of his intention* to the tenant through the tahsildár.

[New.] *(3) A landlord making an improvement on the holding of any such tenant shall be liable to compensate the tenant for any loss which he may cause to the tenant when making it.*

[New.] *(4) If the effect of the improvement is to impair the productive powers of the holding, the tenant shall, in addition to any compensation which may be awarded to him under sub-section (3), be entitled to such abatement of his rent as to the Court seems just.*

[New.] *(5) A landlord may not make an improvement on the holding of a tenant with a right of occupancy without the consent of the tenant.*

Survey and Measurement.

[Bill, s. 27.] *30.* A landlord *and* 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 *land*.

Landlord's right to enter and measure lands.

CHAPTER III.

PAYMENT OF RENT IN KIND.

[Bill, s. 30.] *31. Where* rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other

Division or appraisement of produce.

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 32-37.)

proceeding of a similar nature requiring the presence of both the tenant and *the* landlord either personally or by recognized agent, if either party neglects to be present at the proper *time*, or if a dispute arises between the parties regarding *the* division, estimate, appraisement *or proceeding*, either party may present an application to the Court, requesting that a proper officer be deputed to make the division, estimate or appraisement *or conduct the proceeding*.

[Bill, s. 31.] *32. 1* On receiving *the* application, the Court shall issue a written notice to the other party to attend *at a time and place* specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made *or the proceeding conducted.*

Procedure in case of dispute.

(2) The award of *that* officer in respect of *the* division, estimate, appraisement *or proceeding* 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.

Part A.—Tenants with Right of Occupancy.

[Bill, s. 32.] *33.* (*1*) *A* tenant having a right of occupancy in any land shall *not*, in case of dispute as to the rent to be paid in respect of *the* 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, *namely* :—

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 *that* rate.

2nd ground.—That the rate of rent paid by him is more than twelve-and-a-half 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.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding *that* rate, less twelve-and-a-half 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.

(2) Nothing *in sub-section* (*1*) shall affect the terms of any agreement in writing entered into between a landlord and tenant *after the twenty-second day of July, 1868.*

34. After a decision has been passed in accordance with *the last foregoing section, a* suit shall *not* lie for re-enhancement of *the* rent until the expiration of five years from the date of *the* decision, except on the 3rd ground *mentioned in that section*, or, in the case referred to in *the next following section*, until, by re-assessment within the term of five years, the revenue of *the* land has been increased. [Bill, s. 33.]

Term for re-enhancement after decision fixing rent under section 33.

35. If, on a re-assessment of the revenue, the rent of the tenant cannot be enhanced under section *33* 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 *the* re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village. [Bill, s. 34.]

Enhancement on re-assessment of revenue.

Part B.—Other Tenants.

36. Every tenant, not being a tenant with a right of occupancy *or a sub-tenant*, 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, *or, where no such change or alteration has taken place, from the date on which the tenant was admitted to the occupation of the holding.* [Bill, s. 35.]

Tenant in occupation at passing of Act: the conditions of his statutory tenancy.

37. Every such tenant *who may be* admitted to the occupation of a holding *after the passing of this Act* 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 *such* tenant, in the area of whose holding or in the amount of whose rent any change *is* 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. [Bill, s. 35A.]

Tenant admitted after passing of Act: the conditions of his statutory tenancy.

Explanation I.—"Holding" means a parcel or parcels of land held by a tenant and forming the subject of a separate engagement. *The* engagement may be express or implied.

Explanation II.—This section and section 36 have effect subject to the provisions of section 4, sub-sections (3) and (4), relating to land not previously cultivated, and subject also to section 157,

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 38-47.)

excluding certain classes of land from the operation of certain sections of this Act.

[Bill, s. 36.] *38. (1) A landlord may enhance the rent of a tenant to whom section 36 or section 37 applies, either by contract in accordance with the provisions of this section or by notice as hereinafter provided.*

Enhancement of rent of tenant not having right of occupancy and not being a sub-tenant.

(2) Subject to the provisions of section 49, the enhancement shall not in any case exceed one anna in the rupee, or six-and-a-quarter per cent., on the annual rent payable by the tenant at the time when the contract was made or the notice was issued:

(3) Provided that, where rent is paid in kind, the proportion of produce paid as rent by a tenant shall not be subject to increase except in accordance with an established custom of the pargana in which the land is situate.

[Bill, s. 36.] *39. If a landlord desires that the rent of a tenant to whom section 36 or section 37 applies be enhanced on the expiration of the term of seven years referred to in section 36 or section 37, as the case may be, or at any time during the currency of that term in the case mentioned in section 50, he may cause a notice to that effect to be served under section 42.*

Enhancement by notice.

[Bill, s. 36.] *40. (1) A notice whereby enhancement is claimed on account of the expiration of the period of the tenancy shall not be served before the commencement of the last year of the tenancy.*

Time for service of notice of enhancement.

[Bill, s. 36A.] *(2) A notice of enhancement on account of an improvement made or acquired by the landlord may be served at any time during the currency of the tenancy.*

41. The notice shall be written in Hindi and Urdu, *and* shall specify the land, the amount of the present rent and the amount of the enhancement, and 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 *thirty days* from the date *of the service thereof.*

Contents of the notice.

[Bill, s. 36B.] *42.* On the application of the landlord to the tahsildár or *other prescribed officer* the notice shall be served by *the* officer on or before the fifteenth day of February *at the expense of the landlord.*

Service of the notice.

[Bill, s. 36C.] *43. The* tenant may institute a suit to contest *the notice of* enhancement, *within thirty days from the date of the service thereof*, on any of the following grounds, *namely* :—

Grounds on which tenant may contest his liability to enhancement.

(*a*) that he has a right of occupancy in the land *specified in the notice;*

(*b*) that he holds *under a special* agreement or decree of Court *or lease* under the terms of which *his rent* is not liable to enhancement;

(*c*) that the enhancement claimed is in excess of the rate authorized by law;

(*d*) that seven years *will* not *have* elapsed *on the fifteenth day of May next following*, since the date of *any such change of rent or alteration of area as is under section 36, or section 37 equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;*

(*e*) that the notice has not been served in the manner *required by this Act*;

(*f*) *that, where the enhancement claimed is on account of an improvement, the amount claimed is excessive.* [New.]

44. (*1*) *If the tenant does not contest the notice of enhancement and remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, he shall become liable for the enhanced rent.* [Bill, s. 36D.]

Tenant's liability for enhanced rent.

(*2*) *If the tenant contests the notice, and the validity thereof is maintained by the Court in whole or in part, he shall, if he remains in possession of the land after the fifteenth day of May next following the date of the service of the notice, become liable for the enhanced rent to the extent to which the Court has maintained the validity of the notice.*

45. If the tenant by remaining in possession of the land under the last foregoing section becomes liable for enhanced rent, he shall be entitled to hold the land at *that* rent for a further period of seven years. [Bill, s. 36E.]

Commencement of fresh statutory period.

46. If the tenant refuses to accept the enhancement claimed *or decreed* 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. [Bill, s. 36F.]

Vacating tenant's right to compensation for improvements.

47. (*1*) Except in the cases mentioned in section *49*, 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 *him.* [Bill, s. 36G.]

Rent of tenant *succeeding* to vacant holding.

(*2*) *In the case of a tenant admitted to the occupation of a holding of which the rent has been immediately before his admission paid in kind, the rent payable shall, subject to any established custom of the pargana in which the holding is situate, be either the rent payable by the tenant immediately preceding him, or a sum which shall not exceed by more than six-and-a-quarter per cent. the equivalent of the value of the produce annually paid as rent on the average of the three years immediately preceding.* [New.]

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(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 48-51.—

(Chapter V.—Ejectment.—Sections 52-55.)

[Bill, s. 36I.] *48.* (*1*) The heir of a tenant who dies during the currency of the tenancy *of a holding* shall *be entitled* to retain occupation of the *holding* 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, *made* on the holding by himself or his predecessor in interest, but shall *not be entitled* to a renewal of the tenancy.

Rights of the heir of a deceased tenant.

[New.] *(2) Subject to any rights which he may have under section 22 as a representative of the deceased, a collateral relative who did not at the date of the death of the deceased share in the cultivation of the holding shall not be deemed to be an heir of the deceased within the meaning of this section.*

[Bill, s. 36H.] *49.* 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 thekadár or mortgagee from land of which he has taken cultivating possession during the period of his theka or mortgage, shall be such amount as may be agreed upon between him and the landlord.

Rent of tenant *succeeding* to a holding vacated by the death of the previous tenant.

[Bill, s. 36K.] *50.* (*1*) Nothing in the *foregoing* sections shall bar the right of a landlord to enhancement of rent *during the currency of a tenancy* on the ground that the productive powers of the land held by the tenant have been increased by an improvement *which has been made* by, or at the expense of, the landlord, *or for which compensation has been accepted from the landlord by the owner of the improvement.*

Enhancement of rent for improvements *made or acquired* by landlord.

(*2*) Where an enhancement is claimed on the ground of *any such* improvement, the Court, in determining the *claim*, shall have regard to—

(*a*) the increase in the productive powers *of* the land caused, or likely to be caused, by the improvement;

(*b*) the cost of the improvement; *and*

(*c*) the cost of the cultivation required for the utilising of the improvement.

[Bill, s. 36J.] *51.* Notwithstanding anything in the *foregoing* sections, the *Chief Commissioner may, by notification in the local official Gazette,* vary from time to time, within periods of not less than seven years, the limits of the enhancement to which tenants *to whom section 36 or section 37 applies are liable in any local area specified in the notification.*

Power for Local Government *to* vary the limit of enhancement of rent.

CHAPTER V.

EJECTMENT.

Tenants holding on special terms.

[Bill, s. 37.] *52.* (*1*) *A* tenant having a right of occupancy *in any land, or holding any land under a special agreement or decree of Court,* shall *not* be ejected *from that land* otherwise than in execution of a decree for ejectment:

Ejectment of tenant *holding on special term.*

Provided that the decree *for ejectment* shall not be made, unless, at the date of *that* decree, a decree against *the* tenant for an arrear of rent in respect of *the* land has remained unsatisfied for fifteen days or upwards.

(2) A decree for the ejectment of a tenant holding under a special agreement or decree of Court may be made on such grounds as would justify ejectment under the agreement or decree.

Other Tenants.

[Bill, s. 38.] *53.* A tenant not having a right of occupancy, and not holding under a *special* agreement or decree of Court, may be ejected *by notice, application or suit under the following sections of this Chapter.*

Ejectment of *other* tenants.

[Bill, s. 38A.] *54. If a* landlord desires to eject *any such* tenant on the expiration of his tenancy, *he* may *cause* a notice of ejectment *to be served on the tenant under the next following section.*

Ejectment by notice.

[Bill, s. 39.] *55.* (*1*) The notice shall be written in Hindi and in Urdu; *it shall be signed by the landlord or by an agent authorised by him in that behalf;* it shall specify the land from which the tenant is to be ejected; *it shall, if a court-fee is payable in respect thereof under this section, contain a certificate by the patwári as to the annual rent payable for the holding to which the notice relates;* and it shall inform *the tenant* 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 *day* of May next following.

Contents, *service* and cost of notice.

(*2*) On the application of the landlord to the tahsíldár or *other prescribed officer*, the notice shall, *if the proper court-fee (where a court-fee is payable under this section) has been paid in respect thereof,* be served *on the tenant* by *the* officer on or before the fifteenth day of November *at the expense of* the landlord.

[New.] *(3) If the tenant on whom the notice is to be served is a tenant to whom section 36 or section 37 applies, there shall, except as provided by this sub-section and sub-section (5) and by section 69, be payable in respect of the notice a court-fee equal in value to half the annual rent payable for the holding of the tenant, or, in the case of a tenant paying rent in kind, a court-fee equal to half the value of the produce annually paid as rent on the average of the three years immediately preceding:*

Provided that the court-fee shall not in any case exceed twenty-five rupees.

[New.] *(4) A court-fee shall not be payable under sub-section (3) in respect of a notice on a person to whom section 48 applies.*

[New.] *(5) Stamps representing the court-fee shall be affixed on the notice before the notice and the application for the service thereof are presented to the tahsíldár or other prescribed officer.*

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(Chapter V.—Ejectment.—Sections 56-63.)

New.] *(6) The court fee paid by a landlord under this section shall not in any circumstances be adjudged to be payable as costs or otherwise by the tenant.*

Bill, s. 40.] *56.* (*1*) A tenant on whom a notice has been served under *the last foregoing* section may *institute a suit to* contest his liability to be ejected from the land specified therein on any of the following grounds, *namely*:—

Grounds on which tenant may contest liability to ejectment.

(*a*) that he has a right of occupancy in the land;

(*b*) that he holds *under a special agreement* or decree of Court *or unexpired lease* under the terms of which he is not liable to *be ejected from the land;*

[New.] (*c*) *if he is a tenant to whom section 55, sub-section (3) applies, that the notice was insufficiently stamped;*

(*d*) *if he is a tenant to whom section 36 or section 37 applies,* that seven years *will* not *have* elapsed *on the fifteenth day of May next following,* since the date of *any such change of rent or alteration of area as is under section 36 or section 37, as the case may be, equivalent to an admission to the occupation of a holding, or, where no such change or alteration has taken place, since the date on which he was admitted to the occupation of the holding;*

(*e*) if he is a tenant *to whom section 53 applies,* that notice of ejectment has not been served upon him in the manner *required by this Act.*

[Bill, s. 40, *sepl.*] *(2)* A thekadár *shall not be* 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.

[Bill, s. 40A.] *57.* If the tenant has any claim for compensation for improvements on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.

Compensation for improvements, if any, to be claimed *in suit contesting liability to ejectment.*

[Bill, s. 40B.] *58.* If the Court *dismisses the suit in whole or in part,* it shall determine the amount of the compensation, if any, due for improvements, and shall declare ejectment *from the whole or part of the land, as the case may be,* to be conditional on payment of that amount into Court.

Determination of the claim.

Bill, s. 41.] *59.* If the tenant on whom 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 cease on the fifteenth of May next following, unless, after the service, the landlord has authorised him *in writing* to continue to occupy the land.

Tenancy to cease if notice is not contested.

[Bill, s. 42.] *60.* (*1*) If the landlord requires assistance to eject *a tenant on whom he alleges a notice to have been served under section 55,* he may apply for *that* assistance *to the Court which would have had jurisdiction with respect to a suit by the tenant to contest his liability to be ejected under the notice, and that Court shall order the ejectment of the tenant if it is satisfied*—

When assistance to eject may be given by Court.

(*a*) *that a notice of ejectment was duly served on the tenant;*

(*b*) *that the tenant has not brought a suit to contest the notice, or that, if a suit for that purpose has been brought, it has been determined adversely to the tenant;*

(*c*) *that the tenant has not been authorised by the landlord in writing to continue to occupy the land.*

(*2*) *Nothing* done by the Court under *sub-section* (*1*) shall affect the right of *the* tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation *therefor.*

[Bill, s. 43] *61.* (*1*) If a landlord desires to eject a tenant *to whom section 53 applies and* against whom a decree for an arrear of rent has been passed and remains unsatisfied, he may, after the first *day* of April of the year in which that arear accrued, apply to the Deputy Commissioner to eject the tenant.

Ejectment *by application.*

(*2*) 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.

(*3*) If the amount *is* not so paid, the Deputy Commissioner shall, unless good cause *is* shown to the contrary, eject the tenant.

[Bill, s. 43A, altered.] *62.* (*1*) *A tenant to whom section 53 applies shall be liable to ejectment by suit during the currency of his tenancy on any of the following grounds, namely*:—

Ejectment *by suit.*

(*a*) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy;

[New.] (*b*) *that at the time of the institution of the suit the entire holding has been sub-let;*

(*c*) 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;

(*d*) *where the tenant holds, under an unexpired lease, land to which section 4, sub-sections (3) and (4), applies, then on any ground which would justify ejectment under the lease.*

(*2*) The tenant shall continue liable for the rent of the land until the decree is executed.

General.

[Bill, s. 44.] *63. Except in pursuance of an order under section 21, sub-section (3),* a tenant shall *not* in any case, whether in execution of a

Time of ejectment of tenant.

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(Chapter VI.—Supplemental Provisions respecting Tenancies.—Sections 64-71.)
(Chapter VII.—Distress for arrears of Rent.—Sections 72-73.)

decree or otherwise, be ejected from the land in his occupation, except between the first day of April and the *thirtieth* day of June in any year after the passing of this Act.

[Bill, s. 45.] **64.** A *thekadár* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Time of ejectment of thekadár.

[New.] **65.** *In any suit for ejectment the defendant may file any claim for compensation for improvements which he may have against the plaintiff, and if the Court finds the grounds on which the suit is brought to be valid, it shall determine the amount of compensation, if any, due from the plaintiff to the defendant, and shall pass a decree of ejectment conditional on the payment into Court of that amount.*

Preferment by tenants of claims for compensation for improvements in suits for ejectment.

[Bill, s. 46.] **66.** *A* 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 *the* tenant and being on the land at the time of his ejectment:

Compensation to ejected tenant for growing crops.

Provided that, if the land *has* been sown or planted by the tenant after service on him of *a* notice *under section 55*, he shall not be so entitled, unless, after *that* service, the landlord has authorized him *in writing* to continue to occupy the land.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS RESPECTING TENANCIES.

Sir Lands.

[Bill, s. 46A.] **67.** (*1*) The rights conferred upon tenants by sections 24, *36, 37, 38, 39, 45, 46, 47 and 48* shall not accrue to cultivators of any of the following lands, *namely*:—

Sir 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 *or under-proprietary* profits and charges;

(*b*) land which for the seven years immediately preceding the passing of this Act has been continuously cultivated by the proprietor *or under-proprietor* himself or by his servants or by hired labour.

(2) Land which was recorded as Mr at settlement and has been continuously so recorded since shall, until the contrary is proved, be presumed to be land of the class mentioned in clause (a) of sub-section (1).

Thekadárs, Mortgagees and Sub-tenants.

[Bill, s. 46 B.] **68.** (*1*) A person holding land as a *thekadár*, mortgagee *or sub-tenant* shall not, while so holding, acquire any of the rights enumerated in the *last foregoing* section in any of the land comprised in his *theka*, mortgage *or sub-tenancy*.

Thekadárs, mortgagees and sub-tenants.

(2) A person having *those* rights in land does not lose them by subsequently taking a *theka* or mortgage in which his holding is comprised.

Long Leases.

[New.] **69.** *(1) When a holding has been let by registered document for a term of eight years or upwards at a rent determined thereby for the whole of the term in accordance with the provisions of this Act to a tenant to whom section 36 or section 37 applies, the landlord shall, on the expiration of the term, be entitled to enhance the rent of the holding in accordance with the provisions of Chapter IV, Part B, and not otherwise, and shall also be entitled to eject the tenant by notice under section 55 without payment of a court-fee under that section:*

Incidents of leases for eight years or upwards.

Provided that any change in the rent or alteration in the area of the holding by the landlord during the term shall be a bar to enhancement and ejectment for seven years from the date of that change or alteration.

(2) In addition to the grounds mentioned in clauses (a), (b) and (c) of section 62, sub-section (1), a tenant to whom this section applies shall be liable to ejectment by suit during the currency of his tenancy on any ground which would justify ejectment under the registered document under which he holds.

Miscellaneous.

70. *Where a tenant has received a patta, a statement that since the date of the patta his rent has been changed, or the area of his holding altered, by the landlord, shall not be admissible in evidence unless the change or alteration is recorded in an entry on the patta signed by or on behalf of the landlord, and in an entry on the counterpart signed by or on behalf of the tenant, or in a new patta and counterpart.*

Evidence respecting change of rent or alteration of area of holding.

71. *The expression "special agreement" or "decree of Court", where it is used in this Act to signify the tenure on which land is held by a tenant, is to be construed as referring to an agreement or decree made or passed before the passing of this Act.*

Construction of certain expressions.

CHAPTER VII.

DISTRESS FOR ARREARS OF RENT.

[Bill, s. 47.] **72.** When an arrear of rent is due from any tenant, the landlord may, *subject to the provisions of this Chapter*, distrain the produce of the land in respect of which the arrear is due:

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 *the* rent is payable shall not be liable to distress so long as the security is in force.

[Bill, s. 48.] **73.** Distress shall not be made for the recovery of—

Distress not permissible in certain cases.

(*a*) 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 *that* excess or unless he has been declared *by decree* to be liable *therefor*, or

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(*b*) *any arrear which has been due for a longer period than one year.*

Bill, s. 19.] **74.** The power of distress vested by section 72 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsíldárs of estates held under direct 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 *that* power, commits an act which, under the provisions of this Chapter, is illegal, the person employing *him* shall be liable, as well as the agent, to be sued for compensation for any injury caused by *the* act.

Bill, s. 50.] **75.** Any person empowered to distrain property under section 72 or section 74 may employ a servant or other person to make the distress, but in every such case he shall give to *the* servant or person a written authority *in that behalf*, and the distress shall be made in the name and on the responsibility of the person giving *the* authority.

Distress by servants.

[Bill, s. 51.] **76.** *(1)* 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.

(2) 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 *engagement* 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.

Bill, s. 52.] **77.** *(1)* 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.

(2) 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.

[Bill, s. 53.] **78.** 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, *when he has made the distress, he* shall prepare a list or description of the property *distrained* and deliver a copy *thereof* to the owner, or if *the owner is* absent, affix it at his usual place of residence.

Value of distress and service of list of distrained property on owner.

[Bill, s. 54.] **79.** *(1)* 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 distrained.

(2) If the tenant neglects to do so, the distrainer may cause the crops or products to be reaped or gathered, and in *that* case shall store *them* either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

(3) In either case the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

(4) 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.

[Bill, s. 55.] **80.** 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 thinks necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

[Bill, s. 56.] **81.** If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the *payment* and give a receipt therefor and forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

[Bill, s. 57.] **82.** Within five days from the time of storing any distrained crops or products, or if *the* 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 *the* sale *thereof* 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.

[Bill, s. 58.] **83.** *(1)* 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.

(2) 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 provided *in the next following section*.

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Bill, s. 59.] *84. (1)* 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 *to this Act*, 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.

(2) 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.

(3) The proclamation shall contain a description of the property, and shall specify the demand for which it is *to be* sold, and the place where the sale is to be held.

Bill, s. 60.] *85. (1)* If a suit is instituted in pursuance of the notice *mentioned in the last foregoing section*, 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.

(2) On *the* 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.

Bill, s. 61.] *86. (1)* 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 *84* sub-section *(1)*.

Suit to contest distrainer's demand.

(2) When *any* such suit is instituted, the Court shall proceed in the manner *directed* in section *85*.

(3) 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.

[Bill, s. 62.] *87.* *(1)* 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 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.

(2) When *a* bond *has been* executed *under sub-section (1)*, 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 *execution of the bond*.

(3) Upon *the* certificate being presented to the distrainer by the owner of the property, or *upon the notice being served on the distrainer* by order of the Court, *as the case may be*, the property shall be released from distress.

[Bill, s. 63.] *88.* 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 *that* demand, with such costs of the distress as are allowed by him, *is* discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Sale.

[Bill, s. 64.] *89. (1)* 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 proper officer thinks that it is likely to sell there to better advantage.

Place and manner of sale.

(2) 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, *is* satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

[Bill, s. 65.] *90.* If, on the property being put up for sale a price which the officer holding the sale *thinks* fair *is* not offered, and if the owner of the property or his recognized agent applies to have the sale postponed until the next day (if a market *is* held at the place of sale) until the next market-day, the sale shall be postponed until *that* day, and shall be then completed at whatever price may be offered.

Postponement of sale.

[Bill, s. 66.] *91. (1)* 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 payment the property shall be put up again and re-sold.

Payment of purchase-money

(2) 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.

[Bill, s. 67.] *92. (1)* 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.

Proceeds of sale.

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(2) 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 *84* to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

(3) 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.

[Bill, s. 68.] *93.* Officers holding sales of property under this Act, and all persons employed by, or subordinate to, *those* officers, are forbidden to purchase, either directly or indirectly, property sold by *those* officers.

Officers holding sales not to purchase.

[Bill, s. 69.] *94. (1)* The officer mentioned in section *82* shall bring to the notice of the Court any illegal act which *may* come to his knowledge as having been committed by any person in making a distress under this Act.

Illegal acts of distrainer to be reported.

(2) If in any case, on proceeding to hold a sale under this Act, *that* officer finds that the owner has not received due notice of the distress and 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 *84*, or make such other order as it thinks proper.

[Bill, s. 70.] *95. (1)* When *that* officer has gone to any place for the purpose of holding a sale, *and a sale does not take* place either for the reason stated in section *94* or because the distrainer's demand has been previously satisfied, *a* charge *of one anna for every rupee of the value of the distrained property, as estimated by the officer, shall be leviable by him on account of the expenses of the intended sale*, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of *its having been satisfied* has been given by him to the officer.

Recovery of expenses where sale does not take place.

(2) If the distrainer's demand *is* 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 *of the property* as may be necessary.

(3) 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.

(4) The charge leviable under this section shall not exceed ten rupees *in any case*.

[Bill, s. 71.] *96. (1)* 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 *thereof is* adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

Second proclamation of sale when arrears are adjudged to be due.

(2) On the application of the distrainer (which shall be made within five days from the receipt of *the* order by *the* officer), *the* officer shall publish a second proclamation in the manner prescribed in section *84*, fixing another day for the sale of the distrained property, not *being* less than five *or* more than ten days from the date of the proclamation, and, unless the amount adjudged to be due with costs of distress *is* paid *before that day*, shall proceed to sell the property in the manner hereinbefore provided.

[Bill, s. 72.] *97. (1)* 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 *of the arrear*.

Distrainer to prove the arrear in suit to contest his demand.

(2) If the demand or any part thereof is found to be due, the Court shall make in favour of the distrainer *a decree for the amount so found*.

(3) *That* amount may be recovered, *if the distrained property has not been released on security*, by sale of the distrained property as provided in section *96*, and, if any balance remains due after *the* sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property *has* 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 *the* surety.

[Bill, s. 73.] *98.* 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.

[Bill, s. 74.] *99.* 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 *that* 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.

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[Bill, s. 75.]

Rules applicable to suit by third party.

100. (*1*) When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

(*2*) 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.

(*3*) If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

[Bill, s. 76.]

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

101. No claim to any produce liable to distress under this Act and found at the time of the distress in the possession of a defaulting tenant, whether *the* 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 *the prior claim of the landlord.*

[Bill, s. 77.]

Stranger claiming to be landlord and to have right of distress to be made a party.

102. When 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 *that* arrear is claimed by or on behalf of any person other than the distrainer, on the ground of *that* other person being actually and in good faith in the receipt and enjoyment of the rent of the land, *that* other person shall be made 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 *the* 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 *that* title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

[Bill, s. 78.]

Suit for illegal distress.

103. 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 *84* and *99*, 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 *and* sale.

[Bill, s. 79.]

Suit for illegal act of distrainer.

104. In any of the following cases, namely:—

(*a*) if any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells, otherwise than *in accordance with* the provisions of this Act, any property for the recovery of an arrear of rent alleged to be due, or

(*b*) 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

(*c*) if the distress is not immediately withdrawn when any provision of this Act requires *its* withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

[Bill, s. 80.]

Suit for distress or sale falsely purporting to be under *the* Act.

105. (*1*) If any person not empowered by this Act to distrain or sell, or *not* duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of *the* 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.

(*2*) *The institution of a suit under sub-section* (*1*) shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

[Bill, s. 81.]

Procedure in case of resistance to distress.

106. (*1*) 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 *the* 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.

(*2*) If the case cannot be at once heard and determined, the Court may, if it thinks fit, require the *person* arrested to give security for his *appearance* whenever *he* may be required *to appear*, and, in default of *the* security *being given*, may commit him to the civil jail until the case is tried.

[Bill, s. 82.]

Punishment of offender.

107. If *the resistance to the distress or the removal of the distrained* property *is* 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 *the offender shall not be imprisoned under this section for a longer term* than six months.

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(*Chapter VIII.—Jurisdiction of the Courts.—Sections 108-110.*)

CHAPTER VIII.

JURISDICTION OF THE COURTS.

Suits cognizable.

[Bill, s. 83.]

Suits cognizable under *the* Act.

108. Courts other than Courts of Revenue shall *not* take cognizance of the following descriptions of suits, and *those* suits shall be heard and determined in Courts *of Revenue* in the manner provided in this Act, and not otherwise:—

A.—Suits by a Landlord—

(*1*) for the delivery by a tenant of the counterpart of a *patta*;

(*2*) for arrears of rent, *or, where rent is payable in kind, for the money-equivalent of rent*;

(*3*) for the enhancement of the rent of a tenant;

(*4*) for the ejectment of a tenant;

(*5*) by landlords against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of *those* patwáris or agents for money received or accounts kept by *the* patwáris or agents in the course of *their* employment *as aforesaid*, 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;

(*7*) for the delivery by a landlord of a *patta*;

(*8*) for contesting a notice of *enhancement or* ejectment;

(*9*) for compensation—

(*a*) on account of illegal enforcement of payment of rent, or of any sum in excess of rent due, *or*

(*b*) on account of the *withholding* of *a* receipt *for a payment of rent, or*

(*c*) on account of illegal ejectment, *or*

(*d*) on account of loss *caused by* the making of *an* improvement under section *29* sub-section (*3*); *or*

(*e*) on account of the value of standing crops under section *66*;

(*10*) for the recovery of the occupancy of any land *which has been treated by a landlord as abandoned or from which an under-proprietor or tenant* 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 *that* power, or for compensation for illegal distraint;

(*12*) for abatement of rent in accordance with the provisions of section *18 or section 29* sub-section (*4*);

(*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*) *to set aside an award in respect of a* division, estimate, appraisement *or proceeding under section 32*;

D.—Suits by and against Lambardárs, Co-sharers and Muafidárs—

(*15*) by a sharer against a lambardár or co-sharer for *a* share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of *those* profits;

(*16*) by a lambardár, or by *a* 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, *or* 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 *the* lambardár on account of *the* joint lambardár;

(*17*) 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 *withholding* of *a* receipt for *a payment of* revenue or rent;

(*18*) by muafidárs or assignees of revenue for arrears of revenue.

Grades of Courts.

[Bill, s. 84.]

Grades of Courts for the purposes of *the* Act.

109. For the purposes of this Act, *there shall be five grades of* Courts of Revenue, namely:—

(*1*) the Assistant Collector of the second class;

(*2*) the Assistant Collector of the first class;

(*3*) the Collector;

(*4*) the Commissioner;

(*5*) the Judicial Commissioner.

[Bill, s. 85.]

Power to invest officers with powers of Assistant Collector.

110. (*1*) *The Chief Commissioner may from time to time confer upon any officer the powers of an Assistant Collector of the first, or of the second class under this Act, and may at any time withdraw those powers.*

(*2*) *In conferring powers under this section the Chief Commissioner may empower persons specially by name or classes of officials generally by their official titles.*

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[Bill, s. 86.] Deputy Commissioner to have Collector's powers.

111. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

[Bill, s. 87.] *Investment of* Settlement-officers with powers of Collector *or Assistant Collector.*

112. The Chief Commissioner may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector or Assistant Collector under this Act.

[Bill, s. 88.] Jurisdiction of Assistant Collector of the 2nd class.

113. An Assistant Collector of the second class *may* try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section *108*, of which the *value* does not exceed one hundred rupees.

[Bill, s. 90.] Jurisdiction of Assistant Collector *of the 1st class.*

114. An Assistant Collector *of the first class may* try and determine suits of every description of which the *value* does not exceed five thousand rupees.

[Bill, s. 91.] Jurisdiction of Collector.

115. (1) The Collector *may* try and determine suits of every description *without limit as regards the value*, and hear appeals from *decrees of Assistant Collectors of the second class*, and, *except* where an appeal is *prohibited* by the Code of Civil Procedure as applied by this Act, from XIV of 1882. orders of Assistant Collectors *of the first and of the second class.*

(2) Whenever the state of the public business *so* requires, the Chief Commissioner may invest any *Assistant Collector of the first class* with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from decisions of *that Assistant Collector*, and with the powers of a Deputy Commissioner under sections 24, *25 and 61*, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

[Bill, s. 92.] Jurisdiction of Commissioner.

116. The Commissioner *may, subject to the provisions of section 119*, hear and determine appeals from *original decrees of Collectors and of Assistant Collectors of the first class*, and, *except* where an appeal is *prohibited* by the Code of Civil XIV of 1882. Procedure *as applied by this Act*, from *original* orders of Collectors.

[Bill, s. 93.] Jurisdiction of Judicial Commissioner.

117. The Judicial Commissioner *may, subject to the provisions of section 119*, hear and determine appeals from *original decrees of Commissioners*, and, *except* where an appeal is *prohibited* XIV of 1882. by the Code of Civil Procedure *as applied by this Act*, from *original* orders of Commissioners, and, *subject also to the provisions of that Code as so applied, appeals from appellate decrees and orders of Collectors and of Commissioners.*

Appeals.

[New. But see Bill, s. 94.] Limitation for appeals.

118. (1) Save as provided by sub-section (2) of this section, an appeal shall not lie—

(a) to the Collector—after the expiration of thirty days from the date of the decree or order complained of;

(b) to the Commissioner—after the expiration of sixty days from that date; or

(c) to the Judicial Commissioner—after the expiration of ninety days from that date.

(2) In computing these periods of thirty, sixty and ninety days, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

[Bill, s. 95, altered.] Restrictions on appeals.

119. The decree or order of a Commissioner or of a Collector in a suit of value not exceeding one hundred rupees and of a description mentioned in clauses (1), (5), (9), (11), (14), (15), (16), (17) *or* (18) of section *108, or in an appeal from a decree or order in any such suit*, shall be final, unless a question of right to enhance or otherwise vary the rent of a tenant, or *a* 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 *decree or order of the Commissioner or of the Collector, in which case the decree or order last-mentioned* shall be open to appeal in the manner provided in this Act.

Appeal from orders of Deputy Commissioners acting as such.

120. An order of a Deputy Commissioner sanctioning a remission of rent under section 19, or granting or refusing an application under section 24, or determining the amount of the outlay on an improvement under section 25, or directing or refusing to direct the ejectment of a tenant under section 61, shall be subject to appeal to the Commissioner, whose order on the appeal shall be final.

Distribution of Business.

[Bill, s. 96.] Power of Deputy Commissioner to distribute business.

121. Notwithstanding anything in the Code of XIV of 1882. *Civil Procedure, the Deputy Commissioner may, by order in writing, direct that any business cognizable by himself and the Courts subordinate to him shall be distributed among those Courts in such manner as he thinks fit:*

Provided that a direction given under this section shall not empower any Court to exercise any power or deal with any business beyond the limits of its proper jurisdiction.

Transfer of Suits and other Proceedings.

[Bill, s. 97.] Transfer of suits and other proceedings by Commissioners and Deputy Commissioners.

122. The Commissioner or Deputy Commissioner may withdraw any suit *or other proceeding* instituted in any Court subordinate to him, and try *it* himself, or refer it for trial to any other such Court competent to try *it*.

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(Chapter VIII.—Jurisdiction of the Courts.—Sections 123-128.)
(Chapter IX.—Limitation of Suits.—Sections 129-134.)

[Bill, s. 98.] Transfer of suits and other proceedings by Judicial Commissioner.

123. The Judicial Commissioner may order that any suit *or other proceeding pending in* any Court subordinate to him shall be transferred to any other such Court competent to *dispose of it.*

Miscellaneous.

[Bill, s. 99.] General subordination of Courts.

124. In the performance of their duties under this Act, Collectors shall be *subordinate to, and* subject to the direction and control of, Commissioners and the Chief Commissioner, and Assistant Collectors shall be *subordinate to, and* subject to the direction and control of, the Deputy Commissioners to *whose districts* they are respectively *appointed:*

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.

[Bill, s. 100.] Suits by or against managing agents or tahildárs of *estates held under direct management.*

125. Suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsildárs of estates held under *direct* management, whether *those* estates are the property of Government or not.

[Bill, s. 101.] Sharer to exercise certain powers only through manager or tahsildár.

126. (1) A sharer in a joint estate or under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall *not* 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.

(2) In pattidári estates or tenures *those* powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

(3) Nothing in this section shall be construed to affect any local custom or special contract.

[Bill, s. 102.] Rent payable for land occupied without consent of landlord.

127. Any person in possession of land occupied without consent of the landlord shall be liable for the rent of *that* land at the rate payable in the previous year, or, if rent was *not* 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 *that* land have any of the statutory privileges conferred by this Act.

[Bill, s. 103.] Place of sitting of Courts.

128. A Court may sit at any place within the local limits of its jurisdiction, or, in the case of an Assistant Collector, at any place within the limits of the district to which he is appointed.

CHAPTER IX.

LIMITATION OF SUITS.

[Bill, s. 104.] General limitation.

129. 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, *except as otherwise provided in this Chapter*, be instituted within one year from the date of the accrual of the cause of action.

[Bill, s. 105.] Suits for delivery of pattas or counterparts.

130. A suit for the delivery of *a* patta or the counterpart of *a* patta may be instituted *at any time* during the tenancy.

[Bill, s. 106.] *Suits for recovery of holdings treated as abandoned.*

131. A suit by a tenant for the recovery of a holding which has been treated by a landlord as abandoned under section 21 shall be instituted within three months from the date on which the landlord entered upon the holding.

[Bill, s. 106.] Suits for recovery of arrears of rent or to enforce payment of rent in kind or of profits.

132. A suit for the recovery of *an* arrear of *rent*, or, *where rent is payable in kind, for the money-equivalent of rent*, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the *last day of the month of Jeth of the Fasli year in which the arrear fell due.*

[Bill, s. 107.] Suits against agents for money, or delivery of accounts or papers.

133. A suit 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 *instituted* at any time during the continuance of the agency or within one year after its determination.

[Bill, s. 108.] Suits regarding distress and division or appraisement of produce.

134. A suit regarding distress under section *103, 104 or 105, or to set aside an award in respect of* a division, estimate, appraisement *or proceeding under section 32*, shall be *instituted* within three months from the date of the accrual of the cause of action.

The Oudh Rent Bill.

(Chapter X.—Procedure.—Sections 135-144.)

CHAPTER X.

PROCEDURE.

XIV of 1882. [Bill, s. 109.]

135. The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions *of this Act*, apply to all suits *and other* proceedings under this Act.

Application of the Code of Civil Procedure *to proceedings* under this Act.

[New.]

136. Every notice under this Act shall, if practicable, be served on the person to whom it is addressed or on an agent authorised by him to accept service on his behalf; but if that person or an agent so authorised cannot be found, service may be made by posting the notice at the usual place of residence of the person to whom the notice is addressed, or, if that person 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.

Mode of service of notices.

[Bill, s. 110.]

137. In addition to the particulars required by section 50 of the Code *of Civil Procedure* to be specified in the plaint, the plaint shall contain the following particulars, *namely* :—

XIV of 1882.

Contents of plaints.

(a) the name of the village or estate, and of the pargana in which the land to which the suit relates is situate;

(b) if the suit *is* 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 *of* ejectment, or for the recovery of the occupancy or possession of any land, *then* the extent, situation and designation of the land to which the suit relates and, where fields have been *numbered* in a Government survey, the number (if it *is* possible to give it) of each field;

(c) if the suit *is* for recovery of an arrear of rent or revenue, *then* 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;

(d) if the suit *is* for the delivery of a *patta* or the counterpart of a *patta*, *then* all the particulars mentioned in section 8.

[Bill, s. 111.]

138. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of 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 *the* rent up to the time of the commencement of the suit, *that* 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 enquired into, and the suit shall be decided according to the result of *the* inquiry:

Third person claiming rent to be made a party.

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of *the* land to establish his title thereto in a Court of competent jurisdiction.

Bill, s. 112.

139. In suits under clauses (1), (2), (7), (10) and (11) of section *108*, the summons to the defendant shall be for the final disposal of the suit.

Summons to defendant to be for final disposal *in certain suits.*

[Bill, s. 113.]

140. 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.

Payment of money into Court of defendants.

[New.]

141. When an arrear of rent remains due from any tenant, he shall be liable to pay interest on the arrear at the rate of one per cent. per mensem.

Interest on arrears of rent.

[Bill, s. 114.]

142. (1) 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 *the making of the* deposit.

Payment of money into Court by defendant.

(2) Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

(3) *From the date of the making of a deposit under this section*, interest shall *not* be allowed to *the* plaintiff *on the sum deposited*, whether *that* sum be in full of the plaintiff's claim or fall short thereof.

[Bill, s. 115.]

143. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in *the last foregoing* section shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Proceeding for balance where defendant pays less than amount claimed.

[New. Cf. Bill, s. 117.]

141. (1) A Court may, if it thinks fit, itself make a local investigation instead of issuing a commission under section 392 of the Code of Civil Procedure.

XIV of 1882.

Making of local investigations by Court.

(2) When the Court itself makes a local investigation, the provisions of section 393 of that Code with respect to the recording of evidence shall apply to the Court, and any observations which the Court sees fit to record on its proceedings shall be received as evidence in the suit.

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(Chapter X.—Procedure.—Sections 145-155.)

Decrees.

[Bill, s. 118.]

145. A process of execution shall *not* be issued on a decree under this Act when the application for the issue of *the* process is made after the lapse of three years from the date of *the* decree, unless the decree *is* for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law *for the time being* in force as to the period allowed for the execution of decrees of Civil Courts.

Time *for the making of applications for* execution.

[Bill, s. 119.]

146. 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.

[Bill, s. 120.]

147. 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 *the* enhancement shall take effect.

Decree for enhancement to state date *of commencement of enhancement.*

[Bill, s. 121.]

148. (1) If the decree *is* 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.

(2) The imprisonment and attachment may be continued until *the party* complies with the terms of the decree:

Provided that *he* shall *not* be imprisoned under this section for a longer period than six months.

[Bill, s. 122.]

149. A decree for the delivery of a *patta* or of the counterpart of a *patta* shall specify all the particulars mentioned in section 8, and such other particulars in accordance with the provisions of this Act as the Court *deems* fit.

Decrees for *patta* or counterpart to specify *certain* particulars.

[Bill, s. 123.]

150. If the decree *is* for the delivery of a *patta* or the counterpart of a *patta*, and the party ordered to deliver *the patta* or counterpart neglects or refuses to do so, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and *that patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Grant of patta or counterpart in case of defendant's refusal.

[Bill, s. 124.]

151. If the decree *is* for money, *a* process in execution shall *not* issue against the immoveable property of the judgment-debtor, other than *for* attachment of *that* property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first made against moveable property.

[Bill, s. 125.]

152. If the decree *is* for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in *that* 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.

[Bill, s. 126.]

153. A beneficial lease or other incumbrance *created by an under-proprietor on his tenure after the twenty-second day of July, 1868*, shall *not* be valid in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless *the* 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 *those* rights and interests.

Registration of incumbrance created by under-proprietor.

[Bill, s. 127.]

154. (1) 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 *the* part of *that* rent, *as the case may be*, 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.

(2) Where after the passing of this Act an under-proprietor transfers his rights or any part thereof in land, and the transferee enters into possession, the transferee shall, subject to any agreement in writing with the proprietor to the contrary, be liable to pay to the proprietor any arrears of rent due in respect of the land at the date of the transfer.

[Bill, s. 128.]

155. (1) 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.

(2) A like claim may be made, if the land is a proprietary tenure, by an under-proprietor, and if the land *is* an under-proprietary tenure, by *a* proprietor.

(3) Any claim made under this section shall be allowed:

Provided that, if a claim to the same land or lot *is* made by a proprietor *or under-proprietor* as well

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(Chapter XI.—General.—Sections 156-158.—Schedule A.)

as by a co-sharer, the claim of the co-sharer shall *prevail*:

Provided also that *a* claim shall *not* be allowed unless the claimant fulfils all the conditions of the sale binding on a purchaser.

CHAPTER XI.

GENERAL.

III of 1877, [Bill s. 130.] Registration of statutory pattas unnecessary.

156. Notwithstanding anything in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom *section 36 or section 37* of this Act *applies* shall be deemed good and valid without *their* being registered.

[Bill, s. 131.] Exclusion of specified *areas* from certain provisions of the Act.

157. The provisions of sections *4, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48* shall not extend to the areas specified in Schedule D to this Act, *or to any other area which the Chief Commissioner may from time to time, by notification in the local official Gazette, add to that schedule, but the Chief Commissioner* may from time to time, by *like* notification, extend *those* provisions, or any of them, to any *of those areas.*

[Bill, s. 132.] Power to make rules.

158. (*1*) The *Chief Commissioner* 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.

(*2*) *The Chief Commissioner shall, before making rules under this section, publish a draft of the proposed rules in such manner as, in his opinion, is sufficient.*

(*3*) *There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.*

(*4*) *The Chief Commissioner 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*) *Every rule made under this section shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and that publication shall be conclusive proof that the rule has been made as required by this section.*

[Bill, Sch. A.]

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 (*revenue or*) 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 (*revenue or*) 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 *to* the said *E. F.* on account of the (*revenue or*) rent of the said lands from the month of to the month of both inclusive, and that I owe *to* the said *E. F.* no further sum on account of the (*revenue or*) 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.

SCHEDULE B.†

(See section 15.)

[Bill, Sch. B.]

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 *recognised* 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 (*revenue or*) rent of the said lands, you must institute a suit in Court for the establishment of *that* claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 84.)

[Bill, Sch. C.]

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 are hereby 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 157.)

(*1*) *Parganas Kukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Dhaurahra and Firozabad in the district of Kheri;* [New.]

(*2*) *alluvial mahâls for the time being registered as such under the rules made under clause (b) of section 220 of the Oudh Land-revenue Act, 1876;* XVII of 1876. [New.]

and

(*3*) *lands heretofore or hereafter granted under the waste-land rules for the time being in force in Oudh.* [New.]

† This is to be by endorsement on a copy of the declaration under schedule A made by the person paying the money into Court.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The following Report of the Select Committee on the Bill to consolidate and amend the law relating to Rent in Oudh was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 24th September, 1886:—

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to consolidate and amend the law relating to Rent in Oudh 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 Chief Secretary to the Government of the North-Western Provinces and Oudh, No. $\frac{2156R.}{08-60}$, dated the 6th September, 1886.
Memorandum by Bábú Ram Saran Das, Fyzabad, dated 1st August, 1886.
Opinion of Seth Jaidayal, Sitapur, dated 23rd August, 1886.
Minute by Thakur Mansbar Baksh Singh, Taluqdár, Rampur Mathra, Sitapur.
Memorials from Zamindárs of Lucknow, Unao, Fyzabad, Barabanki and Sultanpur.

2. We append copy of the Bill as amended by us, and have in this Report cited the sections of that Bill in brackets after those of the Bill as introduced. The portions of the amended Bill which differ from the corresponding portions of the Bill as introduced are printed in italics.

3. Since the Bill was introduced, the Lieutenant-Governor and Chief Commissioner of the North-Western Provinces and Oudh has consulted selected local officers and held repeated conferences with the Taluqdárs of Oudh at Lucknow, and most of the alterations which we propose to make in the Bill have been approved by his Honour, and proposed or assented to by the Taluqdárs.

4. These alterations will be noticed in the following paragraphs of this Report as nearly as may be in the order of the sections in which they occur.

5. *Section 1* (1).—We recommend an addition to this section, bringing the proposed Act into force with effect from the 1st of January, 1887. It is desirable that the Revenue Courts should have time to examine the details of the new law before bringing them into practice. One effect of deferring the operation of the law till the 1st January next will be to prevent the issue of ejectment-notices in November for the agricultural season of 1887; but after the unprecedented number of recent evictions, due in part to the uncertainties and discussions of the last three years, it is not undesirable that the notices should be suspended for one season, and that landlords should have time thoroughly to consider the effects of the law before the new procedure is brought into force. Statutory enhancement at the end of the current season, whenever the seven years' term shall have expired, will not be interfered with.

We have also, by an addition to this section, proposed to authorise the Chief Commissioner to exercise between the passing and the commencement of the Act any power conferred upon him by the Act to make rules or issue orders.

6. *Section 3* (3).—The definitions of "Oudh" and "Assistant Commissioner" are rendered unnecessary by the form in which we have re-drawn sections 1 (1) and 85 (110).

We have assimilated the definition of "land" to the description of that expression in section 1 of the North-Western Provinces Rent Act, 1881. The definition in the Oudh Rent Act of 1868 has been held to exclude from the jurisdiction of Revenue Courts suits for the rent of land which at the time of settlement was comprised in a village-site, *jhil* or grove, and therefore excluded from assessment, but which has since settlement been brought under cultivation.

In the definition of "revenue" we have omitted the article "the" before the word "money," in order to remove any doubt as to whether cesses are included in "revenue."

In the definition of "tenant" the references to sections 7 (8), 10 (11) and 116, in connection with thekadárs, have been omitted as unnecessary.

The Oudh Land-revenue Act, 1876, renders the definition of "lambardár" superfluous.

We have added definitions of the words "registered", "signed" and "value."

7. *Section 4* (4).—The Hon'ble Rana Shankar Baksh Singh Bahadur in his speech in the Council of the Governor-General on the 9th June, 1886, and he and other Taluqdárs since that date, have represented the grave inconvenience which may result from the application of all the provisions of the Act to *jungle* (forest), *nai'or* (land given on clearance-lease), *bekar* (old fallow), *parti* (new fallow), land rendered cultumbhut at the expense of the landlord, and alluvial land. There appears to us to be ground for the contention of the Taluqdárs that the terms of section 4 (4) should be relaxed in the case of some of these lands. We have therefore made to this section an addition providing that the section shall not be construed to affect any contract relating to reclaimed land till the expiration of fourteen years from the date of the reclamation, and to Schedule D an addition which, read with section 181 (157), will exclude alluvial mahals from the operation of the sections respecting statutory tenancy and enhancement of rent. We have included in the description of reclaimed land brought into cultivation after lying fallow for seven years, and have made it clear that the provisions of section 4 (4) respecting reclaimed land apply to past as well as to future contracts relating to that land. Those contracts may be either oral or written.

8. *Section 5A.* (6)—We have, in accordance with the wish of the Taluqdárs, provided that the conferment of occupancy-rights under this section must be by registered document.

9. *Section 7* (8).—On the suggestion of the Taluqdárs, we have added to this section a clause to the effect that a patta may contain any special conditions not inconsistent with the Act.

10. *Section 10* (11).—Also on their suggestion, we have declared the landlord who grants a patta to be entitled to receive a counterpart signed by or on behalf of the tenant.

11. *Section 13* (13).—Also on their suggestion, we have removed from this section and section 83 (108) all references to "acknowledgments of the tender of rent."

12. *Section 15* (15).—We have proposed that applications for the repayment of deposits of revenue or rent may be on plain paper.

13. *Section 17.*—The Taluqdárs ask for some modification of this section. As the section has never been acted on, and may, in the opinion of His Honour the Lieutenant-Governor and Chief Commissioner, be entirely omitted, we propose to remove it from the Bill.

14. *Section 19* (18).—The words "by diluvion" have been omitted. A holding may be diminished by other causes, such as the acquisition of land for public purposes or a landlord's improvement. We have prefixed to the section a saving of the provisions of section 26 (29) as redrawn by us.

15. *Section 20* (19).—We have, with the concurrence of His Honour the Lieutenant-Governor and Chief Commissioner, made the sanction of the Deputy Commissioner a condition precedent to the remission of rent under this section, and have made the actual power of the tenant to pay in the circumstances of the case the test of remission. We have restored the proviso to the corresponding section of the present law so far as it affects under-proprietors holding a sub-settlement and tenants having a right of occupancy. We have provided that where a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given, the revenue-authorities shall take into consideration any claim made by the landlord for a remission of revenue. Lastly, we have by a section added after section 95 (119) made an order of a Deputy Commissioner sanctioning a remission of rent subject to appeal to the Commissioner.

16. *Section 21* (20).—We have, in accordance with the wish of the Taluqdárs, added to this section a sub-section, to the effect that a tenant cannot, without the consent of his landlord, relinquish a part only of his holding. We have also provided, on the advice of His Honour the Lieutenant-Governor and Chief Commissioner, that the application of a tenant for the service of a notice of intended relinquishment on his landlord may be on plain paper.

17. *Section 21A* (21).—We propose to omit the word "voluntarily" in the first clause of the section. When the landlord proposes to enter on the holding, he has to deal with the question of fact as to whether or not the holding has been abandoned. The question as to whether or not the abandonment was voluntary is one for decision, should the tenant claim restoration.

In the second sub-section it is proposed to substitute, in accordance with official opinion and the proposals of the Taluqdárs, the tahsíldár for the supervisor-kanungo as the officer to receive notices under this section. It is represented that the supervisor-kanungo, being engaged on field inspections over a considerable area, may not be readily found, and that it will be on the whole more convenient to lodge the notice at the office of the tahsíldár.

We have, with a view to obviating cases of hardship and preventing future litigation, inserted a provision adopted from the Bengal Tenancy Act, VIII of 1885, enabling the Court to award compensation to any party injured.

We have added after section 105 (130) a section prescribing three months from the date on which the landlord has entered upon a holding as the period within which the tenant may institute a suit for the recovery of the holding.

18. *Section 22* (22).—We have provided that compensation shall not be payable for any improvement made thirty years or more before the date of an ejectment.

We have also provided for the case, reported to be frequent in some parts of the Province, in which an improvement is made by a tenant, not actually on his holding, but on adjacent land belonging to his landlord. The arrangement is convenient. Patches of waste land often adjoin cultivation, on which a well can be built without reducing the cultivated area. Where advantage has been taken of this outlying land by an improving tenant in the past, it has been with the consent, express or tacit, of the landlord.

19. *Section 24* (24).—We have added after this section a section providing for the determination and registration of the outlay on an improvement made by a tenant with the permission of the Deputy Commissioner. We have also provided by a section added after section 95 (119), on the suggestion of the Taluqdárs, that an order of a Deputy Commissioner granting or refusing an application of a tenant for permission to make an improvement, or determining and registering the amount of the outlay on an improvement, shall be subject to appeal to the Commissioner.

20. *Section 26* (29).—We have added three sub-sections to this section—the first providing that a landlord making an improvement on the holding of a tenant without a right of occupancy shall be liable to compensate the tenant for any loss which he may cause to the tenant when making it; the second providing for the abatement of the tenant's rent when the effect of the improvement is to impair the productive powers of his holding; and the third providing that a landlord may not make an improvement on the holding of a tenant with a right of occupancy without the consent of the tenant.

21. *Section 35* (36).—This section has been so amended as to exclude *shikmi* tenants from the acquisition of statutory privileges. It would go very far beyond the declared objects of the Bill to permit any statutory privileges to be conveyed by sub-letting.

We have added here and elsewhere words intended to meet the case of tenants occupying holdings in the rent or area of which there has been no change during their tenancy.

22. *Section 35A* (37).—We have, in accordance with the wish of the Taluqdárs, added an explanation not strictly necessary, but possibly useful, to the effect that sections 35 (36) and 35A (37) have effect subject to the provisions of section 4 (4) relating to land not previously cultivated, and subject also to the provisions of section 131 (157) excluding certain classes of land from the operation of certain sections of the proposed Act.

23. *Section 36* (38, 39 and 40).—We have broken up this section into three sections. By the first of these new sections we provide for the enhancement of the rent of a statutory tenant within certain limits by contract or by notice: by the second we prescribe the time when the enhancement may be made: and by the third we fix the time for the service of the notice of enhancement. We also provide by these sections that enhancement may be made in consideration of an improvement effected or acquired by the landlord in the same manner as the statutory enhancement, by contract or notice, as the case may be, with the exception that enhancement under section 36*K* (50) may take place in any year of the tenancy.

24. *Section 36C* (43).—We have added a sixth ground of objection, in consequence of the proposal to allow enhancement for a landlord's improvement to be governed by the same procedure as that of statutory enhancement.

25. *Sections 36D* (44) *and 36E* (45).—We have recast the form of these sections, leaving their substance unaltered.

26. *Section 36G* (47).—We have added to this section a sub-section providing for the case in which an in-coming tenant by agreement with the landlord commutes to a cash-rent the grain-rent paid by his predecessor.

27. *Section 36I* (48).—We have added to this section a sub-section limiting the term "heir" in accordance with the principle of section 9 of the North-Western Provinces Rent Act, 1881.

28. *Section 36K* (50).—In accordance with the wish of the Taluqdárs, we have inserted words enabling the landlord to enhance rent during the currency of a tenancy when the landlord has acquired by purchase the improvement of a tenant.

29. *Section 36J* (51).—We have provided for orders under this section applying to specified areas only.

30. *Section 37* (52).—We have, in accordance with the wish of the Taluqdárs, made the proviso to section 41 of the Act of 1868 apply to tenants holding under special agreements or decrees of Court as well as to tenants having a right of occupancy.

31. *Section 38A* (54).—With respect to this section the Government of the North-Western Provinces and Oudh writes as follows:—

"This section in the Bill contains the substantive provisions of the proposed law in regard to compensation for disturbance. This was one of the two points in the entire measure to which the Taluqdárs in their Association took strong exception. They argued that the concession to the tenantry of a right to compensation for disturbance assumed and recognized the existence of a right to possession; that this assumption was opposed to the conclusion elicited by the enquiries and correspondence of 1866; that eviction was a necessary remedy against bad characters; and that they had a reasonable objection to remunerating tenants for a course of conduct which in the interests of their fellow-villagers made expulsion necessary, and that the rate of compensation, a year's rent, operated as a practical bar to the landlord's use of his admitted authority.

The Lieutenant-Governor cannot admit that the argument which would connect compensation for disturbance with the creation or recognition of tenant-right is sustainable. Nevertheless it is clear that the proprietary body are much averse to be placed under the liability to make payments of this nature to their tenants; and after much discussion and debate the Taluqdárs have themselves tendered an alternative. They recognize the necessity of some check on eviction. The landlords of the Province have been accustomed for the last eighteen years to use the eviction-notice as a lever for enhancement; and if the system continues under the new Act, the provisions for the limitation of enhancement might be very extensively evaded. The Association ask, then, that while the notice of enhancement is on plain paper, the notice of ejectment shall bear a stamp-duty.

They further propose that the stamp-duty shall be the equivalent of a half-year's rent on the holding.

The plan of substituting a stamp-duty for compensation is undoubtedly open to criticism. So far as this Government is concerned, there is no desire whatever to increase the stamp-revenue at the landlord's expense, or to impose any additional costs of this kind upon transactions between landlord and tenant. The Lieutenant-Governor would certainly not have proposed, for his own part, to turn compensation into a tax; and he has no doubt that it would, on principle, have been better to adhere to the simple and logical provision which would prevent a landlord from ejecting a tenant until he also gave him some indemnity.

Nevertheless, when this alternative is put forward and supported by the Association, and since it has become clear that the Taluqdárs unanimously prefer to pay stamp-duty rather than compensation to the tenant, while undoubtedly the stamp-duty would answer the purpose of a check on ejectment as effectively as compensation-payment at the same rate, the Lieutenant-Governor feels bound to accept and submit to His Excellency the Governor General in Council this proposal as an admissible compromise upon an important and closely-debated provision of the Bill. It is to be understood that the landlords are even more strenuously averse to the 129th section of the Bill, which vests the Government with a general statutory power of interfering with the management of their estates than they are to the levy of compensation on disturbance.

The Lieutenant-Governor, moreover, after consulting many officers of experience, is disposed to accept a half-year's rent as probably a sufficient check upon inconsiderate and injurious eviction. He is further of opinion that a varying duty, such as that proposed, is better than a fixed one. Any fixed duty of considerable value would be prohibitive of the removal of the smaller tenants who possess least means of developing and improving their holdings, and among whom, if bad character is a genuine motive for eviction, bad characters will ordinarily be found.

The Lieutenant-Governor therefore recommends that the Government of India should accept the proposal of the Association, and that, instead of the compensation for disturbance provided by section 38A of the published Bill, the law should impose a stamp-duty of the value of a half-year's rent on notices of ejectment. If the character of the duty as a check on eviction is to be maintained, it must be provided that the duty cannot be recovered from the tenant as a cost of Court, should the notice of ejectment, to which it is affixed, be contested.

As it is manifestly desirable, however, that the duty should be no higher than the least amount necessary for its purpose, the maximum limit may be placed at Rs. 25; and when notice issues on the heir of a deceased tenant, no stamp-duty should be imposed. The Bill gives the landlord the right to introduce a new tenant at the market-rate of rent, and expressly excludes the heir of the deceased tenant from any claim to re-entry. There need, therefore, be no restraint on the landlord's power to remove him.

I am to remark that in this and other cases, for example, the tenant's notice of relinquishment, no stamp-fees will be levied upon proceedings that are taken for the information of landlord and tenant. This may be taken as to some extent a set-off against the duty leviable upon ejectment notices. It may be added that if, as is anticipated, the imposition of a stamp proves an effective check upon the issue of the notices, the landlord's costs under this head ought not to be usually heavy."

We accept the proposal of the Taluqdárs on the grounds on which it is supported by His Honour the Lieutenant-Governor and Chief Commissioner, and have recommended that effect be given to it in section 39 (55) of the Bill.

32. *Section 41* (59).—We have, in accordance with the wish of the Taluqdárs, inserted the words "in writing" for the word "expressly" in this section.

33. *Section 42* (60).—Where the Court has been merely applied to for assistance to eject, it seems undesirable to impose on it an elaborate inquiry as to whether or not compensation for improvements is due. We have altered the section accordingly.

34. *Section 43A* (62).—The Taluqdárs have proposed several additional grounds for ejectment, but the only one of those grounds which we have been able to accept is one relating to sub-letting, and we have adopted that only in a modified form. It seems to us sufficient to allow ejectment during the currency of a statutory period only when the entire holding has been sublet.

We have inserted a special clause to meet the case of tenants of reclaimed lands.

35. *Section 44* (63).—We have, on the suggestion of the Taluqdárs, extended the period for ejectment from the fifteenth to the thirtieth of June.

36. *Section 45* (64).—We have added after this section a section allowing a tenant in a suit for his ejectment to file any claim for compensation which he may have on account of improvements, and requiring the decree to be made contingent on the payment into Court of any sum found due to him on that account.

37. *Section 46 A* (67).—Under-proprietary communities as well as proprietary communities have to be provided for, and we have provided for both.

38. *Section 46 B* (68).—We have added to this section words to prevent *shikmi* tenants from acquiring statutory privileges by the occupation of land.

39. We have added after section 46 B (68) a section proposed by the Government of the North-Western Provinces and Oudh with respect to long leases. As regards this new section that Government writes as follows:—

"In the minute of the 15th January, 1886, forwarded with my letter No. 178 of the same date, the Lieutenant-Governor recommended that the Bill should expressly permit the execution of special agreements for a term longer than seven years, with the effect that upon the expiry of such agreements the landlord would not be liable for compensation if he disturbed the tenant, although the rule limiting enhancement on the next tenant would prevail. His Excellency the Governor General in Council, in his speech on the reference of the Bill to a Select Committee, referred to this proposition as a remedy in the landlord's power for neutralizing the liability to compensation; and the Association, in their letter of the 28th August, have asked that this authority be expressly recognized in the Bill.

A proviso has been added to meet the possible case of an arrangement by which a lease of eight years might be made to include the statutory enhancement in the eighth year, and so permit a second enhancement in the ninth."

40. After the new section referred to in the last foregoing paragraph we have added a section requiring changes in the rent, and alterations in the area, of the holdings of statutory tenants to be recorded, and a further section limiting the application of the expressions "special agreement" and "decree of Court" to agreements and decrees made and passed before the passing of the proposed Act.

41. *Chapter VI* (VII).—The amendments which we have made in this Chapter are verbal and do not call for remark.

42. *Section 83* (108).—We have added to clause (2) words suggested by the case at I. L. R. 1 All. 217, and now to be found in clause (*a*) of section 93, Act XII, 1881.

43. *Section 84* (109).—There have been hitherto three grades of Courts subordinate to the Court of the Collector. It is proposed to eliminate the Court of the Deputy Collector and, as in the North-Western Provinces, to have only two Courts subordinate to the Court of the Collector, namely:—

(1) the Court of the Assistant Collector of the second class; and

(2) the Court of the Assistant Collector of the first class;

and to assign to the latter Court the jurisdiction given to the Court of the Deputy Collector by section 90 of the Act of 1868 in addition to that which the Court of an Assistant Collector of the first class does now enjoys.

It was further the intention of that Act that from all decrees and orders passed by Assistant Collectors an appeal should lie to the Collector, and such has been the practice hitherto. Now, however, that the jurisdiction of the Assistant Collector of the first class is to be extended, it will be necessary that appeals from his decrees should lie, as did appeals from the Court of the Deputy Collector, to the Court of the Commissioner. A certain number of petty appeals will in this way be added to the files of Commissioners; but as the work which now falls to their share will be considerably lightened by a reduction in the number of ejectment and enhancement cases, this change will be attended with no inconvenience.

No alteration in the forum of appeal is to be made as regards orders.

44. *Sections 85—93* (110—117).—The alterations made in these sections are consequent on the amendments of sections 3 (3) and 84 (109) referred to in paragraphs 6 and 43 of this Report.

45. *Section 94* (118).—This section reproduces section 94 of the Act of 1868, with the exception that the period for an appeal to the Commissioner has been extended from forty-two to sixty days.

46. *Section 95* (119).—We have added after this section a section providing for an appeal to the Commissioner from orders passed by Deputy Commissioners as such and not as Collectors under the Act.

47. *Section 96* (121).—We have altered the form of this section to that of section 58 of the Punjab Courts Act, 1884.

48. *Section 101* (126).—We have, at the request of the Taluqdárs, added to this section a sub-section to the effect that nothing in the section shall be construed to affect any local custom or special contract.

49. *Section 103* (128).—We have modified the expression of this section with reference to that of section 207 of the North-Western Provinces Land-revenue Act, 1873.

50. *Section 105* (130).—The addition of the section inserted after section 105 (130) is explained in paragraph 17 of this Report.

51. *Section 106* (132).—We have amended this section in accordance with the wishes of the Taluqdárs. One of the amendments has been referred to in paragraph 42 of this Report. The other was suggested to the Taluqdárs by Schedule III to the Bengal Tenancy Act, 1885.

52. *Section 109* (135).—After this section we have inserted a section prescribing the mode of service of notices under the Act. The new section renders it possible to dispense with the very numerous directions of Act XIX of 1868 in this matter.

53. *Section 113* (140).—After this section we have, at the request of the Taluqdárs, inserted a section in the terms of section 34 of the North-Western Provinces Rent Act, 1881.

54. *Section 127* (154).—To this section we have added a sub-section to the effect that, where after the passing of the Act an under-proprietor transfers his rights or any part thereof in land, and the transferee enters into possession, the transferee shall, subject to any written agreement with the proprietor to the contrary, be liable to pay to the proprietor any arrears of rent due in respect of the land at the date of the transfer. The "rent" of an under-proprietor in Oudh is really the land-revenue for which his land is responsible.

55. *Section 128* (155).—We have, on the suggestion of the Taluqdárs, provided that, where land sold in execution of a decree under the Act is a proprietary tenure, a claim to pre-emption may be preferred by an under-proprietor.

56. *Section 129*.—We propose to omit this section with reference to the following remarks of the Government of the North-Western Provinces and Oudh:—

"Section 129 reserves to the Local Government power to appoint an officer for the revision of the rents of an estate which is suffering from grave mismanagement. After careful consideration of all the circumstances the Lieutenant-Governor is of opinion that, in view of the safeguards to be provided by the amended law against

oppressive enhancement, it is unnecessary that he should press the legislature to arm the executive Government with this authority by special enactment. The Taluqdárs are understood to desire earnestly that a provision which is particularly unpalatable to them should be withdrawn; and as the conditions of the sanad will still remain in full force, the Lieutenant-Governor hopes the Government of India may be pleased to make the concession."

57. *Section 131* (157).—The entries in Schedule D are based on the following remarks of the Government of the North-Western Provinces and Oudh:—

"In Schedule D, on the advice of the Commissioner of Sitapur, the Lieutenant-Governor proposes to enter as subject to section 131 of the Bill the parganas of Aukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Dhaurahra, and Firozabad in the district of Kheri. They are all in the Tarai and are characterized by a cultivation which fluctuates with every season, and the rent-customs are adapted to a state of agriculture in which the rules suited for a settled system of cultivation are inapplicable. * * * * *

"The alluvial lands on all the great rivers partake of the same character as the Tarai parganas of Kheri. Cultivation depends on the accidents of river-action, and varies in extent and productiveness with every year. By rules framed and published under the Land-revenue Act, these have been formed into alluvial mahals and separately registered: for the most part they are the subject of quinquennial re-assessment, and are all examined and surveyed every five years. The Lieutenant-Governor proposes, therefore, that all alluvial mahals so registered under G. O. No. 2037R., dated 30th September, 1878, shall, on being so registered, be held to be scheduled in Schedule D.

"Thirdly, the Lieutenant-Governor is of opinion that all waste-land grants, whether granted on lease or in perpetuity, should be also included in Schedule D. The conditions on which these grants were made by the Government are special. In leased grants the grantee is under an engagement to bring a specified area under cultivation within a specified period; and the grants in perpetuity were also made upon the anticipation of a similar gradual extension of cultivation. In such circumstances, to place any statutory restriction upon the power of the grantee to deal freely with the tenants whom he may have induced to settle upon the land, might be tantamount to a subsequent alteration of the original terms of the contract entered into between the grantees and the Government, might hinder the breaking up of the land, and might impose upon the grantee unforeseen embarrassment in the fulfilment of his engagements."

We have so amended section 131 (157) as to enable the Chief Commissioner to add to Schedule D if occasion require.

58. *Section 132* (158).—We have added to this section sub-sections prescribing the procedure to be followed in making rules under the section.

59. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	12th, 19th and 26th June, 1886.
North-Western Provinces and Oudh Government Gazette	19th and 26th June, and 3rd July, 1886.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh	... Urdu ...	10th, 17th and 24th July, 1886.

60. 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.

J. W. QUINTON.
C. P. ILBERT.
A. COLVIN.
The 23rd September, 1886. RANA SHANKAR BAKSH SINGH.*

*I HAVE signed the Report subject to reservation on the following points:—

1. *(1)* As Government is entitled to a share of the produce of each bighá of land, and as it does not only take as revenue one-half of the rent realized by the landlord from his tenant, but also levies from the former many cesses like the Road-cess, the Dák-cess, contributions to Public Hospitals, the New cess and the local rate, and as in consequence of these cesses and of the cost of management and the various losses entailed upon the landlord by the tenant abandoning his holding, by his death or by his having no assets, the landlord's share is reduced to about one-third of the rent, there is no reason why he alone should be made to bear the whole loss. It is only when the Government grants a remission of the revenue that the landlord may be required to remit a portion of his rent. The rule as laid down in section 23, Act XII of 1881, is just and reasonable.

Section 19, providing for remission of rent.

(2) The rule about the remission of rent as laid down in the Oudh Rent Act, XIX of 1868, section 20, having worked well during the last 18 years, and no complaint having been brought against it, need not be altered or modified. The statutory privileges of seven years' lease and of the limitation of enhancement to one anna in the rupee are stronger grounds for making the tenant alone liable to accidental losses. For instance, a tenant who suffers from a diminution of the produce caused by hail in one year may recoup himself for the loss thus sustained during the succeeding years by improved cultivation or high market-rates. But, if the landlord is made to share with the tenant such accidental losses, he cannot be expected to compensate himself by sharing the profits of a more abundant crop in better years; and, as he can only make a limited enhancement even after seven years, he has no prospect of making up for such losses.

(3) The limitation of enhancement will place the Oudh tenant in a better position than that of his brother-tenant in the North-Western Provinces.

(4) Generally speaking, the average rent taken from tenants in Oudh is lower than that taken in the North-Western Provinces.

(5) The landlords of Oudh are less wealthy than those of the North-Western Provinces, for Oudh has enjoyed the blessings of peace for the last 28 years only, while the North-Western Provinces have enjoyed those inestimable blessings for the last 100 years. The indebtedness of the taluqdárs and the passing of Act XXIV of 1870 are evidence of their not being wealthy. If there are a few large taluqdárs in Oudh, there are more such Rájás and wealthy Málguzárs in the North-Western Provinces.

2. The mode of estimating compensation for improvements laid down in this section is based on very uncertain grounds. Landlords have good reasons to suspect that the estimated cost exceeds the original outlay. The taluqdárs had stated their reasons for doubting the propriety of a section so vaguely worded, and His Honour the Lieutenant-Governor had recommended the addition of certain words in this section which might make it impossible for the estimated compensation to exceed the original outlay in any case. I think the recommendation of His Honour the Lieutenant-Governor may be adopted, and no loss or damage to the tenant can possibly be apprehended from the insertion of a proviso to that effect.

Section 27.—Principle on which compensation is to be estimated.

3. The provisions of sub-sections *(3)* and *(4)*, section 29, making the landlord liable to compensate the tenant, are, in my humble opinion, quite inexpedient. They will greatly discourage landlords from making improvements; for, when they come to know that they will have to pay a compensation to the tenant for any loss he may sustain when the improvement is made in his holding, besides the actual cost or outlay, they will naturally shrink from such an ungracious task. Ever since the annexation of the Province, tenants in Oudh have never shown themselves unwilling to allow their landlord to make improvements in their holdings, and have never apprehended from them any loss or damage, nor can evidence be obtained from the report of a Judicial or a Revenue Officer to show that such has ever been the case. Wells are usually sunk in May or June, when the heat is intense and water is at its lowest depth; and when there are no crops there can be no ground for the tenant complaining of any loss or damage.

Section 29 (3) and (4).—Improvement by the landlord.

The effect of an improvement cannot possibly be to impair the productive powers of land. The construction of wells cannot lead to a deterioration of the soil. Even if a well produces salt water, the tenant can use it in raising a tobacco crop and other crops of a similar nature to which irrigation with salt water is beneficial; but if he raises some other crop to the growth of which such water is not favourable, he need not use the water of such a well for purposes of irrigation. If sub-section *(4)* has been added in order to prevent the construction of an embankment which might possibly cause a loss to the tenant, it may be said that as a matter of fact embankments are seldom constructed in cultivated areas, and that, if constructed, they will tend to increase rather than diminish the productive powers of land. It is only at the repeated request of a large number of tenants that the landlord undertakes to construct an embankment, or he is compelled to construct one when the want of an embankment seems to him to be highly detrimental to cultivation. It must not be overlooked that, while the landlord is made liable to compensate the tenant for an accidental loss arising from any improvement he makes on his own land, the tenant, who has no right whatever in the land he cultivates, is not required to pay any compensation for any improvement made by him the effect of which is to impair the productive powers of the land comprised in his own holding or those of other tenants. In such cases the law affords no protection to the party which suffers from a tenant's improvement. Such losses are extremely improbable, and, if an improvement effected by the landlord in good faith causes accidental loss to the tenant, this cannot be sufficient ground for making the former liable to pay compensation to the latter. The landlord ought to be exempted from payment of such compensation in the same way and for the same reasons as the tenant is not made liable to pay any such compensation.

4. The Committee of the British Indian Association had submitted their objections to the extension of the privileges of the statutory tenancy and the statutory enhancement to *pahí-kashts* or non-resident tenants. Their objections were sufficiently strong and could not justly be rejected or over-ruled—

Section 63 (1).—Ejectment by suit.

firstly, because land is let to non-resident tenants in those cases only in which resident tenant cannot be obtained; and whenever a resident tenant desires to cultivate land in his own village, or a new tenant from a neighbouring village settles therein, the landlord is obliged to oust the non-resident and give the land to the resident or the incoming tenant, who undoubtedly possesses a preferential title;

secondly, because the *pahíkasht* is prevented by local custom and the terms of the *Wajib-ul-arz* from getting water and manure for purposes of cultivation, nor is he allowed to remove those essentials of cultivation from the village in which he resides: he cannot therefore improve the productive powers of the land he cultivates;

thirdly, because it is impossible for the incoming tenant to settle in a new village unless and until he gets some land there for cultivation, nor can he afford to wait for seven years;

fourthly, because rent cannot be realized from a non-resident tenant with as much certainty as from a resident one. He may abandon the village in which he resides, leaving no assets wherefrom the rent due may be realized by a decree of the Court;

fifthly, because non-resident tenants cannot work in their fields with all the members of their family, male and female; while resident tenants cultivate their holdings with the assistance of all their male and female relatives;

sixthly, because resident tenants who have lived in the village for some generations should be supported and encouraged as they increase in numbers and it becomes necessary to extend the area of their cultivation. It would be a great hardship to them if the landlord could not give them the support they so urgently need.

Section 69.—Long leases.

5. The words "by registered document" in this section appear to be quite unnecessary, considering that no right or title is intended to be conveyed thereby. Under the proposed law the tenant is entitled to hold for seven years, and, if he gets a longer lease, it need not be by a registered document; because, if no mention of the eighth year were made in the patta, the tenant could still legally retain his holding on the same rent with the consent of his landlord for one or more years; nor, as regards the stamp duty on the notice of ejectment, can the tenant enter into an engagement with his landlord for exemption from what is not payable to him. Such exemption has been especially provided for, and is the natural consequence of an eight years' lease, which need not, and should not, be registered.

The restriction as to registration will operate more injuriously to the tenant, who will find it extremely difficult to go a long way out of his village to get the document registered, while it will be highly inconvenient to landlords generally, and to taluqdárs especially, to repair to the Registrar's office for the purpose of registration. Under these circumstances tenants will rarely benefit by continuing to hold one year longer than the statutory period of seven years. They will lose the benefits of a whole year's cultivation; and the main object of the Bill in extending the period of their tenancy will thus be defeated. In my humble opinion registration should not be made compulsory, and the eight years' patta should be exempted from registration in the same way as seven years' pattas are exempted therefrom, or it may be made optional, that is, the parties concerned may or may not have the patta registered.

RANA SHANKAR BAKSH SINGH.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 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.

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 24th September, 1886, and was referred to a Select Committee:—

NO. 24 OF 1886.

A Bill to provide for the Protection of Indigenous Tribes in Burma.

WHEREAS it is expedient to provide means for protecting Karens and other indigenous tribes in Burma from the intrusion of strangers into their villages; It is hereby enacted as follows:—

Short title, commencement and local extent.

1. (*1*) This Act may be called the Burma Indigenous Tribes Protection Act, 1886.

(*2*) It shall come into force at once; and

(*3*) It shall extend to such local areas within the limits of Lower Burma as the Local Government may from time to time, by notification in the official Gazette, specify in this behalf.

Definition of "indigenous tribes."

2. (*1*) The Karens are an indigenous tribe within the meaning of this Act.

(*2*) With the previous sanction of the Governor-General in Council, the Local Government, by notification in the official Gazette, may from time to time declare of any other class of persons in Lower Burma that that class is or forms part of an indigenous tribe, and may at any time cancel the declaration.

(*3*) While a declaration under sub-section (*2*) is in force, it shall be conclusive proof of the matter stated therein.

Definitions of "village" and 'prescribed.'

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

(*1*) "village" means any collection of ten or more houses not being either a municipality to which the British Burma Municipal Act, 1874, or the Burma Municipal Act, 1884, for the time being extends, or a town, village or hamlet in which a house-tax or a cess on houses is for the time being leviable under section 5 or section 6 of the Burma District Cesses and Rural Police Act, 1880; but it does not include a village of which members of indigenous tribes are not the majority of the residents; VII of 1874. XVII of 1884. II of 1880.

(*2*) "prescribed" means prescribed by rules under this Act.

When resident or intending resident of a village may be ejected or excluded therefrom.

4. (*1*) If not fewer than half of the cultivating householders of a village desire to eject or exclude from the village a resident or intending resident thereof, they may record that desire in the prescribed manner.

(*2*) When the cultivating householders of a village have recorded under sub-section (*1*) their desire to eject or exclude a resident or intending resident, the prescribed authority may, in the prescribed manner, eject or exclude him from the village:

Provided that a resident or intending resident of a village shall not be ejected or excluded therefrom, if he—

(*a*) is of the same indigenous tribe as the majority of the residents of the village, or

(*b*) cultivates land within three miles of the village, or

(*c*) has resided in the village for twelve years or upwards:

Provided also that a resident of a village who is ejected under this Act shall be entitled to compensation for any immoveable property belonging to him in the village.

5. (*1*) The Local Government may from time to time, with the previous sanction of the Governor-General in Council, make rules—

Power for Local Government to make rules.

(*a*) to define the mode in which the desire of the cultivating householders of a village to eject or exclude therefrom a resident or intending resident is to be ascertained and recorded;

(*b*) to declare the authority for carrying into effect the recorded desire of the cultivating householders of a village to eject or exclude a resident or intending resident therefrom, and to prescribe the procedure to be followed by that authority in ejecting or excluding him;

(*c*) to prescribe the mode in which the compensation to which an ejected resident is entitled under this Act is to be ascertained and given; and

(*d*) generally to carry out the purposes of this Act.

(*2*) When making any rule under this Act the Local Government may direct that a breach of it shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

6. (*1*) The Local Government shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in its 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 Local Government 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*) A rule made under this Act shall not take effect until it has been published in the local official Gazette.

(*5*) The publication in that Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the ejection or exclusion in certain circumstances of strangers from village-sites occupied by Karens and other indigenous tribes of Burma.

2. It would seem that Burman, Shan or Chinese strangers occasionally settle in Karen villages and cause very great annoyance to the Karens, who, in some cases, from shyness or timidity, do not resist the intruders, whilst in others they have been goaded into acts of lawlessness. The missionaries, who know more of the Karens than any English or Burman Government officers, are very persistent in urging that power must be taken to preserve the Karens, especially the wilder Karens in secluded tracts, from intruders. Mr. Crosthwaite, when officiating as Chief Commissioner of British Burma, proposed to issue rules providing for the ejection of intruders from Karen villages; but it was found on further consideration that no rules of the kind could be enforced without legal sanction. The present Chief Commissioner, sharing Mr. Crosthwaite's views has urged on the Government the necessity for legislation, in the absence of which he fears that the Karen and similar tribes may either be driven out of their settlements or resort to lawless means of getting rid of intruders.

3. In these circumstances, the present Bill has been prepared. Though of a somewhat exceptional nature, it appears to the Government of India to be warranted by the peculiarities of the relations of these indigenous tribes and their neighbours. Further, it is supported by the analogy of the provisions of section 4 of the Garo Hills Regulation, I of 1882, which prohibit the acquisition of interests in land in those hills by strangers except under special sanction.

4. The provisions of the Bill are very simple. Section 1, sub-section (3), empowers the Chief Commissioner to apply the proposed Act to such local areas as he may by notification prescribe, while section 3 defines the term village so as to restrict the operation of the proposed law to purely rural tracts. Section 4 declares the circumstances under which a resident or intending resident may be excluded or ejected from a village. These are that the majority of the residents of the village belong to some indigenous tribe and that not less than one-half of the cultivating householders of the village desire ejection or exclusion of the resident or intending resident, who must not be of the same tribe as the majority of the residents of the village, or cultivate land within three miles of the village or have resided in the village for twelve years or upwards. The section further provides for compensation to persons who have been compelled to vacate any land or house in a village in consequence of their ejection therefrom. Under section 5, the Chief Commissioner has power to make rules with the sanction of the Governor-General in Council prescribing the mode in which the desire of the cultivating householders of a village to eject or exclude any one therefrom is to be ascertained and recorded, empowering certain persons to eject or exclude persons in pursuance of the recorded desire and on behalf of the cultivating householders, and prescribing the procedure to be followed in such cases, and the mode in which compensation under the proposed Act is to be ascertained. The section further enables the Local Government to direct in any rule that a breach of it shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both. Lastly, section 6 contains the usual formal matter as to the procedure for making and publishing rules.

The 17th September, 1886.

C. P. ILBERT.

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 24th September, 1886, and was referred to a Select Committee on the 30th idem:—

NO. 25 OF 1886.

A Bill to abolish Military Courts of Requests as established by Indian Military Law.

WHEREAS it is expedient to repeal that portion of the Indian Military Law which relates to Military Courts of Requests and to military tribunals having jurisdiction with respect to actions of a civil nature; It is hereby enacted as follows:—

1. The enactments mentioned in the schedule hereto are hereby repealed to the extent specified in the third column of that schedule.

Repeal of enactments.

THE SCHEDULE.

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
1	2	3
Acts of the Governor-General in Council.		
Act XI of 1841.	Military Courts of Requests for Native Officers and Soldiers.	So far as it has not been repealed.
Act XII of 1842.	Regulation of Military Bázárs and Liabilities of Camp-followers.	So far as it has not been repealed.
Act XXXIII of 1852.	Enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	So far as it has not been repealed.
Act III of 1859.	Conferment of Civil Jurisdiction in certain cases on Cantonment Joint Magistrates.	So far as it has not been repealed.
Act XII of 1868.	Suspension of operation of section 17, Act XI, 1841.	The whole.
Act III of 1880.	Cantonments ...	Section 8.
Act XIV of 1882.	Code of Civil Procedure.	Clause (*b*) of section 6.
Act of the Governor of Madras in Council.		
Act I of 1866.	Cantonments ...	Section 9, down to and inclusive of the words "provided also that."
Bombay Regulation.		
XXII of 1827.	Military Authority ...	The following portions so far as they have not been repealed, namely:—(*a*) the first clause of section 3, (*b*) the first twenty-seven words of the second clause of that section; (*c*) section 7; and (*d*) section 32.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is, by repealing that portion of Indian military law which relates to Military Courts of Requests, to make the provisions of the Army Act, 1881, respecting Courts of Requests in India (44 & 45 Vict., c. 58, ss. 148-151), apply to Her Majesty's Indian forces, and thus to place those forces, with respect to indebtedness, in the same position as the rest of the British Army. In this respect the law enacted nearly half a century ago for the Indian army is more severe than Parliament has seen fit to enact for the other branches of Her Majesty's regular forces or than the Council of the Governor-General would now enact.

The 22nd September, 1886.

G. CHESNEY.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 9, 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 24th September, 1886, and was referred to a Select Committee:—

NO. 24 OF 1886.

A Bill to provide for the Protection of Indigenous Tribes in Burma.

WHEREAS it is expedient to provide means for protecting Karens and other indigenous tribes in Burma from the intrusion of strangers into their villages; It is hereby enacted as follows:—

Short title, commencement and local extent.

1. (*1*) This Act may be called the Burma Indigenous Tribes Protection Act, 1886.

(*2*) It shall come into force at once; and

(*3*) It shall extend to such local areas within the limits of Lower Burma as the Local Government may from time to time, by notification in the official Gazette, specify in this behalf.

Definition of "indigenous tribes."

2. (*1*) The Karens are an indigenous tribe within the meaning of this Act.

(*2*) With the previous sanction of the Governor-General in Council, the Local Government, by notification in the official Gazette, may from time to time declare of any other class of persons in Lower Burma that that class is or forms part of an indigenous tribe, and may at any time cancel the declaration.

(*3*) While a declaration under sub-section (*2*) is in force, it shall be conclusive proof of the matter stated therein.

Definitions of "village" and 'prescribed.'

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

(*1*) "village" means any collection of ten or more houses not being either a municipality to which the British Burma Municipal Act, 1874, or the Burma Municipal Act, 1884, for the time being extends, or a town, village or hamlet in which a house-tax or a cess on houses is for the time being leviable under section 5 or section 6 of the Burma District Cesses and Rural Police Act, 1880; but it does not include a village of which members of indigenous tribes are not the majority of the residents; VII of 1874. XVII of 1884. II of 1880.

(*2*) "prescribed" means prescribed by rules under this Act.

When resident or intending resident of a village may be ejected or excluded therefrom.

4. (*1*) If not fewer than half of the cultivating householders of a village desire to eject or exclude from the village a resident or intending resident thereof, they may record that desire in the prescribed manner.

(*2*) When the cultivating householders of a village have recorded under sub-section (*1*) their desire to eject or exclude a resident or intending resident, the prescribed authority may, in the prescribed manner, eject or exclude him from the village:

Provided that a resident or intending resident of a village shall not be ejected or excluded therefrom, if he—

(*a*) is of the same indigenous tribe as the majority of the residents of the village, or

(*b*) cultivates land within three miles of the village, or

(*c*) has resided in the village for twelve years or upwards:

Provided also that a resident of a village who is ejected under this Act shall be entitled to compensation for any immoveable property belonging to him in the village.

5. (*1*) The Local Government may from time to time, with the previous sanction of the Governor-General in Council, make rules—

Power for Local Government to make rules.

(*a*) to define the mode in which the desire of the cultivating householders of a village to eject or exclude therefrom a resident or intending resident is to be ascertained and recorded;

(*b*) to declare the authority for carrying into effect the recorded desire of the cultivating householders of a village to eject or exclude a resident or intending resident therefrom, and to prescribe the procedure to be followed by that authority in ejecting or excluding him;

(*c*) to prescribe the mode in which the compensation to which an ejected resident is entitled under this Act is to be ascertained and given; and

(*d*) generally to carry out the purposes of this Act.

(*2*) When making any rule under this Act the Local Government may direct that a breach of it shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

6. (*1*) The Local Government shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in its 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 Local Government 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*) A rule made under this Act shall not take effect until it has been published in the local official Gazette.

(*5*) The publication in that Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the ejection or exclusion in certain circumstances of strangers from village-sites occupied by Karens and other indigenous tribes of Burma.

2. It would seem that Burman, Shan or Chinese strangers occasionally settle in Karen villages and cause very great annoyance to the Karens, who, in some cases, from shyness or timidity, do not resist the intruders, whilst in others they have been goaded into acts of lawlessness. The missionaries, who know more of the Karens than any English or Burman Government officers, are very persistent in urging that power must be taken to preserve the Karens, especially the wilder Karens in secluded tracts, from intruders. Mr. Crosthwaite, when officiating as Chief Commissioner of British Burma, proposed to issue rules providing for the ejection of intruders from Karen villages; but it was found on further consideration that no rules of the kind could be enforced without legal sanction. The present Chief Commissioner, sharing Mr. Crosthwaite's views has urged on the Government the necessity for legislation, in the absence of which he fears that the Karen and similar tribes may either be driven out of their settlements or resort to lawless means of getting rid of intruders.

3. In these circumstances, the present Bill has been prepared. Though of a somewhat exceptional nature, it appears to the Government of India to be warranted by the peculiarities of the relations of these indigenous tribes and their neighbours. Further, it is supported by the analogy of the provisions of section 4 of the Garo Hills Regulation, I of 1882, which prohibit the acquisition of interests in land in those hills by strangers except under special sanction.

4. The provisions of the Bill are very simple. Section 1, sub-section (3), empowers the Chief Commissioner to apply the proposed Act to such local areas as he may by notification prescribe, while section 3 defines the term village so as to restrict the operation of the proposed law to purely rural tracts. Section 4 declares the circumstances under which a resident or intending resident may be excluded or ejected from a village. These are that the majority of the residents of the village belong to some indigenous tribe and that not less than ne-half of the cultivating householders of the village desire ejection or exclusion of the resident or intending resident, who must not be of the same tribe as the majority of the residents of the village, or cultivate land within three miles of the village or have resided in the village for twelve years or upwards. The section further provides for compensation to persons who have been compelled to vacate any land or house in a village in consequence of their ejection therefrom. Under section 5, the Chief Commissioner has power to make rules with the sanction of the Governor-General in Council prescribing the mode in which the desire of the cultivating householders of a village to eject or exclude any one therefrom is to be ascertained and recorded, empowering certain persons to eject or exclude persons in pursuance of the recorded desire and on behalf of the cultivating householders, and prescribing the procedure to be followed in such cases, and the mode in which compensation under the proposed Act is to be ascertained. The section further enables the Local Government to direct in any rule that a breach of it shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both. Lastly, section 6 contains the usual formal matter as to the procedure for making and publishing rules.

The 17th September, 1886.

C. P. ILBERT.

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 24th September, 1886, and was referred to a Select Committee on the 30th idem:—

NO. 25 OF 1886.

A Bill to abolish Military Courts of Requests as established by Indian Military Law.

WHEREAS it is expedient to repeal that portion of the Indian Military Law which relates to Military Courts of Requests and to military tribunals having jurisdiction with respect to actions of a civil nature; It is hereby enacted as follows:—

1. The enactments mentioned in the schedule hereto are hereby repealed to the extent specified in the third column of that schedule.

Repeal of enactments.

THE SCHEDULE.

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
1	2	3
Acts of the Governor-General in Council.		
Act XI of 1841.	Military Courts of Requests for Native Officers and Soldiers.	So far as it has not been repealed.
Act XII of 1842.	Regulation of Military Bázárs and Liabilities of Camp-followers.	So far as it has not been repealed.
Act XXXIII of 1852.	Enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	So far as it has not been repealed.
Acts of the Governor-General in Council—contd.		
Act III of 1859.	Conferment of Civil Jurisdiction in certain cases on Cantonment Joint Magistrates.	So far as it has not been repealed.
Act XII of 1868.	Suspension of operation of section 17, Act XI, 1841.	The whole.
Act III of 1880.	Cantonments ...	Section 8.
Act XIV of 1882.	Code of Civil Procedure.	Clause (*b*) of section 6.
Act of the Governor of Madras in Council.		
Act I of 1866.	Cantonments ...	Section 9, down to and inclusive of the words "provided also that."
Bombay Regulation.		
XXII of 1827.	Military Authority ...	The following portions so far as they have not been repealed, namely:—(*a*) the first clause of section 3; (*b*) the first twenty-seven words of the second clause of that section; (*c*) section 7; and (*d*) section 32.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is, by repealing that portion of Indian military law which relates to Military Courts of Requests, to make the provisions of the Army Act, 1881, respecting Courts of Requests in India (44 & 45 Vict., c. 58, ss. 148-151), apply to Her Majesty's Indian forces, and thus to place those forces, with respect to indebtedness, in the same position as the rest of the British Army. In this respect the law enacted nearly half a century ago for the Indian army is more severe than Parliament has seen fit to enact for the other branches of Her Majesty's regular forces or than the Council of the Governor-General would now enact.

The 22nd September, 1886.

G. CHESNEY.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 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 24th September, 1886, and was referred to a Select Committee on the 30th idem :—

NO. 25 OF 1886.

A Bill to abolish Military Courts of Requests as established by Indian Military Law.

WHEREAS it is expedient to repeal that portion of the Indian Military Law which relates to Military Courts of Requests and to military tribunals having jurisdiction with respect to actions of a civil nature; It is hereby enacted as follows :—

1. The enactments mentioned in the schedule hereto are hereby repealed to the extent specified in the third column of that schedule.

Repeal of enactments.

THE SCHEDULE.

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
1	2	3
Acts of the Governor-General in Council.		
Act XI of 1841.	Military Courts of Requests for Native Officers and Soldiers.	So far as it has not been repealed.
Act XII of 1842.	Regulation of Military Bázárs and Liabilities of Camp-followers.	So far as it has not been repealed.
Act XXXIII of 1852.	Enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	So far as it has not been repealed.
Act III of 1859.	Conferment of Civil Jurisdiction in certain cases on Cantonment Joint Magistrates.	So far as it has not been repealed.
Act XII of 1868.	Suspension of operation of section 17, Act XI, 1841.	The whole.
Act III of 1880.	Cantonments ...	Section 8.
Act XIV of 1882.	Code of Civil Procedure.	Clause (*b*) of section 6.
Act of the Governor of Madras in Council.		
Act I of 1866.	Cantonments ...	Section 9, down to and inclusive of the words "provided also that."
Bombay Regulation.		
XXII of 1827.	Military Authority ...	The following portions so far as they have not been repealed, namely :— (*a*) the first clause of section 3; (*b*) the first twenty-seven words of the second clause of that section; (*c*) section 7; and (*d*) section 32.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is, by repealing that portion of Indian military law which relates to Military Courts of Requests, to make the provisions of the Army Act, 1881, respecting Courts of Requests in India (44 & 45 Vict., c. 58, ss. 148-151), apply to Her Majesty's Indian forces, and thus to place those forces, with respect to indebtedness, in the same position as the rest of the British Army. In this respect the law enacted nearly half a century ago for the Indian army is more severe than Parliament has seen fit to enact for the other branches of Her Majesty's regular forces or than the Council of the Governor-General would now enact.

The 22nd September, 1886.

G. CHESNEY.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 23, 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 21st October, 1886:—

No. 26 OF 1886.

A Bill to regulate the supply of electricity for lighting and other purposes.

WHEREAS it is expedient to regulate the supply of electricity for lighting and other purposes; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Electricity Supply Act, 1887.

(*2*) It shall extend to the whole of British India; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "electricity" includes galvanism, magnetism, magneto-electricity and electro-magnetism:

(*2*) "telegraph", "message", "telegraph line", "post", "telegraph authority" and "local authority" have the meanings respectively assigned to those expressions in the Indian Telegraph Act, 1885: and

(*3*) "purpose" includes any purpose except the transmission of a message or the use of electricity in medical treatment.

Prohibition of supply of electricity without license.

3. Save as provided in this Act, electricity shall not be supplied for a price by any person for any purpose without a license from the Governor-General in Council authorizing the person in that behalf.

Grant and contents of license.

4. (*1*) The Governor-General in Council may from time to time license any person to supply electricity for any purpose, and in any local area, specified in the license.

(*2*) The license may prescribe the duties of the licensee and provide for the revocation of the license on his failure to perform any of those duties, and generally may contain such regulations and conditions as the Governor-General in Council thinks expedient.

(*3*) By a license granted under this section the Governor-General in Council may, subject to such conditions as he thinks fit to impose, confer on the licensee, with respect to the placing of appliances and apparatus for the supply of electricity, any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

(*4*) The Governor-General in Council may from time to time amend, add to or cancel any of the regulations and conditions contained in a license, and withdraw any of the powers conferred by a license or impose amended or additional conditions with respect to the exercise of those powers.

Supply of electricity by certain persons without license.

5. (*1*) Section 3 shall not apply to any person supplying electricity for any purpose in any local area at the time of the passing of this Act so far as regards the supply of electricity for that purpose within that area.

(*2*) If any question arises with respect to the purpose or the local area for or in which electricity was being supplied at that time, it shall be decided by an authority to be appointed by the Governor-General in Council in that behalf, and the decision of that authority on the question shall be final.

Grant of licenses to those persons.

6. (*1*) Notwithstanding anything in the last foregoing section, the Governor-General in Council may, on the application of any person supplying electricity for any purpose in any local area at the time of the passing of this Act, grant to the person a license for that purpose in that area under the provisions of section 4.

(*2*) Where a license is granted under sub-section (*1*), it shall supersede any engagement between the person to whom it is granted and any local authority with respect to the conditions on which electricity may be supplied by that person for the purpose, and in the local area, specified in the license.

Penalty for supplying electricity without license or contravening license.

7. If a person does either of the following things, namely,—

(*a*) being a person to whom section 3 is applicable, supplies electricity for a price without a license, or,

(*b*) having a license under this Act, commits or suffers to be committed a breach of any duty prescribed in the license or of any regulation or condition contained therein,

he shall be punished with fine which may extend to one thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day during which the electricity is supplied or the breach of the duty, regulation or condition continues.

Power to make rules.

8. (*1*) The Governor-General in Council may from time to time make such rules as he thinks expedient for protecting the public in person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the supply of electricity, and for preventing telegraph lines from being injuriously affected by any of those appliances or apparatus.

(*2*) A rule under this section may apply to the appliances and apparatus of a person not having a license under this Act as well as to those of a person having a license thereunder.

(*3*) In making a rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing breach, with a further fine which may extend to two hundred rupees for every day during which the breach continues.

Procedure for making rules.

9. (*1*) The Governor-General in Council shall, before making rules under the last foregoing section, publish, in such manner as he deems sufficient, a draft of the proposed rules for the information of persons likely to be affected thereby.

(*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*) The publication in the *Gazette of India* of a rule purporting to be made under the last foregoing section shall be conclusive proof that it has been duly made.

(*5*) Rules under that section may from time to time be amended, added to or cancelled by the Governor-General in Council.

Saving of prosecutions under other laws.

10. 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 7 or against a rule under section 8, or from being liable under that other law to any other or higher punishment or penalty than that provided by section 7 or a rule under section 8:

Provided that a person shall not be punished twice for the same offence.

STATEMENT OF OBJECTS AND REASONS.

THE primary object of this Bill is to empower the Governor-General in Council to make rules (*a*) for protecting the public in person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the supply of electricity for lighting, and (*b*) for preventing telegraph-lines from being injuriously affected by any of those appliances or apparatus.

2. The danger to the public from electric light connections arises from the fact that currents of great strength are used in the production of the light, the currents being powerful enough to cause death to any person, or set fire to any inflammable material, coming in contact with the wires while the currents are passing, that is to say, while the lamps are being used. Protection may be afforded either by placing these wires or connections in such a position that contact with them is impossible, or by so covering them with insulating material that contact with them is innocuous.

Interference with telegraph and telephone signals is caused by obstructive currents being induced in the telegraph and telephone wires when the electric light wires pass within a certain distance of them. The remedy is to arrange that the electric light wires shall be placed sufficiently far off. It is impossible of course to determine what the safe distance is without knowing the strength of the current employed for the electric light, which again varies with the number of lamps in circuit, but the distance can be determined from time to time with reference to the maximum current to be used in any particular local area.

3. A company desiring to supply electricity in any local area for any purpose must, if the company was not supplying it in that area for that purpose at the time of the passing of the Act, obtain a license from the Governor-General in Council. By this license the

Governor-General in Council may impose such regulations and conditions as he thinks expedient, and confer on the licensee, with respect to the placing of appliances and apparatus for the supply of electricity, any of the powers which the telegraph-authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Companies which were supplying electricity in any local area for any purpose at the time of the passing of the Act may elect to continue supplying it without a license, and therefore without the obligations which may be imposed, or the privileges which may be conferred, by a license.

The 21st October, 1886.

T. C. HOPE.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 21st October, 1886 :—

Preliminary Report on the Bengal Civil Courts Bill, 1881.

THE Bill to amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam was introduced into the Council of the Governor-General by the Hon'ble Mr. Stokes in 1881, was referred to a Select Committee and was circulated for opinion, but its further progress was suspended in consequence of a proposal to establish appellate benches in Bengal. That proposal having been abandoned for the present, the opinions on the Bill of 1881 have been examined, and most of the recommendations in them incorporated in the amended copy of the Bill which accompanies this Report.

The few recommendations which have not been adopted have reference to the relation of Courts of Small Causes to District Courts, and will be best considered in connection with the Provincial Small Cause Courts Bill, 1885. I propose therefore to move at the next meeting of Council that all members of the Select Committee appointed to consider and report on that Bill who are residents of, or are or have been officially connected with, Bengal, the North-Western Provinces or Assam be added to the Select Committee on the Courts Bill to which this Preliminary Report relates.

2. The following portions of the amended Bill seem to call for remark :—

(*a*) *Section 5.*—A sub-section has been added on the advice of the Government of the North-Western Provinces and Oudh for the purpose of removing any doubt there may be as to the competence of a Local Government to appoint a Judge of a Court of Small Causes to be a Subordinate Judge, or to appoint a District Judge or Subordinate Judge to discharge temporarily the functions of another District Judge or Subordinate Judge, as the case may be, in addition to the performance of his own duties.

(*b*) *Section 7.*—The powers vested in the High Courts at Fort William and Allahabad by the Statute 24 & 25 Vic., cap. 104, section 15, seem to render it unnecessary to provide in this and other sections of the Bill that a District Judge is in all matters connected with the administration of the Courts to act under the control of the High Court, the District Judge being already in those matters under the obligation of obeying any instructions which the High Court may be pleased to issue.

(*c*) *Section 8.*—It has been objected that the provision of the Act of 1871 which requires an Additional Judge or Subordinate Judge in charge of the office of a District Judge to discharge "such of the current duties thereof as are connected with the filing of suits and appeals, the issue of processes and the like functions," is too indefinite, and has in practice resulted in inconvenience and loss to parties. An attempt is made in sub-section (*2*) of section 8 of the revised Bill to define more particularly the powers which an Additional Judge or Subordinate Judge in charge of the office of a District Judge may exercise.

(*d*) *Section 9.*—Objection has been taken by the High Court for the North-Western Provinces to the words "on leave" in section 9 of the Act of 1871, and to the words in the same section which empower the District Judge to transfer cases only to his own Court or to the Court of a Subordinate Judge. The High Court points out that a Subordinate Judge may be absent from his district otherwise than on leave, as, for instance, on deputation to another district, and that, where, as occasionally happens, the Court of a Subordinate Judge is for any tract of country the Court of lowest jurisdiction, it may be convenient to transfer cases from his Court to that of a Munsif. The section has in these respects been amended, and two sub-sections (*3*) and (*4*) have been added, the former being supplementary to the amendment of sub-section (*1*), and the latter designed to remove a difficulty which has been felt in the North-Western Provinces.

(*e*) *Section 10.*—The expression of this section, which was inaccurate in the Act of 1871, has been amended in the manner proposed by Mr. Justice Prinsep.

(*f*) *Section 11.*—This section has been modified in accordance with the recommendations of the Lieutenant-Governor of Bengal, the Chief Commissioner of Assam and Mr. Justice Prinsep.

(*g*) *Section 16.*—A sub-section has, on the suggestion of Mr. Justice Prinsep, been added to meet the case of officers in the territories referred to in section 11 who dispose of civil business while on tour at any place within the local limits of their jurisdiction.

(*h*) *Section 17.*—On the suggestion of Mr. Justice Field, a sub-section has been added to the effect that a judicial act shall not be invalid by reason only of its having been done on a holiday.

(*i*) *Section 18.*—This section has been so drawn as to remove difficulties experienced in Bengal, the North-Western Provinces and Assam in the working of the corresponding section of the Act of 1871.

(*j*) *Section 21.*—A sub-section has been added with reference to the cases at 13 B. L. R. 376; 10 B. L. R., App., 30; 19 W. R. 201; and 8 C. L. R. 6.

(*k*) *Section 22.*—Sub-section (*2*) of this section has been re-drawn with advertence to the cases at 18 W. R. (F. B.) 261; 18 W. R. 316; and 19 W. R. 131.

Sub-section (*3*) has been added on the suggestion of Mr. Justice Prinsep.

(*l*) *Section 23.*—The case at I. L. R. 7 All. 775 suggests an expansion of this section.

(*m*) *Section 25.*—Sub-section (*1*) will empower the District Judge to transfer appeals from orders of Munsifs, as well as from their decrees, to Subordinate Judges.

Sub-section (*2*) has, on the suggestion of Mr. Justice Prinsep, been so drawn as to enable the District Judge to transfer to any other competent Court under his control an appeal withdrawn from the Court of a Subordinate Judge.

Sub-section (*3*) is suggested by the cases at 16 W. R. 235 and 18 W. R. 292.

(*n*) *Section 26.*—This section has been amended in several particulars. It is proposed, on the suggestion of Mr. Justice Field, that the order of the High Court may be either general or special; on the suggestion of Mr. Justice Prinsep, that the High Court may authorise a Subordinate Judge or Munsif to take cognizance of the proceedings mentioned in the section; on the suggestion of the Government of the North-Western Provinces and Oudh, that references by Collectors under section 322C of the Code of Civil Procedure should be added to the list of proceedings; and on the suggestion of the same Government and of Mr. Justice Field and Mr. Justice Maclean, that several of the proceedings specified in section 26 of the Bill of 1881 should be excluded therefrom.

(*o*) *Section 27.*—On the suggestion of Mr. Justice Prinsep, it is proposed that appeals from orders passed by Subordinate Judges in proceedings mentioned in section 26 shall, when appeals are permitted, lie to the High Court.

(*p*) *Section 34.*—With respect to section 35 of the Bill of 1881, Mr. C. J. Daniell, District Judge of Moradabad, recorded the following remarks:—

"I consider it essential to the efficiency of the ministerial officers of the subordinate Civil Courts in a judgeship that a stream of promotion should be maintained from the lowest to the highest grade of these officials throughout the judgeship. If this is secured, every hard-working man knows that there are several appointments to which he can aspire, the field for his promotion is widened, and he is more encouraged to do his work well than if he had only to look to the rare vacancies in a single munsifi for advancement. On the other hand, the Judge can promote any man from any one of several situations to any other that he may be qualified for in the whole judgeship, and a stimulus is provided to efficient and industrious work which is entirely absent if the Judge can promote no one but the officials of his own office, or if, in order to promote a deserving man in a munsifi, he is obliged to place him over the heads of other men in his own office, without being at the same time able to provide any of his own officials with a step on promotion in any of the munsifis subordinate to him.

"There can, I think, be no doubt that better men are obtainable and better work done in a wide than in a narrow field of work; but this section (35), as in stands, reduces the area over which a subordinate official's career extends within the most confined limits.

* * * * * * * * * * *

"In former times, when the subordinate Civil Courts were never inspected, something might be said in favour of allowing Munsifs to nominate and promote the officials of their own Courts; but in these days Munsifs are frequently changed, while Judges are seldom changed, and a judgeship is becoming more and more the unit of judicial administration. It is as well that this should be so, for such a condition is an incentive to a more careful supervision on the part of a Judge over his subordinates, and consequently to better work on the part of all below him. This incentive, however, will fail to act if the area of nomination and selection in a judgeship is confined to single munsifis instead of extending to all the Courts in the judgeship."

The Government of the North-Western Provinces expressed concurrence in Mr. Daniell's remarks, as the Government of Bengal did in similar remarks recorded by Mr. Justice Field.

(*q*) *Section 35.*—This section provides for the case of Civil Court amins and the joint process-serving establishments now maintained throughout Bengal and the North-Western Provinces under the superintendence of central nazirs and the control of the District Judge.

(*r*) *Section 38.*—The addition to this section was suggested by Mr. Justice Oldfield.

(*s*) *Section 40.*—This section seems to be required for the purposes of applications under section 108 of the Code of Civil Procedure and other proceedings not referred to in sections 623 and 649 of that Code.

3. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	8th, 15th and 22nd October, 1881.
Calcutta Gazette	19th and 26th October, and 2nd November, 1881.
North-Western Provinces and Oudh Government Gazette	15th, 22nd and 29th October, 1881.
Assam Gazette	5th, 12th and 19th November, 1881.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh ...	Urdu ...	26th November, and 3rd and 10th December, 1881.

4. I am of opinion that the Bill as amended should be re-published.

The 19th October, 1886. C. P. ILBERT.

No. II.

THE BENGAL CIVIL COURTS BILL, 1881.

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No. II.

A Bill to consolidate and amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam.

WHEREAS it is expedient to consolidate and amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

[Act VI of 1871, s. 1.]

Short title, local extent, commencement and application.

1. (*1*) This Act may be called the Bengal Civil Courts Act, 1887.

(*2*) It extends to the territories for the time being respectively administered by the Lieutenant-Governor of Bengal, the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Assam, except such portions of those territories as for the time being are not subject to the ordinary civil jurisdiction of the High Courts and except the Jhánsí Division; and

(*3*) It shall come into force on the first day of April, 1887.

(*4*) Except this section and sections 17, 23, 28, 40 and 41, nothing in this Act applies to Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887.

VI of 1871.

Repeal.

2. (*1*) The Bengal Civil Courts Act, 1871, and Act No. XIX of 1877 (*to enable certain District Judges to suspend and remove certain ministerial officers, and for other purposes*), section 1, are hereby repealed;

(*2*) But all appointments, nominations, rules and orders made, jurisdiction and powers conferred, and lists published under the Bengal Civil Courts Act, 1871, or any enactment thereby repealed, shall be deemed to be respectively made, conferred and published under this Act; and

(*3*) Any enactment or document referring to the Bengal Civil Courts Act, 1871, or to any enactment thereby repealed, shall be construed to refer to this Act or to the corresponding portion thereof.

CHAPTER II.

CONSTITUTION OF CIVIL COURTS.

[Act. VI of 1871, ss. 3 & 4.]

Number of District Judges and Subordinate Judges.

3. The Local Government may reduce, and, with the previous sanction of the Governor-General in Council, increase, the number of District Judges and Subordinate Judges now fixed.

[Act VI of 1871, s. 4.]

Number of Munsifs.

4. The Local Government may, subject to the control of the Governor-General in Council, alter the number of Munsifs now fixed:

Provided that, except in the case of Munsifs of a grade the salary of which does not exceed two hundred and fifty rupees per mensem, an increase of the number of Munsifs now fixed shall not be made by the Local Government without the previous sanction of the Governor General in Council.

[Act VI of 1871, s. 5.]

Vacancies in District or Subordinate Judgeships.

5. (*1*) Whenever the office of District Judge or Subordinate Judge is vacant by reason of the death, resignation or removal of the Judge or other cause, or whenever the Governor General in Council has sanctioned an increase of the number of District Judges or Subordinate Judges, the Local Government shall fill up the vacancy or appoint the additional District Judges or Subordinate Judges, as the case may be.

(*2*) Nothing in this section shall be construed to prevent a Local Government from appointing any Judge of a Court of Small Causes to be also a Subordinate Judge, or from appointing a District Judge or Subordinate Judge to discharge, for such period as it thinks fit, in addition to the functions devolving on him as such District Judge or Subordinate Judge, all or any of the functions of another District Judge or Subordinate Judge, as the case may be.

[Act VI of 1871, s. 6.]

Vacancies in Munsifships.

6. (*1*) Whenever the office of Munsif is vacant, or whenever the Local Government increases the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly.

(*2*) The Local Government may, with the previous sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif.

(*3*) When rules have been made under sub-section (*2*), a person shall not be nominated under sub-section (*1*) unless he possesses the qualifications required by the rules.

[Act VI of 1871, s. 7.]

Additional Judges.

7. (*1*) When the business pending before any District Judge requires the aid of Additional Judges for its speedy disposal, the Local Government may, upon the recommendation of the High Court, and with the previous sanction of the Governor General in Council, appoint such Additional Judges as may be requisite.

(*2*) Additional Judges so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to them, and, in the discharge of those functions, they shall exercise the same powers and be subject to the same control as the District Judge.

[Act VI of 1871, s. 8.]

Temporary charge of District Judgeship.

8. (*1*) In the event of the death, resignation or removal of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the Additional Judge, or, if an Additional Judge is not attached to the Court, the senior Subordinate Judge present at the place where the office of the District Judge is situate, shall, without relinquishing his ordinary duties, assume charge of that office, and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer duly appointed thereto.

(*2*) While in charge of the office of the District Judge, the Additional Judge or Subordinate Judge, as the case may be, may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the District Judge with respect to the admission of plaints, applications and appeals, the issue and stay of process before judgment or in execution of a decree or order, and the transfer of suits and other proceedings.

The Bengal Civil Courts Bill, 1886.
(Chapter II.—Constitution of Civil Courts.—Sections 9-17.)
(Chapter III.—Ordinary Jurisdiction.—Section 18.)

Act VI of 1871, s. 9.]

Transfer of proceedings on vacation of office of Subordinate Judge.

9. (*1*) In the event of the death, resignation or removal of a Subordinate Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Subordinate Judge either to his own Court or to any Court under his control competent to dispose of them.

(*2*) Proceedings transferred under this section shall be disposed of as if they had been instituted in the Court to which they are so transferred.

XIV of 1882.

(*3*) Notwithstanding anything in section 25 of the Code of Civil Procedure, if a suit of which the amount or value of the subject-matter exceeds fifty rupees is transferred to the Court of a Munsif under this section from the Court of a Subordinate Judge exercising with respect thereto the jurisdiction of a Judge of a Court of Small Causes, the Court of the Munsif shall not, for the purposes of the suit, be deemed to be a Court of Small Causes.

(*4*) For the purposes of applications which are not pending in the Court of the Subordinate Judge on the occurrence of an event referred to in sub-section (*1*), and with respect to which that Court has exclusive jurisdiction, the District Judge may exercise all or any of the jurisdiction of that Court.

[Act VI of 1871, s. 9.]

Temporary charge of Munsifship.

10. (*1*) A District Judge, on the occurrence within the local limits of his jurisdiction of any vacancy in the office of Munsif, may appoint such person as he thinks fit to act in the office until that person is relieved by a Munsif appointed under section 6 or his appointment is cancelled by the District Judge.

(*2*) The District Judge shall forthwith report to the High Court the occurrence of every such vacancy and the making and cancelling of every such appointment.

[Act VI of 1871, s. 10.]

Power to confer judicial powers on officers in Chutiá Nágpur, Jalpaigori, Darjiling and Assam.

11. (*1*) The Local Government may invest with the powers of any Court under this Act any officer in the Chutiá Nágpur Division, or in the Jalpaigori or Darjiling Division, or in any part of the territories administered by the Chief Commissioner of Assam except the district of Silhat, or in any other part of the territories to which this Act extends, and to which the Governor-General in Council has, by notification in the official Gazette, declared this section to apply.

(*2*) Nothing in sections 3 to 10 (both inclusive) or sections 30 to 39 (both inclusive) applies to any officer so invested, but all the other provisions of this Act shall apply to him so far as those provisions can be made applicable.

[Act VI of 1871, s. 11.]

Control of Civil Courts.

12. Subject to the superintendence of the High Court, the District Judge shall control all the Civil Courts within the local limits of his jurisdiction.

[Act VI of 1871, s. 12.]

Present Judges to be deemed duly appointed.

13. Appointments of District Judges, Additional Judges, Subordinate Judges and Munsifs made before the commencement of this Act shall be deemed to have been made in accordance with law.

[Act VI of 1871, s. 14.]

Seals of Courts.

14. Every Court under this Act shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

[Act VI of 1871, s. 15.]

District Judges, Additional Judges, Subordinate Judges and Munsifs to be deemed Civil Courts.

15. Every District Judge, Additional Judge, Subordinate Judge and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

XIV of 1882.

[Act VI of 1871, s. 16.]

Place of sitting of Courts.

16. (*1*) The Local Government may, by notification in the official Gazette, fix and alter the place or places at which any Court under this Act is to be held.

(*2*) All such places now fixed shall be deemed to be fixed under this Act.

(*3*) Where the place at which a Court under this Act is to be held has not been fixed, the Court may be held at any place within the local limits of its jurisdiction.

[Act VI of 1871, s. 17.]

Vacation.

17. (*1*) Subject to such orders as may be issued by the Governor-General in Council, the High Court shall prepare a list of days to be observed in each year as close holidays in the Courts subordinate thereto.

(*2*) The list shall be published in the local official Gazette.

(*3*) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

CHAPTER III.

ORDINARY JURISDICTION.

[Act VI of 1871, s. 18.]

Power to fix local limits of jurisdiction.

18. (*1*) The Local Government shall fix, and may vary, the local limits of the jurisdiction of any Court under this Act.

(*2*) If the same local jurisdiction is assigned to two or more Subordinate Judges or to two or more Munsifs, the District Judge may assign to each of them such civil business cognizable by the Subordinate Judge or Munsif, as the case may be, as he thinks fit.

(*3*) Where, in the territories mentioned in section 11, the same local jurisdiction is assigned to two or more officers invested with the powers of a Munsif, the officer invested with the powers of a District Judge may, with the previous sanction of the Local Government, delegate his functions under sub-section (*2*) to an officer invested with the powers of a Subordinate Judge or to one of the officers invested with the powers of a Munsif.

The Bengal Civil Courts Bill, 1886.
(Chapter III.—Ordinary Jurisdiction.—Sections 19-24.)
(Chapter IV.—Special Jurisdiction.—Sections 25-26.)

(4) A Judge of a Court of Small Causes appointed to be also a Subordinate Judge or Munsif is a Subordinate Judge or Munsif, as the case may be, within the meaning of this section.

(5) The present local limits of the jurisdiction of every Civil Court (other than the High Court) shall be deemed to be fixed under this Act.

[Act VI of 1871, s. 19.]

Extent of original jurisdiction of District Judge or Subordinate Judge.

XIV of 1882.

19. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the provisions of section 15 of the Code of Civil Procedure, to all original suits for the time being cognizable by the Civil Courts.

[Act VI of 1871, s. 20.]

Extent of jurisdiction of Munsif.

20. The jurisdiction of a Munsif extends to all like suits in which the amount or value of the subject-matter in dispute does not exceed one thousand rupees.

[Act VI of 1871, s. 21.]

Appeals from District Judges and Additional Judges.

XIV of 1882.

21. (1) Save as provided by the Code of Civil Procedure or by any other enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional Judge shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional Judge in any case in which, if the decree or order had been made by a District Judge, an appeal would not lie to that Court.

[Act VI of 1871, s. 22.]

Appeals from Subordinate Judges and Munsifs.

XIV of 1882.

22. (1) Save as otherwise provided by the Code of Civil Procedure or by any other enactment for the time being in force, an appeal from a decree or order of a Munsif shall lie to the District Judge,

(2) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge shall lie—

(*a*) to the District Judge where the amount or value of the subject-matter in dispute in the original suit in which or in any proceeding arising out of which the decree or order was made did not exceed five thousand rupees, and

(*b*) to the High Court in any other case.

(3) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) or sub-section (2) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.

(4) The High Court may, with the previous sanction of the Local Government, order, by notification in the official Gazette, that appeals lying to the District Judge under sub-section (1) from the decrees and orders of any Munsif shall be preferred to the Court of such Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly.

[Act VI of 1871, s. 24.]

Certain decisions to be according to Native law.

23. (1) Where in any suit or other proceeding it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except in so far as that law has by legislative enactment been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

[Act VI of 1871, s. 25.]

Judges not to try suits in which they are interested.

24. (1) A Munsif, Subordinate Judge, Additional Judge or District Judge shall not try any suit to which he is a party or in which he is personally interested, or adjudicate upon any proceeding connected with or arising out of any such suit.

(2) A Subordinate Judge, Additional Judge or District Judge shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such Munsif, Subordinate Judge, Additional Judge or District Judge, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

(4) The superior Court shall thereupon dispose of the case under section 25 of the Code of Civil Procedure.

(5) Nothing in this section shall be deemed to affect the extraordinary original civil jurisdiction of the High Court.

(6) For the purposes of this section the Munsif and Subordinate Judge shall be deemed to be immediately subordinate to the District Judge, and the Additional Judge and District Judge to the High Court.

CHAPTER IV.

SPECIAL JURISDICTION.

[Act VI of 1871, ss. 26 & 27.]

Power to transfer to Subordinate Judges appeals from Munsifs.

25. (1) A District Judge may transfer to any Subordinate Judge under his control any appeals pending before him from decrees or orders of Munsifs.

(2) The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it for disposal to another competent Court under his control.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

[Act VI of 1871, s. 27.]

Exercise by Subordinate Judge or Munsif of jurisdiction of District Court in certain proceedings.

26. (1) The High Court may, by general or special order, authorise any Subordinate Judge or Munsif to take cognizance of, and any District Judge to transfer to a Subordinate Judge or Munsif under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in the order.

(2) The proceedings referred to in sub-section (1) are the following, namely:—

(*a*) proceedings under Bengal Regulation V of 1799 (*to limit the Interference of the Zillah and City Courts of Dewanny Adawlut in the Execution of Wills and Administration to the Estates of Persons dying intestate*);

The Bengal Civil Courts Bill, 1886.
(Chapter IV.—Special Jurisdiction.—Sections 27-28.—Chapter V.—Misfeazance.—Sections 29-32.—Chapter VI.—Ministerial Officers.—Sections 33-36.)

(*b*) applications for certificates under Act No. XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*); and

XIV of 1882.

(*c*) references by Collectors under section 322C of the Code of Civil Procedure.

(3) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsif, and may either himself dispose of them, or transfer them for disposal to any other competent Court under his control.

[Act VI of 1871, s. 28.]

Disposal of proceedings referred to in last foregoing section.

27. (1) Proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsif, as the case may be, under the last foregoing section shall be disposed of by him subject to the rules applicable to like proceedings when disposed of by the District Judge:

Provided that an appeal from an order of a Munsif in any such proceeding shall lie to the District Judge.

(2) An appeal from the order of the District Judge on the appeal from the order of the Munsif under this section shall lie to the High Court if a further appeal from the order of the District Judge is allowed by the law for the time being in force.

[Act VI of 1871, s. 29.]

Power to invest Subordinate Judges and Munsifs with Small Cause Court jurisdiction.

28. The Local Government may, by notification in the official Gazette, confer, within such local limits as it thinks fit, upon any Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits cognizable by such Courts, up to such value not exceeding five hundred rupees in the case of a Subordinate Judge or fifty rupees in the case of a Munsif, as it thinks fit, and may withdraw any jurisdiction so conferred.

CHAPTER V.

MISFEAZANCE.

[Act VI of 1871, s. 31.]

Suspension or removal of Judges by Local Government.

29. Any District Judge, Additional Judge, Subordinate Judge or Munsif may, for any misconduct, be suspended or removed by the Local Government.

[Act VI of 1871, s. 32.]

Suspension of Subordinate Judge by High Court.

30. (1) The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

(2) Whenever the High Court suspends a Subordinate Judge under sub-section (1), it shall forthwith report to the Local Government the circumstances of the suspension, and the Local Government shall make such order with respect thereto as it thinks fit.

[Act VI of 1871, s. 33.]

Suspension or removal of Munsif by High Court.

31. (1) The High Court may appoint a Commission for inquiring into the alleged misconduct of any Munsif.

(2) On receiving the report of the result of any such inquiry, the High Court may, if it thinks fit, remove the Munsif from office, or suspend him, or reduce him to a lower grade.

(3) The provisions of Act No. XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*) shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

(4) The High Court may, previous to the appointment of a Commission under this section, suspend any Munsif pending the result of the inquiry.

(5) The High Court may, without appointing any such Commission, remove or suspend any Munsif, or reduce him to a lower grade.

[Act VI of 1871, s. 34.]

Suspension of Munsif by District Judge.

32. (1) Any District Judge may, whenever he sees urgent necessity for so doing, suspend any Munsif under his control.

(2) Whenever a District Judge suspends a Munsif under sub-section (1), he shall forthwith report to the High Court the circumstances of the suspension, and the High Court shall make such order with respect thereto as it thinks fit.

CHAPTER VI.

MINISTERIAL OFFICERS.

[Act VI of 1871, s. 35.]

Appointment and removal of ministerial officers of District Judges and Additional Judges.

33. District Judges and Additional Judges shall appoint the ministerial officers of their respective Courts, and, subject only to the control of the Local Government, may remove or suspend those officers or fine them in an amount not exceeding one month's salary.

[Act VI of 1871, s. 36.]

Appointment and removal of ministerial officers of Subordinate Judges and Munsifs.

34. (1) The ministerial officers of the Courts of Subordinate Judges and Munsifs shall be appointed—

(*a*) in the case of a vacancy not likely to last, and not lasting, longer than one month, by those Courts respectively, and

(*b*) in any other case, by the District Judge.

(2) A Subordinate Judge or Munsif may, by order, remove or suspend or fine in an amount not exceeding one month's salary, any of the ministerial officers of his Court who is guilty of any misconduct or neglect in the performance of the duties of his office.

[New.]

Appointment and removal of ministerial officers on joint establishments.

35. Ministerial officers ordinarily employed in the service or execution of the processes of more than one Court shall be appointed, and may be removed or suspended, by the Court of highest grade by which they are employed; and any Court by which they are employed may, by order, fine them in an amount not exceeding one month's salary.

[Act XIX of 1871, s. 1.]

General powers of District Judge.

36. (1) The District Judge may, by order, suspend or remove any ministerial officer to whom section 34 or section 35 appiles,

The Bengal Civil Courts Bill, 1886.
(Chapter VI.—Ministerial Officers.—Sections 37-39.—Chapter VII.—Supplemental Provisions.—Sections 40-41.)

and may, on appeal or otherwise, reverse or modify any order made under either of those sections by any Court under his control.

(2) The District Judge shall himself be subject to the control of the Local Government in the exercise of the powers conferred on him by sub-section (1).

37. Nothing in the foregoing sections of this Chapter shall exempt any officer from any penal or other consequences to which he may be liable under any other law for the time being in force.

Saving of penal and other consequences under other laws.

[Act VI of 1871, s. 37.]

38. (1) The Local Government may, at the instance of the High Court or of the District Judge, transfer from any Court in the territories under its administration to any other Court in those territories all or any of the ministerial officers of any District Judge, Additional Judge, Subordinate Judge or Munsif.

Transfer of ministerial officers.

(2) The District Judge may transfer all or any of the ministerial officers of any Court under his control to any other such Court.

39. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered by deduction from the salary of the person fined.

[Act VI of 1871, s. 38.]

Recovery of fines.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

40. (1) Where a Court has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have been had therein may be had in the Court to which the business of the former Court has been transferred.

[New.]

Continuance of proceedings of abolished Courts.

(2) Nothing in this section applies to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure or in any other enactment for the time being in force.

XIV of 1882.

41. All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers exercisable from time to time.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 30, 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 21st October, 1886:—

No. 26 OF 1886.

A Bill to regulate the supply of electricity for lighting and other purposes.

WHEREAS it is expedient to regulate the supply of electricity for lighting and other purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Electricity Supply Act, 1887.

Short title, extent and commencement.

(2) It shall extend to the whole of British India; and

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(1) "electricity" includes galvanism, magnetism, magneto-electricity and electro-magnetism:

(2) "*telegraph*", "message", "*telegraph line*", "post", "telegraph authority" and "local authority" have the meanings respectively assigned to those expressions in the Indian Telegraph Act, 1885; and

XIII of 1885.

(3) "purpose" includes any purpose except the transmission of a message or the use of electricity in medical treatment.

3. Save as provided in this Act, electricity shall not be supplied for a price by any person for any purpose without a license from the Governor-General in Council authorizing the person in that behalf.

Prohibition of supply of electricity without license.

4. (1) The Governor-General in Council may from time to time license any person to supply electricity for any purpose, and in any local area, specified in the license.

Grant and contents of license.

(2) The license may prescribe the duties of the licensee and provide for the revocation of the license on his failure to perform any of those duties, and generally may contain such regulations and conditions as the Governor-General in Council thinks expedient.

(3) By a license granted under this section the Governor-General in Council may, subject to such conditions as he thinks fit to impose, confer on the licensee, with respect to the placing of appliances and apparatus for the supply of electricity, any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

(4) The Governor-General in Council may from time to time amend, add to or cancel any of the regulations and conditions contained in a license, and withdraw any of the powers conferred by a license or impose amended or additional conditions with respect to the exercise of those powers.

5. (1) Section 3 shall not apply to any person supplying electricity for any purpose in any local area at the time of the passing of this Act so far as regards the supply of electricity for that purpose within that area.

Supply of electricity by certain persons without license.

(2) If any question arises with respect to the purpose or the local area for or in which electricity was being supplied at that time, it shall be decided by an authority to be appointed by the Governor-General in Council in that behalf, and the decision of that authority on the question shall be final.

6. (*1*) Notwithstanding anything in the last foregoing section, the Governor-General in Council may, on the application of any person supplying electricity for any purpose in any local area at the time of the passing of this Act, grant to the person a license for that purpose in that area under the provisions of section 4.

Grant of licenses to those persons.

(*2*) Where a license is granted under sub-section (*1*), it shall supersede any engagement between the person to whom it is granted and any local authority with respect to the conditions on which electricity may be supplied by that person for the purpose, and in the local area, specified in the license.

Penalty for supplying electricity without license or contravening license.

7. If a person does either of the following things, namely,—

(*a*) being a person to whom section 3 is applicable, supplies electricity for a price without a license, or,

(*b*) having a license under this Act, commits or suffers to be committed a breach of any duty prescribed in the license or of any regulation or condition contained therein,

he shall be punished with fine which may extend to one thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day during which the electricity is supplied or the breach of the duty, regulation or condition continues.

Power to make rules.

8. (*1*) The Governor-General in Council may from time to time make such rules as he thinks expedient for protecting the public in person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the supply of electricity, and for preventing telegraph lines from being injuriously affected by any of those appliances or apparatus.

(*2*) A rule under this section may apply to the appliances and apparatus of a person not having a license under this Act as well as to those of a person having a license thereunder.

(*3*) In making a rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing breach, with a further fine which may extend to two hundred rupees for every day during which the breach continues.

Procedure for making rules.

9. (*1*) The Governor-General in Council shall, before making rules under the last foregoing section, publish, in such manner as he deems sufficient, a draft of the proposed rules for the information of persons likely to be affected thereby.

(*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*) The publication in the *Gazette of India* of a rule purporting to be made under the last foregoing section shall be conclusive proof that it has been duly made.

(*5*) Rules under that section may from time to time be amended, added to or cancelled by the Governor-General in Council.

Saving of prosecutions under other laws.

10. 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 7 or against a rule under section 8, or from being liable under that other law to any other or higher punishment or penalty than that provided by section 7 or a rule under section 8 :

Provided that a person shall not be punished twice for the same offence.

STATEMENT OF OBJECTS AND REASONS.

THE primary object of this Bill is to empower the Governor-General in Council to make rules (*a*) for protecting the public in person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the supply of electricity for lighting, and (*b*) for preventing telegraph-lines from being injuriously affected by any of those appliances or apparatus.

2. The danger to the public from electric light connections arises from the fact that currents of great strength are used in the production of the light, the currents being powerful enough to cause death to any person, or set fire to any inflammable material, coming in contact with the wires while the currents are passing, that is to say, while the lamps are being used. Protection may be afforded either by placing these wires or connections in such a position that contact with them is impossible, or by so covering them with insulating material that contact with them is innocuous.

Interference with telegraph and telephone signals is caused by obstructive currents being induced in the telegraph and telephone wires when the electric light wires pass within a certain distance of them. The remedy is to arrange that the electric light wires shall be placed sufficiently far off. It is impossible of course to determine what the safe distance is without knowing the strength of the current employed for the electric light, which again varies with the number of lamps in circuit, but the distance can be determined from time to time with reference to the maximum current to be used in any particular local area.

3. A company desiring to supply electricity in any local area for any purpose must, if the company was not supplying it in that area for that purpose at the time of the passing of the Act, obtain a license from the Governor-General in Council. By this license the

Governor-General in Council may impose such regulations and conditions as he thinks expedient, and confer on the licensee, with respect to the placing of appliances and apparatus for the supply of electricity, any of the powers which the telegraph-authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Companies which were supplying electricity in any local area for any purpose at the time of the passing of the Act may elect to continue supplying it without a license, and therefore without the obligations which may be imposed, or the privileges which may be conferred, by a license.

The 21st October, 1886.

T. C. HOPE.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 21st October, 1886 :—

Preliminary Report on the Bengal Civil Courts Bill, 1881.

THE Bill to amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam was introduced into the Council of the Governor-General by the Hon'ble Mr. Stokes in 1881, was referred to a Select Committee and was circulated for opinion, but its further progress was suspended in consequence of a proposal to establish appellate benches in Bengal. That proposal having been abandoned for the present, the opinions on the Bill of 1881 have been examined, and most of the recommendations in them incorporated in the amended copy of the Bill which accompanies this Report.

The few recommendations which have not been adopted have reference to the relation of Courts of Small Causes to District Courts, and will be best considered in connection with the Provincial Small Cause Courts Bill, 1885. I propose therefore to move at the next meeting of Council that all members of the Select Committee appointed to consider and report on that Bill who are residents of, or are or have been officially connected with, Bengal, the North-Western Provinces or Assam be added to the Select Committee on the Courts Bill to which this Preliminary Report relates.

2. The following portions of the amended Bill seem to call for remark :—

(*a*) *Section 5.*—A sub-section has been added on the advice of the Government of the North-Western Provinces and Oudh for the purpose of removing any doubt there may be as to the competence of a Local Government to appoint a Judge of a Court of Small Causes to be a Subordinate Judge, or to appoint a District Judge or Subordinate Judge to discharge temporarily the functions of another District Judge or Subordinate Judge, as the case may be, in addition to the performance of his own duties.

(*b*) *Section 7.*—The powers vested in the High Courts at Fort William and Allahabad by the Statute 24 & 25 Vic., cap. 104, section 15, seem to render it unnecessary to provide in this and other sections of the Bill that a District Judge is in all matters connected with the administration of the Courts to act under the control of the High Court, the District Judge being already in those matters under the obligation of obeying any instructions which the High Court may be pleased to issue.

(*c*) *Section 8.*—It has been objected that the provision of the Act of 1871 which requires an Additional Judge or Subordinate Judge in charge of the office of a District Judge to discharge "such of the current duties thereof as are connected with the filing of suits and appeals, the issue of processes and the like functions," is too indefinite, and has in practice resulted in inconvenience and loss to parties. An attempt is made in sub-section (*2*) of section 8 of the revised Bill to define more particularly the powers which an Additional Judge or Subordinate Judge in charge of the office of a District Judge may exercise.

(*d*) *Section 9.*—Objection has been taken by the High Court for the North-Western Provinces to the words "on leave" in section 9 of the Act of 1871, and to the words in the same section which empower the District Judge to transfer cases only to his own Court or to the Court of a Subordinate Judge. The High Court points out that a Subordinate Judge may be absent from his district otherwise than on leave, as, for instance, on deputation to another district, and that, where, as occasionally happens, the Court of a Subordinate Judge is for any tract of country the Court of lowest jurisdiction, it may be convenient to transfer cases from his Court to that of a Munsif. The section has in these respects been amended, and two sub-sections (*3*) and (*4*) have been added, the former being supplementary to the amendment of sub-section (*1*), and the latter designed to remove a difficulty which has been felt in the North-Western Provinces.

(*e*) *Section 10.*—The expression of this section, which was inaccurate in the Act of 1871, has been amended in the manner proposed by Mr. Justice Prinsep.

(*f*) *Section 11.*—This section has been modified in accordance with the recommendations of the Lieutenant-Governor of Bengal, the Chief Commissioner of Assam and Mr. Justice Prinsep.

(*g*) *Section 16.*—A sub-section has, on the suggestion of Mr. Justice Prinsep, been added to meet the case of officers in the territories referred to in section 11 who dispose of civil business while on tour at any place within the local limits of their jurisdiction.

(*h*) *Section 17.*—On the suggestion of Mr. Justice Field, a sub-section has been added to the effect that a judicial act shall not be invalid by reason only of its having been done on a holiday.

(*i*) *Section 18.*—This section has been so drawn as to remove difficulties experienced in Bengal, the North-Western Provinces and Assam in the working of the corresponding section of the Act of 1871.

(*j*) *Section 21.*—A sub-section has been added with reference to the cases at 13 B. L. R. 376; 10 B. L. R., App., 30; 19 W. R. 201; and 8 C. L. R. 6.

(*k*) *Section 22.*—Sub-section (*2*) of this section has been re-drawn with advertence to the cases at 18 W. R. (F. B.) 261; 18 W. R. 316; and 19 W. R. 131.

Sub-section (*3*) has been added on the suggestion of Mr. Justice Prinsep.

(*l*) *Section 23.*—The case at I. L. R. 7 All. 775 suggests an expansion of this section.

(*m*) *Section 25.*—Sub-section (*1*) will empower the District Judge to transfer appeals from orders of Munsifs, as well as from their decrees, to Subordinate Judges.

Sub-section (*2*) has, on the suggestion of Mr. Justice Prinsep, been so drawn as to enable the District Judge to transfer to any other competent Court under his control an appeal withdrawn from the Court of a Subordinate Judge.

Sub-section (*3*) is suggested by the cases at 16 W. R. 235 and 18 W. R. 292.

(*n*) *Section 26.*—This section has been amended in several particulars. It is proposed, on the suggestion of Mr. Justice Field, that the order of the High Court may be either general or special; on the suggestion of Mr. Justice Prinsep, that the High Court may authorise a Subordinate Judge or Munsif to take cognizance of the proceedings mentioned in the section; on the suggestion of the Government of the North-Western Provinces and Oudh, that references by Collectors under section 322C of the Code of Civil Procedure should be added to the list of proceedings; and on the suggestion of the same Government and of Mr. Justice Field and Mr. Justice Maclean, that several of the proceedings specified in section 26 of the Bill of 1881 should be excluded therefrom.

(*o*) *Section 27.*—On the suggestion of Mr. Justice Prinsep, it is proposed that appeals from orders passed by Subordinate Judges in proceedings mentioned in section 26 shall, when appeals are permitted, lie to the High Court.

(*p*) *Section 34.*—With respect to section 35 of the Bill of 1881, Mr. C. J. Daniell, District Judge of Moradabad, recorded the following remarks :—

"I consider it essential to the efficiency of the ministerial officers of the subordinate Civil Courts in a judgeship that a stream of promotion should be maintained from the lowest to the highest grade of these officials throughout the judgeship. If this is secured, every hard-working man knows that there are several appointments to which he can aspire, the field for his promotion is widened, and he is more encouraged to do his work well than if he had only to look to the rare vacancies in a single munsifi for advancement. On the other hand, the Judge can promote any man from any one of several situations to any other that he may be qualified for in the whole judgeship, and a stimulus is provided to efficient and industrious work which is entirely absent if the Judge can promote no one but the officials of his own office, or if, in order to promote a deserving man in a munsifi, he is obliged to place him over the heads of other men in his own office, without being at the same time able to provide any of his own officials with a step on promotion in any of the munsifis subordinate to him.

"There can, I think, be no doubt that better men are obtainable and better work done in a wide than in a narrow field of work; but this section (35), as in stands, reduces the area over which a subordinate official's career extends within the most confined limits.

* * * * * * * * * * *

"In former times, when the subordinate Civil Courts were never inspected, something might be said in favour of allowing Munsifs to nominate and promote the officials of their own Courts; but in these days Munsifs are frequently changed, while Judges are seldom changed, and a judgeship is becoming more and more the unit of judicial administration. It is as well that this should be so, for such a condition is an incentive to a more careful supervision on the part of a Judge over his subordinates, and consequently to better work on the part of all below him. This incentive, however, will fail to act if the area of nomination and selection in a judgeship is confined to single munsifis instead of extending to all the Courts in the judgeship."

The Government of the North-Western Provinces expressed concurrence in Mr. Daniell's remarks, as the Government of Bengal did in similar remarks recorded by Mr. Justice Field.

(*q*) *Section 35.*—This section provides for the case of Civil Court amins and the joint process-serving establishments now maintained throughout Bengal and the North-Western Provinces under the superintendence of central nazirs and the control of the District Judge.

(*r*) *Section 38.*—The addition to this section was suggested by Mr. Justice Oldfield.

(*s*) *Section 40.*—This section seems to be required for the purposes of applications under section 108 of the Code of Civil Procedure and other proceedings not referred to in sections 623 and 649 of that Code.

3. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	8th, 15th and 22nd October, 1881.
Calcutta Gazette	19th and 26th October, and 2nd November, 1881.
North-Western Provinces and Oudh Government Gazette	15th, 22nd and 29th October, 1881.
Assam Gazette	5th, 12th and 19th November, 1881.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh ...	Urdu ...	26th November, and 3rd and 10th December, 1881.

4. I am of opinion that the Bill as amended should be re-published.

The 19th October, 1886.

C. P. ILBERT.

No. II.

THE BENGAL CIVIL COURTS BILL, 1881.

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The Bengal Civil Courts Bill, 1886.
(Chapter I.—Preliminary.—Sections 1-2.—Chapter II.—Constitution of Civil Courts.—Sections 3-8.)

No. II.

A Bill to consolidate and amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam.

WHEREAS it is expedient to consolidate and amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

[Act VI of 1871, s. 1.] Short title, local extent, commencement and application.

1. (*1*) This Act may be called the Bengal Civil Courts Act, 1887.

(*2*) It extends to the territories for the time being respectively administered by the Lieutenant-Governor of Bengal, the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Assam, except such portions of those territories as for the time being are not subject to the ordinary civil jurisdiction of the High Courts and except the Jhánsí Division; and

(*3*) It shall come into force on the first day of April, 1887.

(*4*) Except this section and sections 17, 23, 28, 40 and 41, nothing in this Act applies to Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887.

VI of 1871. Repeal.

2. (*1*) The Bengal Civil Courts Act, 1871, and Act No. XIX of 1877 (*to enable certain District Judges to suspend and remove certain ministerial officers, and for other purposes*), section 1, are hereby repealed:

(*2*) But all appointments, nominations, rules and orders made, jurisdiction and powers conferred, and lists published under the Bengal Civil Courts Act, 1871, or any enactment thereby repealed, shall be deemed to be respectively made, conferred and published under this Act; and

(*3*) Any enactment or document referring to the Bengal Civil Courts Act, 1871, or to any enactment thereby repealed, shall be construed to refer to this Act or to the corresponding portion thereof.

CHAPTER II.

CONSTITUTION OF CIVIL COURTS.

[Act VI of 1871, ss. 3 & 4.] Number of District Judges and Subordinate Judges.

3. The Local Government may reduce, and, with the previous sanction of the Governor-General in Council, increase, the number of District Judges and Subordinate Judges now fixed.

[Act VI of 1871, s. 4.] Number of Munsifs.

4. The Local Government may, subject to the control of the Governor-General in Council, alter the number of Munsifs now fixed:

Provided that, except in the case of Munsifs of a grade the salary of which does not exceed two hundred and fifty rupees per mensem, an increase of the number of Munsifs now fixed shall not be made by the Local Government without the previous sanction of the Governor General in Council.

[Act VI of 1871, s. 5.] Vacancies in District or Subordinate Judgeships.

5. (*1*) Whenever the office of District Judge or Subordinate Judge is vacant, by reason of the death, resignation or removal of the Judge or other cause, or whenever the Governor General in Council has sanctioned an increase of the number of District Judges or Subordinate Judges, the Local Government shall fill up the vacancy or appoint the additional District Judges or Subordinate Judges, as the case may be.

(*2*) Nothing in this section shall be construed to prevent a Local Government from appointing any Judge of a Court of Small Causes to be also a Subordinate Judge, or from appointing a District Judge or Subordinate Judge to discharge, for such period as it thinks fit, in addition to the functions devolving on him as such District Judge or Subordinate Judge, all or any of the functions of another District Judge or Subordinate Judge, as the case may be.

[Act VI of 1871, s. 6.] Vacancies in Munsifships.

6. (*1*) Whenever the office of Munsif is vacant, or whenever the Local Government increases the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly.

(*2*) The Local Government may, with the previous sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif.

(*3*) When rules have been made under sub-section (*2*), a person shall not be nominated under sub-section (*1*) unless he possesses the qualifications required by the rules.

[Act VI of 1871, s. 7.] Additional Judges.

7. (*1*) When the business pending before any District Judge requires the aid of Additional Judges for its speedy disposal, the Local Government may, upon the recommendation of the High Court, and with the previous sanction of the Governor General in Council, appoint such Additional Judges as may be requisite.

(*2*) Additional Judges so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to them, and, in the discharge of those functions, they shall exercise the same powers and be subject to the same control as the District Judge.

[Act VI of 1871, s. 8.] Temporary charge of District Judgeship.

8. (*1*) In the event of the death, resignation or removal of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the Additional Judge, or, if an Additional Judge is not attached to the Court, the senior Subordinate Judge present at the place where the office of the District Judge is situate, shall, without relinquishing his ordinary duties, assume charge of that office, and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer duly appointed thereto.

(*2*) While in charge of the office of the District Judge, the Additional Judge or Subordinate Judge, as the case may be, may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the District

The Bengal Civil Courts Bill, 1886.
(Chapter II.—Constitution of Civil Courts.—Sections 9-17.)
(Chapter III.—Ordinary Jurisdiction.—Section 18.)

Judge with respect to the admission of plaints, applications and appeals, the issue and stay of process before judgment or in execution of a decree or order, and the transfer of suits and other proceedings.

[Act VI of 1871, s. 9.] Transfer of proceedings on vacation of office of Subordinate Judge.

9. (*1*) In the event of the death, resignation or removal of a Subordinate Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Subordinate Judge either to his own Court or to any Court under his control competent to dispose of them.

(*2*) Proceedings transferred under this section shall be disposed of as if they had been instituted in the Court to which they are so transferred.

XIV of 1882.

(*3*) Notwithstanding anything in section 25 of the Code of Civil Procedure, if a suit of which the amount or value of the subject-matter exceeds fifty rupees is transferred to the Court of a Munsif under this section from the Court of a Subordinate Judge exercising with respect thereto the jurisdiction of a Judge of a Court of Small Causes, the Court of the Munsif shall not, for the purposes of the suit, be deemed to be a Court of Small Causes.

(*4*) For the purposes of applications which are not pending in the Court of the Subordinate Judge on the occurrence of an event referred to in sub-section (*1*), and with respect to which that Court has exclusive jurisdiction, the District Judge may exercise all or any of the jurisdiction of that Court.

[Act VI of 1871, s. 9.] Temporary charge of Munsifship.

10. (*1*) A District Judge, on the occurrence within the local limits of his jurisdiction of any vacancy in the office of Munsif, may appoint such person as he thinks fit to act in the office until that person is relieved by a Munsif appointed under section 6 or his appointment is cancelled by the District Judge.

(*2*) The District Judge shall forthwith report to the High Court the occurrence of every such vacancy and the making and cancelling of every such appointment.

[Act VI of 1871, s. 10.] Power to confer judicial powers on officers in Chutiá Nágpur, Jalpaigori, Darjiling and Assam.

11. (*1*) The Local Government may invest with the powers of any Court under this Act any officer in the Chutiá Nágpur Division, or in the Jalpaigori or Darjiling Division, or in any part of the territories administered by the Chief Commissioner of Assam except the district of Silhat, or in any other part of the territories to which this Act extends, and to which the Governor-General in Council has, by notification in the official Gazette, declared this section to apply.

(*2*) Nothing in sections 3 to 10 (both inclusive) or sections 30 to 39 (both inclusive) applies to any officer so invested, but all the other provisions of this Act shall apply to him so far as those provisions can be made applicable.

[Act VI of 1871, s. 11.] Control of Civil Courts.

12. Subject to the superintendence of the High Court, the District Judge shall control all the Civil Courts within the local limits of his jurisdiction.

[Act VI of 1871, s. 12.] Present Judges to be deemed duly appointed.

13. Appointments of District Judges, Additional Judges, Subordinate Judges and Munsifs made before the commencement of this Act shall be deemed to have been made in accordance with law.

[Act VI of 1871, s. 14.] Seals of Courts.

14. Every Court under this Act shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

[Act VI of 1871, s. 15.] District Judges, Additional Judges, Subordinate Judges and Munsifs to be deemed Civil Courts.

15. Every District Judge, Additional Judge, Subordinate Judge and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

XIV of 1882.

[Act VI of 1871, s. 16.] Place of sitting of Courts.

16. (*1*) The Local Government may, by notification in the official Gazette, fix and alter the place or places at which any Court under this Act is to be held.

(*2*) All such places now fixed shall be deemed to be fixed under this Act.

(*3*) Where the place at which a Court under this Act is to be held has not been fixed, the Court may be held at any place within the local limits of its jurisdiction.

[Act VI of 1871, s. 17.] Vacation.

17. (*1*) Subject to such orders as may be issued by the Governor General in Council, the High Court shall prepare a list of days to be observed in each year as close holidays in the Courts subordinate thereto.

(*2*) The list shall be published in the local official Gazette.

(*3*) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

CHAPTER III.

ORDINARY JURISDICTION.

[Act VI of 1871, s. 18. Power to fix local limits of jurisdiction.

18. (*1*) The Local Government shall fix, and may vary, the local limits of the jurisdiction of any Court under this Act.

(*2*) If the same local jurisdiction is assigned to two or more Subordinate Judges or to two or more Munsifs, the District Judge may assign to each of them such civil business cognizable by the Subordinate Judge or Munsif, as the case may be, as he thinks fit.

(*3*) Where, in the territories mentioned in section 11, the same local jurisdiction is assigned to two or more officers invested with the powers of a Munsif, the officer invested with the powers of a District Judge may, with the previous sanction of the Local Government, delegate his functions under sub-section (*2*) to an officer invested with the powers of a Subordinate Judge or to one of the officers invested with the powers of a Munsif.

The Bengal Civil Courts Bill, 1886.
(Chapter III.—Ordinary Jurisdiction.—Sections 19-24.)
(Chapter IV.—Special Jurisdiction.—Sections 25-26.)

(4) A Judge of a Court of Small Causes appointed to be also a Subordinate Judge or Munsif is a Subordinate Judge or Munsif, as the case may be, within the meaning of this section.

(5) The present local limits of the jurisdiction of every Civil Court (other than the High Court) shall be deemed to be fixed under this Act.

[Act VI of 1871, s. 19.]

Extent of original jurisdiction of District Judge or Subordinate Judge.

19. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the provisions of section 15 of the Code of Civil Procedure, to all original suits for the time being cognizable by the Civil Courts.

XIV of 1882.

[Act VI of 1871, s. 20.]

Extent of jurisdiction of Munsif.

20. The jurisdiction of a Munsif extends to all like suits in which the amount or value of the subject-matter in dispute does not exceed one thousand rupees.

[Act VI of 1871, s. 21.]

Appeals from District Judges and Additional Judges.

21. (1) Save as provided by the Code of Civil Procedure or by any other enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional Judge shall lie to the High Court.

XIV of 1882.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional Judge in any case in which, if the decree or order had been made by a District Judge, an appeal would not lie to that Court.

[Act VI of 1871, s. 22.]

Appeals from Subordinate Judges and Munsifs.

22. (1) Save as otherwise provided by the Code of Civil Procedure or by any other enactment for the time being in force, an appeal from a decree or order of a Munsif shall lie to the District Judge.

XIV of 1882.

(2) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge shall lie—

(a) to the District Judge where the amount or value of the subject-matter in dispute in the original suit in which or in any proceeding arising out of which the decree or order was made did not exceed five thousand rupees, and

(b) to the High Court in any other case.

(3) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) or sub-section (2) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.

(4) The High Court may, with the previous sanction of the Local Government, order, by notification in the official Gazette, that appeals lying to the District Judge under sub-section (1) from the decrees and orders of any Munsif shall be preferred to the Court of such Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly.

[Act VI of 1871, s. 24.]

Certain decisions to be according to Native law.

23. (1) Where in any suit or other proceeding it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except in so far as that law has by legislative enactment been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

Judges not to try suits in which they are interested.

24. (1) A Munsif, Subordinate Judge, Additional Judge or District Judge shall not try any suit to which he is a party or in which he is personally interested, or adjudicate upon any proceeding connected with or arising out of any such suit.

Act VI of 1871, s. 25.

(2) A Subordinate Judge, Additional Judge or District Judge shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such Munsif, Subordinate Judge, Additional Judge or District Judge, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

(4) The superior Court shall thereupon dispose of the case under section 25 of the Code of Civil Procedure. XIV of 1882.

(5) Nothing in this section shall be deemed to affect the extraordinary original civil jurisdiction of the High Court.

(6) For the purposes of this section the Munsif and Subordinate Judge shall be deemed to be immediately subordinate to the District Judge, and the Additional Judge and District Judge to the High Court.

CHAPTER IV.

SPECIAL JURISDICTION.

[Act VI of 1871, ss. 26 & 27.]

Power to transfer to Subordinate Judges appeals from Munsifs.

25. (1) A District Judge may transfer to any Subordinate Judge under his control any appeals pending before him from decrees or orders of Munsifs.

(2) The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it for disposal to another competent Court under his control.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

[Act VI of 1871, s. 27.]

Exercise by Subordinate Judge or Munsif of jurisdiction of District Court in certain proceedings.

26. (1) The High Court may, by general or special order, authorise any Subordinate Judge or Munsif to take cognizance of, and any District Judge to transfer to a Subordinate Judge or Munsif under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in the order.

(2) The proceedings referred to in sub-section (1) are the following, namely :—

(a) proceedings under Bengal Regulation V 1799 (*to limit the Interference of the Zillah and City Courts of Dewanny Adawlut in the Execution of Wills and Administration to the Estates of Persons dying intestate*);

The Bengal Civil Courts Bill, 1886.
(Chapter IV.—Special Jurisdiction.—Sections 27-28.—Chapter V.—Misfeazance.—Section 29-32.—Chapter VI.—Ministerial Officers.—Section 33-36.)

(b) applications for certificates under Act No. XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*); and

(c) references by Collectors under section 322C of the Code of Civil Procedure. XIV of 1882.

(3) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsif, and may either himself dispose of them, or transfer them for disposal to any other competent Court under his control.

[Act VI of 1871, s. 28.]

Disposal of proceedings referred to in last foregoing section.

27. (1) Proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsif, as the case may be, under the last foregoing section shall be disposed of by him subject to the rules applicable to like proceedings when disposed of by the District Judge :

Provided that an appeal from an order of a Munsif in any such proceeding shall lie to the District Judge.

(2) An appeal from the order of the District Judge on the appeal from the order of the Munsif under this section shall lie to the High Court if a further appeal from the order of the District Judge is allowed by the law for the time being in force.

[Act VI of 1871, s. 29.]

Power to invest Subordinate Judges and Munsifs with Small Cause Court jurisdiction.

28. The Local Government may, by notification in the official Gazette, confer, within such local limits as it thinks fit, upon any Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits cognizable by such Courts, up to such value not exceeding five hundred rupees in the case of a Subordinate Judge or fifty rupees in the case of a Munsif, as it thinks fit, and may withdraw any jurisdiction so conferred.

CHAPTER V.

MISFEAZANCE.

[Act VI of 1871, s. 31.]

Suspension or removal of Judges by Local Government.

29. Any District Judge, Additional Judge, Subordinate Judge or Munsif may, for any misconduct, be suspended or removed by the Local Government.

[Act VI of 1871, s. 32.]

Suspension of Subordinate Judge by High Court.

30. (1) The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

(2) Whenever the High Court suspends a Subordinate Judge under sub-section (1), it shall forthwith report to the Local Government the circumstances of the suspension, and the Local Government shall make such order with respect thereto as it thinks fit.

[Act VI of 1871, s. 33.]

Suspension or removal of Munsif by High Court.

31. (1) The High Court may appoint a Commission for inquiring into the alleged misconduct of any Munsif.

(2) On receiving the report of the result of any such inquiry, the High Court may, if it thinks fit, remove the Munsif from office, or suspend him, or reduce him to a lower grade.

(3) The provisions of Act No. XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*) shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

(4) The High Court may, previous to the appointment of a Commission under this section, suspend any Munsif pending the result of the inquiry.

(5) The High Court may, without appointing any such Commission, remove or suspend any Munsif, or reduce him to a lower grade.

[Act VI of 1871, s. 34.]

Suspension of Munsif by District Judge.

32. (1) Any District Judge may, whenever he sees urgent necessity for so doing, suspend any Munsif under his control.

(2) Whenever a District Judge suspends a Munsif under sub-section (1), he shall forthwith report to the High Court the circumstances of the suspension, and the High Court shall make such order with respect thereto as it thinks fit.

CHAPTER VI.

MINISTERIAL OFFICERS.

[Act VI of 1871, s. 35.]

Appointment and removal of ministerial officers of District Judges and Additional Judges.

33. District Judges and Additional Judges shall appoint the ministerial officers of their respective Courts, and, subject only to the control of the Local Government, may remove or suspend those officers or fine them in an amount not exceeding one month's salary.

[Act VI of 1871, s. 36.]

Appointment and removal of ministerial officers of Subordinate Judges and Munsifs.

34. (1) The ministerial officers of the Courts of Subordinate Judges and Munsifs shall be appointed—

(a) in the case of a vacancy not likely to last, and not lasting, longer than one month, by those Courts respectively, and

(b) in any other case, by the District Judge.

(2) A Subordinate Judge or Munsif may, by order, remove or suspend or fine in an amount not exceeding one month's salary, any of the ministerial officers of his Court who is guilty of any misconduct or neglect in the performance of the duties of his office.

[New.]

Appointment and removal of ministerial officers on joint establishments.

35. Ministerial officers ordinarily employed in the service or execution of the processes of more than one Court shall be appointed, and may be removed or suspended, by the Court of highest grade by which they are employed; and any Court by which they are employed may, by order, fine them in an amount not exceeding one month's salary.

[Act XIX 1871, s. 1.]

General powers of District Judge.

36. (1) The District Judge may, by order, suspend or remove any ministerial officer to whom section 34 or section 35 appiles,

The Bengal Civil Courts Bill, 1886.
(Chapter VI.—Ministerial Officers.—Sections 37-39.)
(Chapter VII.—Supplemental Provisions.—Sections 40-41.)

and may, on appeal or otherwise, reverse or modify any order made under either of those sections by any Court under his control.

(2) The District Judge shall himself be subject to the control of the Local Government in the exercise of the powers conferred on him by sub-section (*1*).

Saving of penal and other consequences under other laws.

37. Nothing in the foregoing sections of this Chapter shall exempt any officer from any penal or other consequences to which he may be liable under any other law for the time being in force.

[Act VI of 1871, s. 37.]

Transfer of ministerial officers.

38. (*1*) The Local Government may, at the instance of the High Court or of the District Judge, transfer from any Court in the territories under its administration to any other Court in those territories all or any of the ministerial officers of any District Judge, Additional Judge, Subordinate Judge or Munsif.

(2) The District Judge may transfer all or any of the ministerial officers of any Court under his control to any other such Court.

[Act VI of 1871, s. 38.]

Recovery of fines.

39. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered by deduction from the salary of the person fined.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

[New.]

Continuance of proceedings of abolished Courts.

40. (*1*) Where a Court has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have been had therein may be had in the Court to which the business of the former Court has been transferred.

(2) Nothing in this section applies to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure or in any other enactment for the time being in force.

XIV of 1882.

Powers exerciseable from time to time.

41. All powers conferred by this Act may be exercised from time to time as occasion requires.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 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 21st October, 1886:—

NO. 26 OF 1886.

A Bill to regulate the supply of electricity for lighting and other purposes.

WHEREAS it is expedient to regulate the supply of electricity for lighting and other purposes; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Electricity Supply Act, 1887.

(2) It shall extend to the whole of British India; and

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "*electricity*" includes galvanism, magnetism, magneto-electricity and electro-magnetism;

(2) "telegraph", "message", "telegraph line", "post", "telegraph authority" and "local authority" have the meanings respectively assigned to those expressions in the Indian Telegraph Act, 1885; and

XIII of 1885.

(3) "purpose" includes any purpose except the transmission of a message or the use of electricity in medical treatment.

Prohibition of supply of electricity without license.

3. Save as provided in this Act, electricity shall not be supplied for a price by any person for any purpose without a license from the Governor-General in Council authorizing the person in that behalf.

Grant and contents of license.

4. (*1*) The Governor-General in Council may from time to time license any person to supply electricity for any purpose, and in any local area, specified in the license.

(2) The license may prescribe the duties of the licensee and provide for the revocation of the license on his failure to perform any of those duties, and generally may contain such regulations and conditions as the Governor-General in Council thinks expedient.

(3) By a license granted under this section the Governor-General in Council may, subject to such conditions as he thinks fit to impose, confer on the licensee, with respect to the placing of appliances and apparatus for the supply of electricity, any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

XIII of 1885.

(4) The Governor-General in Council may from time to time amend, add to or cancel any of the regulations and conditions contained in a license, and withdraw any of the powers conferred by a license or impose amended or additional conditions with respect to the exercise of those powers.

Supply of electricity by certain persons without license.

5. (*1*) Section 3 shall not apply to any person supplying electricity for any purpose in any local area at the time of the passing of this Act so far as regards the supply of electricity for that purpose within that area.

(2) If any question arises with respect to the purpose or the local area for or in which electricity was being supplied at that time, it shall be decided by an authority to be appointed by the Governor-General in Council in that behalf, and the decision of that authority on the question shall be final.

6. (*1*) Notwithstanding anything in the last foregoing section, the Governor-General in Council may, on the application of any person supplying electricity for any purpose in any local area at the time of the passing of this Act, grant to the person a license for that purpose in that area under the provisions of section 4.

Grant of licenses to those persons.

(*2*) Where a license is granted under sub-section (*1*), it shall supersede any engagement between the person to whom it is granted and any local authority with respect to the conditions on which electricity may be supplied by that person for the purpose, and in the local area, specified in the license.

7. If a person does either of the following things, namely,—

Penalty for supplying electricity without license or contravening license.

(*a*) being a person to whom section 3 is applicable, supplies electricity for a price without a license, or,

(*b*) having a license under this Act, commits or suffers to be committed a breach of any duty prescribed in the license or of any regulation or condition contained therein,

he shall be punished with fine which may extend to one thousand rupees, and, in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day during which the electricity is supplied or the breach of the duty, regulation or condition continues.

8. (*1*) The Governor-General in Council may from time to time make such rules as he thinks expedient for protecting the public in person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the supply of electricity, and for preventing telegraph lines from being injuriously affected by any of those appliances or apparatus.

Power to make rules.

(*2*) A rule under this section may apply to the appliances and apparatus of a person not having a license under this Act as well as to those of a person having a license thereunder.

(*3*) In making a rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing breach, with a further fine which may extend to two hundred rupees for every day during which the breach continues.

9. (*1*) The Governor-General in Council shall, before making rules under the last foregoing section, publish, in such manner as he deems sufficient, a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making 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*) The publication in the *Gazette of India* of a rule purporting to be made under the last foregoing section shall be conclusive proof that it has been duly made.

(*5*) Rules under that section may from time to time be amended, added to or cancelled by the Governor-General in Council.

10. 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 7 or against a rule under section 8, or from being liable under that other law to any other or higher punishment or penalty than that provided by section 7 or a rule under section 8:

Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

STATEMENT OF OBJECTS AND REASONS.

THE primary object of this Bill is to empower the Governor-General in Council to make rules (*a*) for protecting the public in person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the supply of electricity for lighting, and (*b*) for preventing telegraph-lines from being injuriously affected by any of those appliances or apparatus.

2. The danger to the public from electric light connections arises from the fact that currents of great strength are used in the production of the light, the currents being powerful enough to cause death to any person, or set fire to any inflammable material, coming in contact with the wires while the currents are passing, that is to say, while the lamps are being used. Protection may be afforded either by placing these wires or connections in such a position that contact with them is impossible, or by so covering them with insulating material that contact with them is innocuous.

Interference with telegraph and telephone signals is caused by obstructive currents being induced in the telegraph and telephone wires when the electric light wires pass within a certain distance of them. The remedy is to arrange that the electric light wires shall be placed sufficiently far off. It is impossible of course to determine what the safe distance is without knowing the strength of the current employed for the electric light, which again varies with the number of lamps in circuit, but the distance can be determined from time to time with reference to the maximum current to be used in any particular local area.

3. A company desiring to supply electricity in any local area for any purpose must, if the company was not supplying it in that area for that purpose at the time of the passing of the Act, obtain a license from the Governor-General in Council. By this license the

Governor-General in Council may impose such regulations and conditions as he thinks expedient, and confer on the licensee, with respect to the placing of appliances and apparatus for the supply of electricity, any of the powers which the telegraph-authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Companies which were supplying electricity in any local area for any purpose at the time of the passing of the Act may elect to continue supplying it without a license, and therefore without the obligations which may be imposed, or the privileges which may be conferred, by a license.

The 21st October, 1886.

T. C. HOPE.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 21st October, 1886 :—

Preliminary Report on the Bengal Civil Courts Bill, 1881.

THE Bill to amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam was introduced into the Council of the Governor-General by the Hon'ble Mr. Stokes in 1881, was referred to a Select Committee and was circulated for opinion, but its further progress was suspended in consequence of a proposal to establish appellate benches in Bengal. That proposal having been abandoned for the present, the opinions on the Bill of 1881 have been examined, and most of the recommendations in them incorporated in the amended copy of the Bill which accompanies this Report.

The few recommendations which have not been adopted have reference to the relation of Courts of Small Causes to District Courts, and will be best considered in connection with the Provincial Small Cause Courts Bill, 1885. I propose therefore to move at the next meeting of Council that all members of the Select Committee appointed to consider and report on that Bill who are residents of, or are or have been officially connected with, Bengal, the North-Western Provinces or Assam be added to the Select Committee on the Courts Bill to which this Preliminary Report relates.

2. The following portions of the amended Bill seem to call for remark :—

(*a*) *Section 5.*—A sub-section has been added on the advice of the Government of the North-Western Provinces and Oudh for the purpose of removing any doubt there may be as to the competence of a Local Government to appoint a Judge of a Court of Small Causes to be a Subordinate Judge, or to appoint a District Judge or Subordinate Judge to discharge temporarily the functions of another District Judge or Subordinate Judge, as the case may be, in addition to the performance of his own duties.

(*b*) *Section 7.*—The powers vested in the High Courts at Fort William and Allahabad by the Statute 24 & 25 Vic., cap. 104, section 15, seem to render it unnecessary to provide in this and other sections of the Bill that a District Judge is in all matters connected with the administration of the Courts to act under the control of the High Court, the District Judge being already in those matters under the obligation of obeying any instructions which the High Court may be pleased to issue.

(*c*) *Section 8.*—It has been objected that the provision of the Act of 1871 which requires an Additional Judge or Subordinate Judge in charge of the office of a District Judge to discharge "such of the current duties thereof as are connected with the filing of suits and appeals, the issue of processes and the like functions," is too indefinite, and has in practice resulted in inconvenience and loss to parties. An attempt is made in sub-section (*2*) of section 8 of the revised Bill to define more particularly the powers which an Additional Judge or Subordinate Judge in charge of the office of a District Judge may exercise.

(*d*) *Section 9.*—Objection has been taken by the High Court for the North-Western Provinces to the words "on leave" in section 9 of the Act of 1871, and to the words in the same section which empower the District Judge to transfer cases only to his own Court or to the Court of a Subordinate Judge. The High Court points out that a Subordinate Judge may be absent from his district otherwise than on leave, as, for instance, on deputation to another district, and that, where, as occasionally happens, the Court of a Subordinate Judge is for any tract of country the Court of lowest jurisdiction, it may be convenient to transfer cases from his Court to that of a Munsif. The section has in these respects been amended, and two sub-sections (*3*) and (*4*) have been added, the former being supplementary to the amendment of sub-section (*1*), and the latter designed to remove a difficulty which has been felt in the North-Western Provinces.

(*e*) *Section 10.*—The expression of this section, which was inaccurate in the Act of 1871, has been amended in the manner proposed by Mr. Justice Prinsep.

(*f*) *Section 11.*—This section has been modified in accordance with the recommendations of the Lieutenant-Governor of Bengal, the Chief Commissioner of Assam and Mr. Justice Prinsep.

(*g*) *Section 16.*—A sub-section has, on the suggestion of Mr. Justice Prinsep, been added to meet the case of officers in the territories referred to in section 11 who dispose of civil business while on tour at any place within the local limits of their jurisdiction.

(*h*) *Section 17.*—On the suggestion of Mr. Justice Field, a sub-section has been added to the effect that a judicial act shall not be invalid by reason only of its having been done on a holiday.

(*i*) *Section 18.*—This section has been so drawn as to remove difficulties experienced in Bengal, the North-Western Provinces and Assam in the working of the corresponding section of the Act of 1871.

(*j*) *Section 21.*—A sub-section has been added with reference to the cases at 13 B. L. R. 376; 10 B. L. R., App., 30; 19 W. R. 201; and 8 C. L. R. 6.

(*k*) *Section 22.*—Sub-section (*2*) of this section has been re-drawn with advertence to the cases at 18 W. R. (F. B.) 261; 18 W. R. 316; and 19 W. R. 131.

Sub-section (*3*) has been added on the suggestion of Mr. Justice Prinsep.

(*l*) *Section 23.*—The case at I. L. R. 7 All. 775 suggests an expansion of this section.

(*m*) *Section 25.*—Sub-section (*1*) will empower the District Judge to transfer appeals from orders of Munsifs, as well as from their decrees, to Subordinate Judges.

Sub-section (*2*) has, on the suggestion of Mr. Justice Prinsep, been so drawn as to enable the District Judge to transfer to any other competent Court under his control an appeal withdrawn from the Court of a Subordinate Judge.

Sub-section (*3*) is suggested by the cases at 16 W. R. 235 and 18 W. R. 292.

(*n*) *Section 26.*—This section has been amended in several particulars. It is proposed, on the suggestion of Mr. Justice Field, that the order of the High Court may be either general or special; on the suggestion of Mr. Justice Prinsep, that the High Court may authorise a Subordinate Judge or Munsif to take cognizance of the proceedings mentioned in the section; on the suggestion of the Government of the North-Western Provinces and Oudh, that references by Collectors under section 322C of the Code of Civil Procedure should be added to the list of proceedings; and on the suggestion of the same Government and of Mr. Justice Field and Mr. Justice Maclean, that several of the proceedings specified in section 26 of the Bill of 1881 should be excluded therefrom.

(*o*) *Section 27.*—On the suggestion of Mr. Justice Prinsep, it is proposed that appeals from orders passed by Subordinate Judges in proceedings mentioned in section 26 shall, when appeals are permitted, lie to the High Court.

(*p*) *Section 34.*—With respect to section 35 of the Bill of 1881, Mr. C. J. Daniell, District Judge of Moradabad, recorded the following remarks :—

"I consider it essential to the efficiency of the ministerial officers of the subordinate Civil Courts in a judgeship that a stream of promotion should be maintained from the lowest to the highest grade of these officials throughout the judgeship. If this is secured, every hard-working man knows that there are several appointments to which he can aspire, the field for his promotion is widened, and he is more encouraged to do his work well than if he had only to look to the rare vacancies in a single munsifi for advancement. On the other hand, the Judge can promote any man from any one of several situations to any other that he may be qualified for in the whole judgeship, and a stimulus is provided to efficient and industrious work which is entirely absent if the Judge can promote no one but the officials of his own office, or if, in order to promote a deserving man in a munsifi, he is obliged to place him over the heads of other men in his own office, without being at the same time able to provide any of his own officials with a step on promotion in any of the munsifis subordinate to him.

"There can, I think, be no doubt that better men are obtainable and better work done in a wide than in a narrow field of work; but this section (35), as it stands, reduces the area over which a subordinate official's career extends within the most confined limits.

* * * * * * * * * * *

"In former times, when the subordinate Civil Courts were never inspected, something might be said in favour of allowing Munsifs to nominate and promote the officials of their own Courts; but in these days Munsifs are frequently changed, while Judges are seldom changed, and a judgeship is becoming more and more the unit of judicial administration. It is as well that this should be so, for such a condition is an incentive to a more careful supervision on the part of a Judge over his subordinates, and consequently to better work on the part of all below him. This incentive, however, will fail to act if the area of nomination and selection in a judgeship is confined to single munsifis instead of extending to all the Courts in the judgeship."

The Government of the North-Western Provinces expressed concurrence in Mr. Daniell's remarks, as the Government of Bengal did in similar remarks recorded by Mr. Justice Field.

(*q*) *Section 35.*—This section provides for the case of Civil Court amins and the joint process-serving establishments now maintained throughout Bengal and the North-Western Provinces under the superintendence of central nazirs and the control of the District Judge.

(*r*) *Section 38.*—The addition to this section was suggested by Mr. Justice Oldfield.

(*s*) *Section 40.*—This section seems to be required for the purposes of applications under section 108 of the Code of Civil Procedure and other proceedings not referred to in sections 623 and 649 of that Code.

3. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	8th, 15th and 22nd October, 1881.
Calcutta Gazette	19th and 26th October, and 2nd November, 1881.
North-Western Provinces and Oudh Government Gazette	15th, 22nd and 29th October, 1881.
Assam Gazette	5th, 12th and 19th November, 1881.

In the Vernacular.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh ...	Urdu ...	26th November, and 3rd and 10th December, 1881.

4. I am of opinion that the Bill as amended should be re-published.

The 19th October, 1886. C. P. ILBERT.

No. II.

THE BENGAL CIVIL COURTS BILL, 1881.

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The Bengal Civil Courts Bill, 1886.
(Chapter I.—Preliminary.—Sections 1-2.—Chapter II.—Constitution of Civil Courts.—Sections 3-8.)

No. II.

A Bill to consolidate and amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam.

WHEREAS it is expedient to consolidate and amend the law relating to Civil Courts in Bengal, the North-Western Provinces and Assam; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

[Act VI of 1871, s. 1.] Short title, local extent, commencement and application.

1. (*1*) This Act may be called the Bengal Civil Courts Act, 1887.

(*2*) It extends to the territories for the time being respectively administered by the Lieutenant-Governor of Bengal, the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Assam, except such portions of those territories as for the time being are not subject to the ordinary civil jurisdiction of the High Courts and except the Jhánsí Division; and

(*3*) It shall come into force on the first day of April, 1887.

(*4*) Except this section and sections 17, 23, 28, 40 and 41, nothing in this Act applies to Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887.

VI of 1871. Repeal.

2. (*1*) The Bengal Civil Courts Act, 1871, and Act No. XIX of 1877 (*to enable certain District Judges to suspend and remove certain ministerial officers, and for other purposes*), section 1, are hereby repealed:

(*2*) But all appointments, nominations, rules and orders made, jurisdiction and powers conferred, and lists published under the Bengal Civil Courts Act, 1871, or any enactment thereby repealed, shall be deemed to be respectively made, conferred and published under this Act; and

(*3*) Any enactment or document referring to the Bengal Civil Courts Act, 1871, or to any enactment thereby repealed, shall be construed to refer to this Act or to the corresponding portion thereof.

CHAPTER II.

CONSTITUTION OF CIVIL COURTS.

[Act VI of 1871, ss. 3 & 4.] Number of District Judges and Subordinate Judges.

3. The Local Government may reduce, and, with the previous sanction of the Governor-General in Council, increase, the number of District Judges and Subordinate Judges now fixed.

[Act VI of 1871, s. 4.] Number of Munsifs.

4. The Local Government may, subject to the control of the Governor-General in Council, alter the number of Munsifs now fixed:

Provided that, except in the case of Munsifs of a grade the salary of which does not exceed two hundred and fifty rupees per mensem, an increase of the number of Munsifs now fixed shall not be made by the Local Government without the previous sanction of the Governor General in Council.

[Act VI of 1871, s. 5.] Vacancies in District or Subordinate Judgeships.

5. (*1*) Whenever the office of District Judge or Subordinate Judge is vacant by reason of the death, resignation or removal of the Judge or other cause, or whenever the Governor General in Council has sanctioned an increase of the number of District Judges or Subordinate Judges, the Local Government shall fill up the vacancy or appoint the additional District Judges or Subordinate Judges, as the case may be.

(*2*) Nothing in this section shall be construed to prevent a Local Government from appointing any Judge of a Court of Small Causes to be also a Subordinate Judge, or from appointing a District Judge or Subordinate Judge to discharge, for such period as it thinks fit, in addition to the functions devolving on him as such District Judge or Subordinate Judge, all or any of the functions of another District Judge or Subordinate Judge, as the case may be.

[Act VI of 1871, s. 6.] Vacancies in Munsifships.

6. (*1*) Whenever the office of Munsif is vacant, or whenever the Local Government increases the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly.

(*2*) The Local Government may, with the previous sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif.

(*3*) When rules have been made under sub-section (*2*), a person shall not be nominated under sub-section (*1*) unless he possesses the qualifications required by the rules.

[Act VI of 1871, s. 7.] Additional Judges.

7. (*1*) When the business pending before any District Judge requires the aid of Additional Judges for its speedy disposal, the Local Government may, upon the recommendation of the High Court, and with the previous sanction of the Governor General in Council, appoint such Additional Judges as may be requisite.

(*2*) Additional Judges so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to them, and, in the discharge of those functions, they shall exercise the same powers and be subject to the same control as the District Judge.

[Act VI 1871, s. 8.] Temporary charge of District Judgeship.

8. (*1*) In the event of the death, resignation or removal of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the Additional Judge, or, if an Additional Judge is not attached to the Court, the senior Subordinate Judge present at the place where the office of the District Judge is situate, shall, without relinquishing his ordinary duties, assume charge of that office, and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer duly appointed thereto.

(*2*) While in charge of the office of the District Judge, the Additional Judge or Subordinate Judge, as the case may be, may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the District

The Bengal Civil Courts Bill, 1886.
(Chapter II.—Constitution of Civil Courts.—Sections 9-17.)
(Chapter III.—Ordinary Jurisdiction.—Section 18.)

Judge with respect to the admission of plaints, applications and appeals, the issue and stay of process before judgment or in execution of a decree or order, and the transfer of suits and other proceedings.

[Act VI of 1871, s. 9.] Transfer of proceedings on vacation of office of Subordinate Judge.

9. (*1*) In the event of the death, resignation or removal of a Subordinate Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Subordinate Judge either to his own Court or to any Court under his control competent to dispose of them.

(*2*) Proceedings transferred under this section shall be disposed of as if they had been instituted in the Court to which they are so transferred.

(*3*) Notwithstanding anything in section 25 of the Code of Civil Procedure, if a suit of which the amount or value of the subject-matter exceeds fifty rupees is transferred to the Court of a Munsif under this section from the Court of a Subordinate Judge exercising with respect thereto the jurisdiction of a Judge of a Court of Small Causes, the Court of the Munsif shall not, for the purposes of the suit, be deemed to be a Court of Small Causes. XIV of 1882.

(*4*) For the purposes of applications which are not pending in the Court of the Subordinate Judge on the occurrence of an event referred to in sub-section (*1*), and with respect to which that Court has exclusive jurisdiction, the District Judge may exercise all or any of the jurisdiction of that Court.

[Act VI of 1871, s. 9.] Temporary charge of Munsifship.

10. (*1*) A District Judge, on the occurrence within the local limits of his jurisdiction of any vacancy in the office of Munsif, may appoint such person as he thinks fit to act in the office until that person is relieved by a Munsif appointed under section 6 or his appointment is cancelled by the District Judge.

(*2*) The District Judge shall forthwith report to the High Court the occurrence of every such vacancy and the making and cancelling of every such appointment.

[Act VI of 1871, s. 10.] Power to confer judicial powers on officers in Chutiá Nágpur, Jalpaigori, Darjiling and Assam.

11. (*1*) The Local Government may invest with the powers of any Court under this Act any officer in the Chutiá Nágpur Division, or in the Jalpaigori or Darjiling Division, or in any part of the territories administered by the Chief Commissioner of Assam except the district of Silhat, or in any other part of the territories to which this Act extends, and to which the Governor-General in Council has, by notification in the official Gazette, declared this section to apply.

(*2*) Nothing in sections 3 to 10 (both inclusive) or sections 30 to 39 (both inclusive) applies to any officer so invested, but all the other provisions of this Act shall apply to him so far as those provisions can be made applicable.

[Act VI of 1871, s. 11.] Control of Civil Courts.

12. Subject to the superintendence of the High Court, the District Judge shall control all the Civil Courts within the local limits of his jurisdiction.

[Act VI of 1871, s. 12.] Present Judges to be deemed duly appointed.

13. Appointments of District Judges, Additional Judges, Subordinate Judges and Munsifs made before the commencement of this Act shall be deemed to have been made in accordance with law.

[Act VI of 1871, s. 14.] Seals of Courts.

14. Every Court under this Act shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

[Act VI of 1871, s. 15. District Judges, Additional Judges, Subordinate Judges and Munsifs to be deemed Civil Courts.

15. Every District Judge, Additional Judge, Subordinate Judge and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act. XIV of 1882.

[Act VI of 1871, s. 16.] Place of sitting of Courts.

16. (*1*) The Local Government may, by notification in the official Gazette, fix and alter the place or places at which any Court under this Act is to be held.

(*2*) All such places now fixed shall be deemed to be fixed under this Act.

(*3*) Where the place at which a Court under this Act is to be held has not been fixed, the Court may be held at any place within the local limits of its jurisdiction.

[Act VI of 1871, s. 17.] Vacation.

17. (*1*) Subject to such orders as may be issued by the Governor General in Council, the High Court shall prepare a list of days to be observed in each year as close holidays in the Courts subordinate thereto.

(*2*) The list shall be published in the local official Gazette.

(*3*) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

CHAPTER III.

ORDINARY JURISDICTION.

[Act VI of 1871, s. 18. Power to fix local limits of jurisdiction.

18. (*1*) The Local Government shall fix, and may vary, the local limits of the jurisdiction of any Court under this Act.

(*2*) If the same local jurisdiction is assigned to two or more Subordinate Judges or to two or more Munsifs, the District Judge may assign to each of them such civil business cognizable by the Subordinate Judge or Munsif, as the case may be, as he thinks fit.

(*3*) Where, in the territories mentioned in section 11, the same local jurisdiction is assigned to two or more officers invested with the powers of a Munsif, the officer invested with the powers of a District Judge may, with the previous sanction of the Local Government, delegate his functions under sub-section (*2*) to an officer invested with the powers of a Subordinate Judge or to one of the officers invested with the powers of a Munsif.

The Bengal Civil Courts Bill, 1886.
(Chapter III.—Ordinary Jurisdiction.—Sections 19-24.)
(Chapter IV.—Special Jurisdiction.—Sections 25-26.)

(4) A Judge of a Court of Small Causes appointed to be also a Subordinate Judge or Munsif is a Subordinate Judge or Munsif, as the case may be, within the meaning of this section.

(5) The present local limits of the jurisdiction of every Civil Court (other than the High Court) shall be deemed to be fixed under this Act.

[Act VI of 1871, s. 19.]

Extent of original jurisdiction of District Judge or Subordinate Judge.

19. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the provisions of section 15 of the Code of Civil Procedure, to all original suits for the time being cognizable by the Civil Courts.

XIV of 1882.

[Act VI of 1871, s. 20.]

Extent of jurisdiction of Munsif.

20. The jurisdiction of a Munsif extends to all like suits in which the amount or value of the subject-matter in dispute does not exceed one thousand rupees.

[Act VI of 1871, s. 21.]

XIV of 1882.

Appeals from District Judges and Additional Judges.

21. (1) Save as provided by the Code of Civil Procedure or by any other enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional Judge shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional Judge in any case in which, if the decree or order had been made by a District Judge, an appeal would not lie to that Court.

[Act VI of 1871, s. 22.]

XIV of 1882.

Appeals from Subordinate Judges and Munsifs.

22. (1) Save as otherwise provided by the Code of Civil Procedure or by any other enactment for the time being in force, an appeal from a decree or order of a Munsif shall lie to the District Judge.

(2) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge shall lie—

(a) to the District Judge where the amount or value of the subject-matter in dispute in the original suit in which or in any proceeding arising out of which the decree or order was made did not exceed five thousand rupees, and

(b) to the High Court in any other case.

(3) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) or sub-section (2) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.

(4) The High Court may, with the previous sanction of the Local Government, order, by notification in the official Gazette, that appeals lying to the District Judge under sub-section (1) from the decrees and orders of any Munsif shall be preferred to the Court of such Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly.

[Act VI of 1871, s. 24.]

Certain decisions to be according to Native law.

23. (1) Where in any suit or other proceeding it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except in so far as that law has by legislative enactment been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

[Act VI of 1871, s. 25.]

Judges not to try suits in which they are interested.

24. (1) A Munsif, Subordinate Judge, Additional Judge or District Judge shall not try any suit to which he is a party or in which he is personally interested, or adjudicate upon any proceeding connected with or arising out of any such suit.

(2) A Subordinate Judge, Additional Judge or District Judge shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such Munsif, Subordinate Judge, Additional Judge or District Judge, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

(4) The superior Court shall thereupon dispose of the case under section 25 of the Code of Civil Procedure. XIV of 1882.

(5) Nothing in this section shall be deemed to affect the extraordinary original civil jurisdiction of the High Court.

(6) For the purposes of this section the Munsif and Subordinate Judge shall be deemed to be immediately subordinate to the District Judge, and the Additional Judge and District Judge to the High Court.

CHAPTER IV.

SPECIAL JURISDICTION.

[Act VI of 1871, s. 26.]

Power to transfer to Subordinate Judges appeals from Munsifs.

25. (1) A District Judge may transfer to any Subordinate Judge under his control any appeals pending before him from decrees or orders of Munsifs.

(2) The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it for disposal to another competent Court under his control.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

[Act VI of 1871, s. 27.]

Exercise by Subordinate Judge or Munsif of jurisdiction of District Court in certain proceedings.

26. (1) The High Court may, by general or special order, authorise any Subordinate Judge or Munsif to take cognizance of, and any District Judge to transfer to a Subordinate Judge or Munsif under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in the order.

(2) The proceedings referred to in sub-section (1) are the following, namely:—

(a) proceedings under Bengal Regulation V 1799 (*to limit the interference of the Zillah and City Courts of Dewanny Adawlut in the Execution of Wills and Administration to the Estates of Persons dying intestate*);

The Bengal Civil Courts Bill, 1886.
(Chapter IV.—Special Jurisdiction.—Sections 27-28.—Chapter V.—Misfeazance.—Sections 29-32.—Chapter VI.—Ministerial Officers.—Sections 33-36.)

(b) applications for certificates under Act No. XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*); and

(c) references by Collectors under section 322C of the Code of Civil Procedure. XIV of 1882.

(3) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsif, and may either himself dispose of them, or transfer them for disposal to any other competent Court under his control.

[Act VI of 1871, s. 28.]

Disposal of proceedings referred to in last foregoing section.

27. (1) Proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsif, as the case may be, under the last foregoing section shall be disposed of by him subject to the rules applicable to like proceedings when disposed of by the District Judge:

Provided that an appeal from an order of a Munsif in any such proceeding shall lie to the District Judge.

(2) An appeal from the order of the District Judge on the appeal from the order of the Munsif under this section shall lie to the High Court if a further appeal from the order of the District Judge is allowed by the law for the time being in force.

[Act VI of 1871, s. 29.]

Power to invest Subordinate Judges and Munsifs with Small Cause Court jurisdiction.

28. The Local Government may, by notification in the official Gazette, confer, within such local limits as it thinks fit, upon any Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits cognizable by such Courts, up to such value not exceeding five hundred rupees in the case of a Subordinate Judge, or fifty rupees in the case of a Munsif, as it thinks fit, and may withdraw any jurisdiction so conferred.

CHAPTER V.

MISFEAZANCE.

[Act VI of 1871, s. 31.]

Suspension or removal of Judges by Local Government.

29. Any District Judge, Additional Judge, Subordinate Judge or Munsif may, for any misconduct, be suspended or removed by the Local Government.

[Act VI of 1871, s. 32.]

Suspension of Subordinate Judge by High Court.

30. (1) The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

(2) Whenever the High Court suspends a Subordinate Judge under sub-section (1), it shall forthwith report to the Local Government the circumstances of the suspension, and the Local Government shall make such order with respect thereto as it thinks fit.

[Act VI of 1871, s. 33.]

Suspension or removal of Munsif by High Court.

31. (1) The High Court may appoint a Commission for inquiring into the alleged misconduct of any Munsif.

(2) On receiving the report of the result of any such inquiry, the High Court may, if it thinks fit, remove the Munsif from office, or suspend him, or reduce him to a lower grade.

(3) The provisions of Act No. XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*) shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

(4) The High Court may, previous to the appointment of a Commission under this section, suspend any Munsif pending the result of the inquiry.

(5) The High Court may, without appointing any such Commission, remove or suspend any Munsif, or reduce him to a lower grade.

[Act VI of 1871, s. 34.]

Suspension of Munsif by District Judge.

32. (1) Any District Judge may, whenever he sees urgent necessity for so doing, suspend any Munsif under his control.

(2) Whenever a District Judge suspends a Munsif under sub-section (1), he shall forthwith report to the High Court the circumstances of the suspension, and the High Court shall make such order with respect thereto as it thinks fit.

CHAPTER VI.

MINISTERIAL OFFICERS.

[Act VI of 1871, s. 35.]

Appointment and removal of ministerial officers of District Judges and Additional Judges.

33. District Judges and Additional Judges shall appoint the ministerial officers of their respective Courts, and, subject only to the control of the Local Government, may remove or suspend those officers or fine them in an amount not exceeding one month's salary.

[Act VI of 1871, s. 36.]

Appointment and removal of ministerial officers of Subordinate Judges and Munsifs.

34. (1) The ministerial officers of the Courts of Subordinate Judges and Munsifs shall be appointed—

(a) in the case of a vacancy not likely to last, and not lasting, longer than one month, by those Courts respectively, and

(b) in any other case, by the District Judge.

(2) A Subordinate Judge or Munsif may, by order, remove or suspend or fine in an amount not exceeding one month's salary, any of the ministerial officers of his Court who is guilty of any misconduct or neglect in the performance of the duties of his office.

[New.]

Appointment and removal of ministerial officers on joint establishments.

35. Ministerial officers ordinarily employed in the service or execution of the processes of more than one Court shall be appointed, and may be removed or suspended, by the Court of highest grade by which they are employed; and any Court by which they are employed may, by order, fine them in an amount not exceeding one month's salary.

[Act XIX 1871, s. 1.]

General powers of District Judge.

36. (1) The District Judge may, by order, suspend or remove any ministerial officer to whom section 34 or section 35 applies,

The Bengal Civil Courts Bill, 1886.
(Chapter VI.—Ministerial Officers.—Sections 37-39.)
(Chapter VII.—Supplemental Provisions.—Sections 40-41.)

and may, on appeal or otherwise, reverse or modify any order made under either of those sections by any Court under his control.

(2) The District Judge shall himself be subject to the control of the Local Government in the exercise of the powers conferred on him by sub-section (1).

Saving of penal and other consequences under other laws.

37. Nothing in the foregoing sections of this Chapter shall exempt any officer from any penal or other consequences to which he may be liable under any other law for the time being in force.

Transfer of ministerial officers.

38. (1) The Local Government may, at the instance of the High Court or of the District Judge, transfer from any Court in the territories under its administration to any other Court in those territories all or any of the ministerial officers of any District Judge, Additional Judge, Subordinate Judge or Munsif.

(2) The District Judge may transfer all or any of the ministerial officers of any Court under his control to any other such Court.

Recovery of fines.

39. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered by deduction from the salary of the person fined. [Act VI of 1871, s. 28.]

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Continuance of proceedings of abolished Courts.

40. (1) Where a Court has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have been had therein may be had in the Court to which the business of the former Court has been transferred. [New.]

(2) Nothing in this section applies to cases for which provision is made in section 623 or section 649 of the Code of Civil Procedure or in any other enactment for the time being in force. XIV of 1882.

Powers exercisable from time to time.

41. All powers conferred by this Act may be exercised from time to time as occasion requires.

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 18, 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 [illegible]

[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 17th December, 1886:—

NO. 27 OF 1886.

A Bill to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

Amendment of section 4.

1. In the definition of "Officer in charge of a Police-station" in section 4, clause (*o*), of the said Code there shall be substituted for the word "therefrom" the words "from the station-house", and for the words "present at the Police-station" the words "present at the station-house".

Amendment of section 312.

2. In section 312 of the said Code the word "four" shall be substituted for the word "two".

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to amend section 312 of the Code of Criminal Procedure, 1882, the Hon'ble the Chief Justice and Judges of the High Court at Fort William having represented that, as the law at present stands, owing to the numerous absences from Calcutta of gentlemen whose names are on the special jury list, and to the necessity of excusing special jurors from attendance on sufficient grounds, it is found necessary to summon the same gentlemen very frequently, to their manifest inconvenience and to serious interference with their business avocations.

2. A Bill to amend the Code having thus become necessary, the opportunity has been taken to cure a defect which has been noticed by the Government of Bombay in the definition of the expression "Officer in charge of a Police-station."

ANDREW R. SCOBLE.

The 17th December, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

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Gerrard, Mr. A. S., exe. engr., 3rd grade, granted extn. of leave on m. c. 533

Ghatak, A. P., student, Calcutta medl. college, admtd. into the service as asst. surgn. 418; transfd. to Bengal provincial estabt. 474

Ghosh, A. P., student, Calcutta medl. college, admtd. into the service as asst. surgn. 418; transfd. to Bengal provincial estabt. 474

Ghosh, B. B., student, Calcutta medl. college, admtd. into the service as asst. surgn. 418; transfd. to Bengal provincial estabt. 474

Ghosh, Babu P., asst. engr., 1st grade, passed deptl. standard exmn. in Hindustani as prescribed in p. w. d. code 460

Ghosh, S. B., student, Calcutta medl. college, admtd. into the service as asst. surgn. . . 418

Ghosh, S. P., student, Calcutta medl. college, admtd. into the service as asst. surgn. 418; transfd. to Bengal provincial estabt. 474

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Greenfield, Lt.-Col. J. H. L., assumed charge of office of cantt. magte., Deoli, and invested with powers of a magte. of 2nd class and to pass sentence of whipping 404

Groves, Mr. G. B., assumed charge of office of depy. post master genl., Behar 496

Guru Churn Lusker, 1st class hospl. asst., made over charge of det. of Erinpura irr. force and of jail at Abu, and recd. medl. charge of det. of Erinpura irr. force forming escort of agent to govr. genl. 719

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Habibur Rahman Ahmed (Moulvi) apptd. to be post master, Agra 602

Hafeezoollah, 1st class hospl. asst. of N. W. P. and Oudh, permtd. to exchange to Rajputana circle 637; took charge of charitable dispensary at Abu 687

Haig, Mr. W. S., asst. engr., 1st grade, posted to N.-W. ry. 479; passed lower standard exmn. in Hindustani and deptl. standard exmn. in Hindustani as prescribed in p. w. d. code . . . 524

Haldara, G. L., student, Calcutta medl. college, admtd. into the service as asst. surgn. . . . 418

Hardie, Mr. R., retnd. from leave and resumed charge of office of secy. and treasurer Bank of Bengal 435

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Harington, Surgn. H. N. V., in medl. charge of Deoli irr. force and of Harowtee and Tonk agency, period during which — was on priv. leave 719

Harris, Mr. G. S. T., C.E., exe. engr. of Rewa state, retnd. from furlo. and took charge of his duties . 654

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Hartt, Mr. W. E., depy. traffic supdt., class II, superior reve. estabt., attd. to N. W. ry., granted furlo. to Europe 405

Hemming, Lt. E. H., R.E., asst. engr., 1st grade, passed deptl. standard exmn. in Hindustani as required by p. w. d. code 644

Herbert, Capt. —, offg. asst. comr., invested with powers of a magte. of 1st class and with certain addl. powers to be exercised within limits of Merwara dist. 523; apptd. a justice of the peace within and for Ajmere-Merwara dist. 523; assumed charge of his duties as asst. to agent to govr. genl. in Rajputana 742

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Hoggarth, Mr. R. G., apptd. to offe. as a 1st grade supdt., post office dept., 602; above surname corrected to Haygarth 626

Holdich, Maj. T. H., R.E., to offe. as depy. supdt., 2nd grade, surv. of India 554

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Horman, Mr. E. N., class III, superior reve. estabt. of state rys., store dept., transfd. from Bellary-Kistna state ry. to N. W. ry. 743

Horst, Mr. H., to offe. as depy. supdt., 2nd grade, surv. of India, 554; to revert to his substantive apptt. of depy. supdt., 3rd grade 554

Hughes, Mr. B. R., promtd. to asst. survr., 2nd grade 473

Hurdeo Pershad, 3rd class hospl. asst., attd. to Pisangan dispensary in Ajmere, granted priv. leave 532; retnd. from leave and resumed charge of his duties, unexpired portion of leave granted to — being cancelled 654

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Hutton, Mr. E., presdy. post master, Calcutta, resumed charge of his office 479; ditto ditto . 733

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Imdad Hossein, 2nd class hospl. asst., attd. to resdy. hospl. at Oodeypore, held charge of duties of resdy. surgn., Oodeypore, in addn. to his own 637

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Iyengar, Mr. S. V., B.A., M.L., made over charge of office of registrar of companies in civil and mily. station of Bangalore 429

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James, Mr. W. H., class IV, superior reve. estabt. of state rys., traffic dept., posted to E. B. state ry. . 479

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Johnson, Mr. W. E., asst. survr., 3rd grade, surv. of India, reve. branch, granted priv. leave . . 576

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Kataroo Ram, 2nd class hospl. asst. No. 277, attd. to Merwara battn., Ajmere, granted leave of absence 532; retnd. from leave 654

Keating, Mr. J., promtd. to asst. survr., 1st grade . 473

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Kenoy, Mr. J. J., traffic candidate, posted to N. W. railway 671

Killick, Mr. C. S., asst. engr., 2nd grade, passed colloquial exmn. in Hindustani and professional exmn. as prescribed in p. w. d. code 437

King, Mr. W. H., apptd. to offe. as supdg. engr., frontier road circle, and jt. secy. to agent, govr. genl., Biluchistan, p. w. d., 702; relieved Maj. A. C. Bigg-Wither of duties of above apptt. 729

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Lana, L. M., student, Calcutta medl. college, admtd. into the service as asst. surgn. 418

Lala Debi Prosad apptd. to offe. as a 2nd grade supdt., post office dept. 602

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Lalla Peary Lal, supdt. of post offices, 3rd grade, postal circle, N. W. P., apptd. to offe. in 2nd grade 534

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Lyle, Mr. J. C., asst. engr., 2nd grade, posted to Bellary-Kistna state ry. 644

Lyon, Mr. W. T., asst. comr., Punjab mines divn., Northern India salt reve., transfd. to internal branch, lower divn. 692

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Macdonald, Lt. J. R. L., R.E., asst. engr., passed professional exmn. and colloquial exmn. in Hindustani as laid down in p. w. d. code . . . 437

Madge, Mr. P. M., asst. supdt., 1st grade, allowed furlo. on m. c. 586; allowed furlo. in extn. on m. c. 644

Mahesh Pershad, 2nd class hospl. asst., govt. reserve list, apptd. to act at Anadra dispensary 436; apptd. to act at Mayo college hospl. at Ajmere 654; ditto ditto 702

Mahomed Fakeer (1st), 1st class hospl. asst. No. 88, attd. to Erinpura irr. force, granted leave of absence on full pay 636; retnd. from leave . . . 742

Mahomed Mossa, 2nd class hospl. asst. of Anadra dispensary, granted priv. leave 436; retnd. from leave and resumed charge of his duties . . 523

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McA'Fee, Mr. C. H., promtd. to survr., 3rd grade . 473

McNair, Mr. J. W. A., class III of superior reve. estabt. of state rys., stores dept., temply. transfd. from Bilaspur-Etawah ry. and apptd. to act as port store-keeper, state ry. dept. at Calcutta, 429; re-transfd. to Bilaspur-Etawah ry. 655

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Monies, Mr. W., exe. engr., 4th grade, tempy. rank granted leave on m. c. 533; granted extn. of leave on m. c. 625

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Moore, Mr. G. E., exe. engr., 1st grade, sub *pro. tem.*, posted to E. B. state ry. 600

Moorut Lall, 3rd class hospl. asst. of charitable dispensary, Mount Abu, granted priv. leave 427; permtd. to exchange to N. W. P. and Oudh . 637

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